

**From:** McDougall, Robert  
**Sent:** Tuesday, October 1, 2019 4:16 PM  
**To:** [MatthewDHardin@protonmail.com](mailto:MatthewDHardin@protonmail.com)  
**Subject:** Public Records Request

Dear Mr. Hardin:

By e-mail to the Vermont Attorney General's Office, dated and received on September 26, 2019, you made a public records request for, *"all correspondence, and any accompanying information, including also any attachments, a) sent to or from or copying (whether as cc: or bcc:) Nick Persampieri and/or Robert McDougall, that b) includes [twood@NAAG.org](mailto:twood@NAAG.org) and/or [jmanning@NAAG.org](mailto:jmanning@NAAG.org) anywhere, whether as sent to or from or copying (again whether as cc: or bcc:), or otherwise, including in any attachments, and c) is dated from February 25, 2016 through March 31, 2016, inclusive."*

Attached are documents responsive to your request.


To the extent that you feel this response is a denial of your request, you may appeal to the Deputy Attorney General, Joshua Diamond. Any appeal should be made in writing and sent to him at this address:

Deputy Attorney General Joshua R. Diamond  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609

Sincerely,

Rob McDougall

Robert F. McDougall  
Assistant Attorney General  
Chief, Environmental Protection Division  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609  
(802) 828-3186  
[robert.mcdougall@vermont.gov](mailto:robert.mcdougall@vermont.gov)

 Please consider the environment before printing this e-mail

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**From:** Persampieri, Nick  
**Sent:** Monday, September 30, 2019 9:14 AM  
**To:** Ingraham, Kim  
**Subject:** FW: NAGTRI and DOJ ENRD Webinar Information on Registration, Attendance, and CLE credit - Session 2 on April 14, 2016 from from 12:30-2:30 pm ET.  
**Attachments:** image001.png; ATT00001.htm; image002.png; ATT00002.htm; image003.png; ATT00003.htm; NAGTRI-DOJ Partnership e-Discovery Webinar Information Registration and Attendance Session 2.pdf; ATT00004.htm

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**From:** Kline, Scot <[scot.kline@vermont.gov](mailto:scot.kline@vermont.gov)>  
**Sent:** Tuesday, April 5, 2016 11:45 AM  
**To:** AGO - Environmental <[AGO.Environmental@vermont.gov](mailto:AGO.Environmental@vermont.gov)>  
**Subject:** FW: NAGTRI and DOJ ENRD Webinar Information on Registration, Attendance, and CLE credit - Session 2 on April 14, 2016 from from 12:30-2:30 pm ET.

FYI.

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**From:** Kline, Scot  
**Sent:** Tuesday, March 29, 2016 9:35 PM  
**To:** Kline, Scot <[scot.kline@vermont.gov](mailto:scot.kline@vermont.gov)>  
**Subject:** Fwd: NAGTRI and DOJ ENRD Webinar Information on Registration, Attendance, and CLE credit - Session 2 on April 14, 2016 from from 12:30-2:30 pm ET.

Sent from my iPhone

Begin forwarded message:

**From:** "Manning, Jeanette" <[jmanning@naag.org](mailto:jmanning@naag.org)>  
**Date:** March 25, 2016 at 10:53:54 AM EDT  
**Cc:** "Berlowe, Andrea (ENRD)" <[Andrea.Berlowe@usdoj.gov](mailto:Andrea.Berlowe@usdoj.gov)>, "Himmelhoch, Sarah (ENRD)" <[Sarah.Himmelhoch@usdoj.gov](mailto:Sarah.Himmelhoch@usdoj.gov)>, "[diane.e.barry@state.ma.us](mailto:diane.e.barry@state.ma.us)" <[diane.e.barry@state.ma.us](mailto:diane.e.barry@state.ma.us)>, "Hilgemeier, Gavin (ENRD)" <[Gavin.Hilgemeier2@usdoj.gov](mailto:Gavin.Hilgemeier2@usdoj.gov)>  
**Subject:** NAGTRI and DOJ ENRD Webinar Information on Registration, Attendance, and CLE credit - Session 2 on April 14, 2016 from from 12:30-2:30 pm ET.

