

**From:** [Lerner, Rosanne \(SHB\)](#)  
**To:** [AGO - Info](#)  
**Cc:** [Lerner, Rosanne \(SHB\)](#); [Ross, Kimberly \(SHB\)](#)  
**Subject:** Vermont Open Records Request  
**Date:** Monday, March 22, 2021 12:47:26 PM  
**Attachments:** [Open Records Request - Vermont.pdf](#)

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We would appreciate receiving your response to this open records request. Thank you.

**Rosanne Lerner**  
*Legal Administrative Assistant III*  
Shook, Hardy & Bacon L.L.P.

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[SHB.law/COVID19Hub](https://shb.law/COVID19Hub)

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March 19, 2021

Kimberly L. Ross

**VIA EMAIL**  
([ago.info@vermont.gov](mailto:ago.info@vermont.gov))

Vermont Office of the Attorney General  
Public Records Act Request  
109 State Street  
Montpelier, Vermont 05609

2555 Grand Blvd.  
Kansas City, Missouri 64108  
t 816.474.6550  
d 816.559.2092  
f 816.421.5547  
kross@shb.com

**Re: VERMONT RECORDS REQUEST FOR DOCUMENTS RELATING TO INVESTIGATION AND ACTION TAKEN AGAINST VIVINT SMART HOME, INC. F/K/A MOSAIC ACQUISITION CORP. AND LEGACY VIVINT SMART HOME, INC. F/K/A VIVINT SMART HOME INC. FOR FALSE AND MISLEADING SALES PRACTICES**

Dear Public Records Officer for the Vermont Office of the Attorney General:

Pursuant to the Public Records Act, 1 V.S.A. §§ 315–320. I write to request copies of all records relating to the Vermont Attorney General’s investigation into, and action taken against, Vivint Smart Home, Inc. f/k/a Mosaic Acquisition Corp.; and Legacy Vivint Smart Home, Inc. f/k/a Vivint Smart Home, Inc. (referenced herein as “Vivint”) related to the use of false or misleading sales practices in door-to-door sales of alarm systems. The records requested from your office include, but are not limited to:

1. All written discovery and investigative demands issued by your office to Vivint;
2. All answers and documents submitted to your office by Vivint in response to any written discovery or investigative demands;
3. All non-privileged communications between your office and Vivint;
4. All depositions, affidavits and other transcripts of testimony taken in the above-referenced matter involving Vivint;
5. All documents, recordings, videos, data or tangible things in your possession or control that depict or evidence false or misleading sales practices engaged in by Vivint;
6. All documents reflecting the final resolution, settlement, citation, assurance of voluntary compliance, or punishment in the above-referenced matter;

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7. All documents related to the enforcement of, or compliance with, any settlement, agreement, or assurance of voluntary compliance (or similar agreement); and
8. Any records of subsequent actions or investigations by your office against Vivint since entering into an initial settlement, agreement, or assurance of voluntary compliance with Vivint.

In an effort to make compliance with this request as easy as possible for your office, please feel free to contact me to discuss the possibility of further narrowing these requests.

As background to aid in collecting responsive documents to this request, please be advised that our firm represents ADT in the case styled as *ADT LLC AND THE ADT SECURITY CORPORATION v. VIVINT SMART HOME, INC. F/K/A MOSAIC ACQUISITION CORP.; AND LEGACY VIVINT SMART HOME, INC. F/K/A VIVINT SMART HOME, INC.*, Case No. 1:20-cv-23391-MGC, pending in the United States District Court for the Southern District of Florida. In this action, ADT contends that Vivint sales representatives have been improperly approaching ADT customers at their homes and making false representations in an attempt to convert ADT customers to Vivint customers. ADT claims Vivint representatives have used various false and misleading practices, including suggesting that they are affiliated with ADT, that Vivint representatives are there to “upgrade” ADT customers’ alarm systems, that ADT is going out of business, that Vivint “took over” ADT, or that Vivint representatives otherwise misrepresent ADT or Vivint services. Among other relief, ADT is seeking an injunction that will prevent Vivint from engaging in such deceptive sales practices. We believe your records relating to the above-referenced case will aid the evidence in this action.

ADT requests a fee waiver because the records requested above will be used to aid the general public through the requested injunctive relief against Vivint and to prevent future deceptive sales practices against residents of your state. To the extent a fee waiver is not granted, ADT asks to limit document charges to \$300 unless and until we provide further authorization. That said, please contact me immediately if compliance costs are expected to exceed this amount.

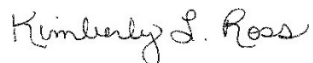
To the extent feasible, I request that you provide all copies electronically as PDFs, or in a similar format, rather than by paper. For large files, our firm can provide you a secure link for quick uploading and downloading.

If this request is denied in whole or part, I ask that you justify all denials by reference to specific exemptions of the act and related case law. Should there be any doubt about an exemption, please contact me to discuss.

Finally, please confirm receipt of this request by email to me at [kross@shb.com](mailto:kross@shb.com). Please feel free to call me at the number listed on this letter to discuss any issue relating to this request.

**Pursuant to the open records act, we expect to receive responsive documents within 10 days of the receipt of this request.** Public Records Act, 1 V.S.A. §§ 315–320. Please be advised that due to the Court’s scheduling order in the underlying litigation, time is of the essence for receipt of these documents.

Sincerely,



Kimberly L. Ross  
Project Manager

KLR/rl