

**From:** McDougall, Robert  
**Sent:** Friday, January 17, 2020 4:23 PM  
**To:** [ncornettlaw@gmail.com](mailto:ncornettlaw@gmail.com)  
**Subject:** Vermont Attorney General's Office

Dear Attorney Cornett: Please see the attached.

Sincerely,

Robert McDougall  
Assistant Attorney General

THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

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January 17, 2020

Neal Cornett, Esq.

By e-mail only to: [ncornettlaw@gmail.com](mailto:ncornettlaw@gmail.com)

Re: Vermont Access to Public Records Act Request

Dear Attorney Cornett:

By e-mail dated December 27, 2019, you narrowed Public Record Act requests previously made by Matthew Hardin and Energy Policy Advocates. In your December 27, 2019 e-mail you narrowed an October 14, 2019 request to now seek:

*all correspondence, and any accompanying information, including also any attachments, that a) was sent to or from or copies (whether as cc: or bcc:) Robert McDougall, that b) also includes, anywhere, the following search terms i) PFOS, ii) PFAS, and/or iii) PFOA, that c) was sent to or from or copies any party outside of the [vermont.gov](http://vermont.gov) domain, and which is d) dated from March 27, 2019 through the date you process this request, inclusive.*

Based upon your narrowed request, we have conducted a preliminary review and identified close to 600 records which may be responsive to your request, many of which contain attachments.

As we said in our October correspondence to Mr. Hardin, during the period covered by your request, **March 27, 2019 to present**, the State of Vermont has been involved in three significant litigation matters involving PFOS/PFAS/PFOA: *State of Vermont v. Saint-Gobain Performance Plastics*, Docket No. 92-4-19 Bncv

(resolved 5/28/19); *State of Vermont v. 3M et al*, Docket No. 547-6-19 Cncv (filed 6/26/19); and *State of Vermont v. 3M et al*, Civil Action No. 2:19-cv-00134 (filed 6/26/19). Hundreds of the documents which may be responsive to your request relate to those litigations, two of which are still active. Responsive documents relating to these cases may include: correspondence relating to the retention of outside counsel; communications between the State of Vermont and its outside counsel; communications from opposing counsel; communications with parties in the multi-district litigation; electronic copies of court filings made in the cases; and communications with the press and others relating to these cases. The majority of these documents are communications with the State's outside counsel and are, therefore, very likely to be exempt from disclosure under the Vermont Public Records Act. Additional exemptions may also apply. Please also be advised that some of these documents may be duplicative.

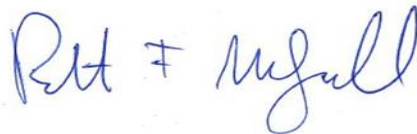
In addition to the above described documents, additional potentially responsive documents that have been identified include communications with constituents and communications with other states that may not be a part of the above listed litigations. Some, but likely not all, of these documents may also be exempt from disclosure.

By way of this letter, we are asking that you (a) confirm your above request, or (b) consider further narrowing your request. We believe that your narrowed request may have been an attempt to eliminate documents related to the ongoing PFOS/PFAS/PFOA litigations that the State of Vermont is involved in, and if that is the case, then the responsive documents will be far fewer.

Once we have received your further narrowing and/or confirmation of what your request seeks, we will provide an estimate of any costs associated with the request before processing.

We hope that the above information is helpful to you and we will wait to hear from you before proceeding further with this request.

Sincerely,



Robert F. McDougall  
Assistant Attorney General