

From: toensing@gmail.com [<mailto:toensing@gmail.com>] **On Behalf Of** Brady Toensing
Sent: Monday, December 08, 2014 12:33 PM
To: Miller, Lawrence
Cc: Delong, Danielle
Subject: Vermont Public Records Act Request (8 December 2014) -- Timely Response Required by Law

Re: Vermont Public Records Act Request for Information

Dear Director Miller:

Pursuant to Vermont's Access to Public Records Act, 1 V.S.A. §§ 315-320, for the time period September 1, 2014 to present, I hereby demand the following documents:

? All text messages from or to (or intended for) Lawrence Miller (regardless of the device used) regarding healthcare in Vermont, including but not limited to, Vermont Health Connect, Jonathan Gruber, or any type of healthcare financing plan.

If no responsive records exist, then state this fact in your response. If any part of these requests is denied, please list the specific criteria you are relying on for the denial, as well as the name and title of the person responsible for the denial.

The Vermont Public Records Act is to be "liberally construed ... and the burden of proof" is on the agency to justify any refusal to produce records. 1 V.S.A. § 315. Absent a valid legal exemption, this law compels the production of documents and correspondence relating to official state business, regardless of what text messaging system is used. If such records exist and you do not intend to comply with this request, please inform me immediately so that I may pursue an appropriate legal remedy. Meantime, you should ensure these public records are preserved. 1 V.S.A. § 320 (Destruction of public records is prohibited by law).

Pursuant to the Public Records Act, please also do the following:

? Produce these documents promptly or certify within two business days why you are denying me access to them or any particular documents

(this time limit may be extended only under certain conditions as outlined in 1 V.S.A. § 318);

- ?If you believe an otherwise public record is exempt from disclosure, produce a log with the page numbers of the documents, the date of the document, the people or entities who received copies, the authors of the document and a specific explanation (citing to the applicable exemption) for why a document has not been produced;
- ?If an otherwise public record has a portion that is exempt from disclosure, redact any exempt portion and release the redacted document together with a log (as described in the previous bullet);
- ?Inform me of the appeal procedures available to me if you withhold any documents;
- ?If you are unable to copy any material, identify the material and notify me when it will be available for my inspection; and
- ?Provide a written reply to this request.

If you refuse to produce any responsive records to me, it would be helpful to Bates Number any such documents for easy reference and to avoid confusion in future proceedings regarding the failure to produce records.

I am willing to pay reasonable production fees, if necessary, but please call or email me first with an estimate as to the costs to produce these documents. Thank you for your assistance with this matter and I look forward to your response. If you have any questions, I can be reached at [\(202\) 297-4245](tel:2022974245).

Sincerely,

Brady C. Toensing

Brady C. Toensing

diGenova & Toensing
Washington DC
[202.297.4245](tel:2022974245)