

From: Persampieri, Nick
Sent: Friday, March 5, 2021 3:07 PM
To: ncornettlaw@gmail.com
Subject: Vermont Public Records Act Request

Attorney Cornett,

Please see the attached letter. Thank you.

Nick

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March 5, 2021

Neal Cornett
Attorney at Law

By e-mail to: ncornettlaw@gmail.com

Re: Vermont Public Records Act Request

Dear Mr. Cornett:

I write in response to your Vermont Access to Public Records Act request dated June February 22, 2021. In that request, on behalf of Energy Policy Advocates, you sought:

any common interest agreement, confidentiality agreement, information sharing agreement, and/ or non-disclosure agreement related to Ozone NAAQS entered into by the Vermont Attorney's General Office at any time in July, August, or September 2020.

On February 22, 2021, you agreed that we could treat the request as received on March 1, 2021 to accommodate my vacation schedule. Thank you for that.

In response to your request, please be advised that we have one record that is responsive to the request, and we are withholding it because it is exempt from disclosure pursuant to 1 V.S.A. § 317(c)(4) (attorney-client communications, attorney work product) and 1 V.S.A. § 317(c)(14) (relevant to litigation). The record is a common interest agreement related to Ozone NAAQS entered into by Vermont and a number of other states. The agreement relates to issues of common interest among the signatory states, and was made in anticipation of litigation and for the purpose of facilitating the rendition of professional legal services to the

signatory states by their respective offices of attorney general. The agreement is relevant to *State of New York, et al. v. United States Environmental Protection Agency*, United States Court of Appeals for the District of Columbia Circuit, No. 21-1028, a case filed January 19, 2021 to which the State of Vermont is a party.

If you feel any information or records have been withheld in error, you may appeal to Deputy Attorney General Joshua Diamond at the following email address: Joshua.Diamond@vermont.gov.

Sincerely,

/s/Nicholas F. Persampieri

Nicholas F. Persampieri
Assistant Attorney General