

From: Meagan Collins <mcollins@lynnlawvt.com>
Sent: Wednesday, April 3, 2024 10:22 AM
To: AGO - Public Records Requests <AGO.PublicRecordsRequests@vermont.gov>
Cc: Pietro Lynn <plynn@lynnlawvt.com>
Subject: FW: Appeal of Decision dated February 23, 2024

Some people who received this message don't often get email from mcollins@lynnlawvt.com. [Learn why this is important](#)

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good morning,

Please see correspondence below from attorney Pietro Lynn.

Thank you,
Meagan

Meagan K. Collins

Paralegal



76 St. Paul Street
Suite 400
Burlington, VT 05401
802-860-1500 ext 175

From: Pietro Lynn <PLynn@lynnlawvt.com>
Sent: Sunday, February 25, 2024 10:26 AM
To: ago.publicrecordsrquests@vermont.gov
Cc: Meagan Collins <mcollins@lynnlawvt.com>
Subject: Appeal of Decision dated February 23, 2024

Mr. McDougall,

Please consider this to be an appeal of the attached denial of our firm's public records request. We sought documents and other materials arising from or related to an investigation into the death of Chris Zuckerman. I have attached the decision for your reference. I was surprised that no documents were produced even though the Act requires production with redactions if possible. That is especially true since we represent the Estate of Ms. Zuckerman and most of the exemptions cited would be to protect information regarding my client.

Equally importantly, I would note that your office did not comply with the Act in the denial letter. Under Section 318, there is a duty to identify the documents withheld as exempt and a factual statement explaining why the exemptions cited apply. That was not done by your office.

In the denial, your office lists a variety of exemptions to the Act. Since there is no log of documents and no explanation as to why they are being withheld as exempt, it difficult to understand the basis of the denial. I will do my best to respond to the exemption listed.

1. Section 317(c)(3). I am unaware of any ethical rules for attorneys that would preclude your office from producing records reflecting the circumstances of the care and death of my client. We represent the Estate of Ms. Zuckerman. Perhaps, your office was not aware of that fact. I can provide you with the Probate Court documents if you like.
2. Section 317(c)(5). Records dealing with the detection of crime. It is difficult to understand how production of these documents could interfere with a criminal proceeding. No explanation was provided. It is equally unclear how production would jeopardize a fair trial. As to privacy, the only party that could lose their privacy is my now dead client.
3. Section 317 (c)(7) This exemption clearly does not apply as only my client's private psychological/medical information is implicated. I doubt that the Howard Center's conduct is something that is exempted under this rule. Further, the public's need to know far outweighs the privacy considerations.
4. Section 317(c)(42). If there is a confidential informant, you may redact out the name. This exemption should not prevent production of the documents. Further, my client's death is the issue here. It is hard to understand how the exemption would apply outside of her interests.

I would be glad to discuss this further if I have missed some important point. However, I do not believe that your office has complied with the Public Records Act.

Thank you.

Pietro

Pietro J. Lynn
Lynn, Lynn, Blackman & Manitsky, P.C.
76 St. Paul Street
Burlington, VT 05482
802.860.1500 ext. 120

CONFIDENTIALITY NOTICE: This email may contain attorney/client privileged and confidential information intended only for the individual or entity named above. Any dissemination, use, distribution, copying or disclosure of this communication by any other person or entity is strictly prohibited. Should you receive this email in error, please notify the sender by telephone

(802-860-1500) and destroy all copies of the email.