

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

The ASSOCIATED PRESS; AXIOS MEDIA, INC.; CABLE NEWS NETWORK, INC.; the DAILY DOT, LLC; GANNETT SATELLITE INFORMATION NETWORK, LLC; GRAY MEDIA GROUP, INC.; NATIONAL PUBLIC RADIO, INC.; NBCUNIVERSAL MEDIA, LLC; TEGNA INC.; SCRIPPS MEDIA, INC.; SINCLAIR BROADCAST GROUP, INC.; TRIBUNE PUBLISHING COMPANY; and WP COMPANY LLC,

Petitioners,

v.

The COMMONWEALTH OF VIRGINIA,
111 East Broad St.
Richmond, VA 23219

Serve:

Attorney General of Virginia
202 North Ninth St.
Richmond, VA 23219

and

GLENN YOUNGKIN, in his official capacity as
the GOVERNOR of the COMMONWEALTH
OF VIRGINIA,
111 East Broad St.
Richmond, VA 23219

Serve:

Attorney General of Virginia
202 North Ninth St.
Richmond, VA 23219

Respondents.

CIVIL CASE NO. _____

PETITION FOR INJUNCTIVE AND MANDAMUS RELIEF

1. This is an action brought by the Associated Press; Axios Media Inc.; Cable News Network, Inc.; the Daily Dot, LLC; Gannett Satellite Information Network, LLC; Gray Media Group, Inc.; National Public Radio, Inc.; NBCUniversal Media, LLC; Tegna Inc.; Scripps Media, Inc.; Sinclair Broadcast Group, Inc.; Tribune Publishing Company; and WP Company LLC (the “Press Coalition”) under the Virginia Freedom of Information Act, Va. Code Ann. § 2.2-3700 *et seq.* (“FOIA”), seeking injunctive and mandamus relief against the Commonwealth of Virginia and Governor Glenn Youngkin (“Respondents”) for failure to make public records available for inspection in violation of FOIA.
2. As described herein, Respondents have repeatedly failed to provide, in response to the Press Coalition’s individual FOIA requests, public records reflecting communications regarding the Governor’s “Tip Line” – helpeducation@governor.virginia.gov – an e-mail address that the Governor established during his first month in office.
3. At the time of launching the Tip Line, the Governor said it was intended to “allow[] parents to send concerns about violations of students’ ‘fundamental rights’ and any other perceived divisive practices” within Virginia schools. *See* Molly Feser, Dominic Catacora, *Youngkin’s Teacher Tip Line Faces Backlash From Parents and Educators*, WYDaily (Feb. 7, 2022), <https://wydaily.com/news/2022/02/07/youngkins-teacher-tip-line-faces-backlash-from-parents-and-educators/>. Some parents and teachers, on the other hand, have characterized the Governor’s tip line as “divisive and unnecessary,” claiming it has “stoked fear amongst [Virginia] teachers.” *Id.*
4. Respondents have asserted that the public records sought are exempt from FOIA’s disclosure requirements pursuant to Va. Code Ann. §2.2-3705.7(2) (the “Working Papers

Exemption”). The Working Papers Exemption, however, does not apply to the records at issue. The Press Coalition therefore asks the Court for injunctive, mandamus, and any such further relief as this Court deems just and proper.

JURISDICTION AND VENUE

5. This Court has personal jurisdiction over this matter pursuant to Va. Code Ann. § 2.2-3713(A)(3).
6. This Court has subject matter jurisdiction over this matter pursuant to Va. Code Ann. §§ 2.2-3704(A) and 2.2-3713(A)(3).
7. This Court is the proper Venue for this matter pursuant to Va. Code Ann. § 2.2-3713(A)(3).
8. Pursuant to Va. Code Ann. § 2.2-3713(C), the Press Coalition provided to Respondents, and Respondents received, a copy of this Petition at least three working days prior to filing it with the Court.

PARTIES

9. The Press Coalition consists of thirteen news media organizations who, by and through their affiliates and employees, submitted FOIA requests to the Office of the Governor which were denied:
 - a. The Associated Press (“AP”), a mutual news cooperative organized under the Not-For-Profit Corporation Law of the State of New York. The AP engages in gathering and distributing news of local, national, and international importance to its member newspaper and broadcast stations across the United States and throughout the world.