*This is intended for all energy and environment bureau chiefs, designated representatives, and assistant attorneys general who have an environment and energy practice.*

Good morning. On **April 14, 2016 from 12:30-2:30**, the National Attorneys General Training and Research Institute (NAGTRI) and the Department of Justice's Environment and Natural Resources Division (ENRD) will be offering the second Session of the e-Discovery webinar for federal civil cases training. This second installation will build upon the subjects discussed during the first session and include a focus on privilege review issues that are important to government attorneys and will cover elements of common privileged asserted by government agencies in litigation. Registration is required

for this webinar. Please register as soon as possible to ensure your participation. Bureau Chiefs: please forward this email to your staff for their participation and attendance.

Information regarding registering for the webinar and possible CLE credit are included in the attached document, so please review to have any questions answered. The link for registration is as follows: <https://attendee.gototraining.com/r/6450095122302808833>

One of NAAG's members, Diane E. Barry, an assistant attorney general with the Office of the Attorney General Maura Healy, and Sarah D. Himmelhoch, a senior litigation counsel for e-Discovery with ENRD, will again share their expertise on myriad issues and changes regarding e-discovery and the Federal Rules of Civil Procedure related to privilege review. I thank in advance both Ms. Barry and Ms. Himmelhoch for assistance to conduct this webinar. I also thank DOJ's Counselor for State and Local Matters, Andrea Berlowe, for her assistance in helping to organize this webinar and Gavin Hilgemeier for his assistance with creating the platform for the training.

We welcome your participation and believe that the information that will be provided during the webinar will be extremely helpful to your practice. Please feel free to let me or Andrea know if you have any questions.

Best,  
Jeanette

Regards,

*Jeanette L. Manning*  
NAGTRI Program Counsel  
National Association of Attorneys General  
2030 M Street, N.W., 8th Floor  
Washington, D.C. 20036  
202-326-6258  
[jmanning@naag.org](mailto:jmanning@naag.org)



## **NAGTRI-ENRD/DOJ Webinar: E-Discovery in Federal Civil Cases**

### **Session 2: April 14, 2016, 12:30-2:30 pm EST**

Presenters: Diane E. Barry and Sarah D. Himmelhoch

The National Attorneys General Training and Research Institute (NAGTRI) and the Justice Department's Environment and Natural Resources Division (ENRD) are pleased to present our second installment in the e-discovery training series to continue the discussion on pertinent topics in e-discovery. The second series will build upon the discussion in the first session, including preservation of evidence, Rule 26(f) conferences, responding to discovery requests, and privilege considerations, but it will focus more on issues pertaining to privilege review as discussed more below for your reference. This session will provide practical and legal advice for state and federal government attorneys through the lens of the amendments to the Federal Rules of Civil Procedure.

### **HOW TO ATTEND**

There is no charge for attendance. To attend the session, you must use a computer with internet access. Before attending, we ask that you must register by following this hyperlink: <https://attendee.gototraining.com/r/6450095122302808833>. Once you have registered, you will receive an email with a link for the session and information on how to access any handouts.

### **HOW ATTENDANCE IS TRACKED**

The webinar automatically logs the total time in attendance. Those who attend for no less than 1 hour and 55 minutes can request and will be issued a certificate of attendance. Although we have already had Session 1, I have included the agenda regarding the topic areas covered during that session for your review, but please also see the Timed Agenda for Session 2 on April 14, 2016

### **TIMED AGENDA**

#### **Session 1**

1. eDiscovery overview

This 60 minute segment provides attendees an overview of the discovery process and identifies key areas of focus for busy practitioners including

- a. Litigation Holds
- b. Rule 26(f) Conferences

### c. Responding to Discovery Requests

#### 2. The 2015 Amendments to the Federal Rules of Civil Procedure

This 40 minute segment provides an overview of the changes to the Federal Rules of Civil Procedure, including the central themes of the amendments and concludes with an interactive discussion of the application of the significant changes relating to e-discovery.

#### 3. Summary and Conclusion

This 20 minute segment provides a summary of the course and provides a thematic structure for approaching eDiscovery issues in the future. It also includes time for questions and answers.

### Session 2

#### Privilege Review

This two hour session will cover a practical workflow for completing a privilege review and cover the elements of common privileges asserted by government agencies in litigation.

### CLE CREDIT

Although NAGTRI and ENRD do not obtain approval for attendees prior to these sessions, we will assist those seeking post-attendance approval for CLE credit *to the extent that your state may approve Session 2 and accept as your participation a certificate of attendance that DOJ will issue upon request to Gavin Hilgemeier*. Neither NAGTRI nor ENRD can guarantee that your state will accept this webinar for CLW credit. Attendees are authorized to submit this course description, and if necessary, the cover page, agenda page, and conclusion page of the presentation, to their bar associations and may request a certificate of attendance by completing the below form and sending it by email to the following email addresses: [gavin.hilgemeier2@usdoj.gov](mailto:gavin.hilgemeier2@usdoj.gov) and [sarah.himmelhoch@usdoj.gov](mailto:sarah.himmelhoch@usdoj.gov). We will attempt to provide the certificate within 5 business days of receiving the request.

### SPEAKER BIOGRAPHIES

**Diane E. Barry** is an Assistant Attorney General and the eDiscovery Attorney for the Office of Massachusetts Attorney General Maura Healy (“the AGO”). She leads and directs the work of the AGO’s eDiscovery team. Ms. Barry brings 27 years of experience as a practicing attorney and 25 years of experience in Electronically Stored Information (ESI) discovery to the AGO, where her practice focuses on ESI discovery under state and federal rules of civil procedure. She works across most of the Electronic Discovery Reference Model (EDRM), and works closely with AGO agency clients. Ms. Barry also has significant experience in selecting and employing case-appropriate technology tools, including technology-assisted review (TAR) and predictive coding tools. Prior to joining the AGO in 2012, Ms. Barry worked on several cases important to the formation of eDiscovery law, particularly in the areas of TAR and predictive coding, including *Toyota Unintended Acceleration MDL* (C.D. Cal.); *In Re Kleen Products*, (N.D. Ill.);

and *In Re Actos* (W.D. La.). She also is a Practice Guide Consultant for Mathew Bender's *California Ediscovery & Evidence*, and is the Chapter Author for 6 of the guide chapters. In 2013 and 2014, Ms. Barry taught *eDiscovery Law & Practice* at the Boston University School of Law. She is also an active member of Sedona Work Group 1, and serves as the Chapter Director for the Boston Chapter of Women in eDiscovery.

**Sarah D. Himmelhoch** is the Senior Litigation Counsel for E-Discovery for ENRD. She has been litigating complex environmental civil cases for more than twenty years. Since starting with the Division in 1992, Ms. Himmelhoch has served as a trial attorney, senior counsel, Special Counsel for State and Local Affairs, and now as Senior Litigation Counsel. Her practice has focused on civil environmental enforcement actions against large and small defendants under statutes such as the Clean Water Act, the Clean Air Act, and the Superfund statute. Her work included responsibility for the production of millions of documents as part of the multi-district litigation arising out of the *Deepwater Horizon* oil spill in the Gulf of Mexico in April 2010. She has taught and designed e-discovery courses for the Justice Department's National Advocacy Center and other federal agencies. Ms. Himmelhoch has a Bachelor of Science from McGill University 1987, Biology; and a Juris Doctor and Certificate in Environmental Law from Northwestern School of Law of Lewis and Clark College, 1992.

### **SPEAKER CONTACT INFORMATION**

Diane E. Barry  
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Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
Direct: (617) 963-2120  
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Email: [Diane.E.Barry@state.ma.us](mailto:Diane.E.Barry@state.ma.us)

Sarah D. Himmelhoch  
Senior Litigation Counsel for E-Discovery  
Environment and Natural Resources Division  
U.S. Department of Justice  
Phone: 202-514-0180  
Fax: 202-514-4180  
U.S. Mail: P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611  
Overnight Mail: 601 D Street NW, Room 6552, Washington, DC 20005  
Email: [Sarah.Himmelhoch@usdoj.gov](mailto:Sarah.Himmelhoch@usdoj.gov)

**CERTIFICATE OF ATTENDANCE**

**Attendee Section**

I \_\_\_\_\_, hereby certify that I attended the  
*(Name of Attendee)*  
NAGTRI/DOJ Webinar: E-Discovery in Federal Civil Cases on \_\_\_\_\_ and  
that I attended for at least 1 hour and 55 minutes of the training.

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature of Attendee)*

**Course Sponsor Section**

I, \_\_\_\_\_, hereby certify that a review of the webinar log,  
confirms that the above individual attended the webinar E-Discovery in Federal Civil Cases on  
\_\_\_\_\_ for at least 1 hour and 55 minutes.

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Signature of Sponsor)*