- b. Axios Media Inc. (“Axios”), a news and media company headquartered in Arlington, Virginia that publishes national, local, industry, and world news across numerous verticals including politics, business, technology, sports, gaming, health, and science.
- c. Cable News Network, Inc. (“CNN”), which owns and operates news and information services across cable, satellite, radio, wireless devices, and the Internet in more than 200 countries and territories worldwide.
- d. The Daily Dot, LLC (the “Daily Dot”), which owns and operates the news website www.dailydot.com, produced by a virtual team across the United States and United Kingdom, and which provides industry leading technology, politics, streaming entertainment, and internet culture coverage.
- e. WDBJ, virtual channel 7, a television station based in Roanoke, Virginia; WHSV, virtual channel 3, a television station based in Harrisonburg, Virginia; WVIR, virtual channel 29, a television station based in Charlottesville, Virginia; and WVVA, virtual channel 6, a television station based in Bluefield, West Virginia with coverage of Tazewell County, Virginia. WDBJ, WHSV, WVIR, and WVVA is each owned by Gray Media Group, Inc.
- f. National Public Radio, Inc., a non-profit multimedia organization and the leading provider of non-commercial news, information, and entertainment programming to the American public. NPR reaches approximately 53 million people through broadcast radio, podcasts, NPR apps, YouTube videos, and NPR.org each week. NPR distributes its radio broadcasts through more than 1,000 non-commercial,

independently operated radio stations, licensed to more than 250 NPR members and numerous other NPR-affiliated entities.

- g. WTKR, virtual channel 3, a television station based in Norfolk, Virginia; WGNT, virtual channel 27, a television station based in Portsmouth, Virginia; and WTVR, virtual channel 6, a television station licensed in Richmond, Virginia. WTKR, WGNT, and WTVR is each owned and operated by Scripps Media, Inc.
- h. *USA TODAY*, a national daily newspaper and news website (usatoday.com) owned by Gannett Satellite Information Network, LLC, which is headquartered in McLean, Virginia.
- i. WRC-TV, virtual channel 4, a Washington, D.C.-based television station owned by NBCUniversal Media, LLC.
- j. WUSA, virtual and VHF digital channel 9, a Washington D.C.-based television station owned and operated by Tegna Inc., which is based in Tysons, Virginia.
- k. *The Virginian-Pilot*, a daily newspaper based in Norfolk, Virginia and owned by Tribune Publishing Company.
- l. WJLA-TV, virtual and VHF digital channel 7, an Arlington, Virginia-based television station owned and operated by Sinclair Television Stations, LLC, a wholly-owned subsidiary of Sinclair Broadcast Group, Inc.
- m. *The Washington Post*, a Washington D.C.-based national newspaper owned by WP Company LLC.

10. Respondents are the Commonwealth of Virginia and its Governor, Glenn Youngkin, in his official capacity.

LEGAL FRAMEWORK

11. FOIA defines public records as “all writings and recordings . . . however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.” Va. Code Ann. § 2.2-3701.
12. There is “no question that e-mails fall within the definition of public records” under FOIA. *Beck v. Shelton*, 267 Va. 482, 490 (2004).
13. FOIA requires that “all public records shall be available for inspection and copying upon request” unless release is prohibited by law or the records custodian has properly invoked one of FOIA’s limited exceptions to disclosure. Va. Code Ann. § 2.2-3700(B).
14. FOIA narrowly excludes from mandatory disclosure “[w]orking papers and correspondence of the Office of the Governor.” Va. Code Ann. § 2.2-3705.7(2).
15. FOIA requires that a public body inform a requestor in writing when public records are being withheld and mandates that the public body’s response “identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.” Va. Code Ann. § 2.2-3704(B)(1).
16. Upon receiving a FOIA request, a public body that is the custodian of the requested records has five (5) working days to respond to that request. *See* Va. Code Ann. § 2.2-3704(B).
17. A single instance of denial of the rights and privileges conferred by FOIA is sufficient to invoke the remedies FOIA provides. *See* Va. Code Ann. § 2.2-3713(D).

18. FOIA places the burden of proof on a respondent to “establish an exclusion by a preponderance of the evidence” and provides that “[n]o court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies.” Va. Code Ann. § 2.2-3713(E).
19. FOIA provides that the requester is entitled to recover from a respondent its reasonable costs, including attorney fees, if the petitioner “substantially prevails on the merits of the case, unless special circumstances would make an award unjust.” Va. Code Ann. § 2.2-3713(D).

SPECIFIC CIRCUMSTANCES OF THE DENIAL OF THE RIGHTS AND PRIVILEGES CONFERRED BY VA. CODE ANN. § 2.2-3700 et seq.

20. On January 15, 2022, Governor Glenn Youngkin signed Executive Order Number One (2022), which he expresses is intended to “end the use of inherently divisive concepts, including Critical Race Theory, and to raise academic standards.” *See Governor Glenn Youngkin Signs 11 Day One Executive Actions*, Governor of Virginia (Jan. 15, 2022), <https://www.governor.virginia.gov/news-releases/2022/january/name-918519-en.html>.
21. On January 21, 2022, the Office of the Governor issued a press release referencing an e-mail address, helpeducation@governor.virginia.gov, to which parents could direct “questions or concerns” about Executive Order Number Two (2022), which created “a parental opt-out from mask mandates at both public and private schools in the Commonwealth.” *See Governor Youngkin Announces Updated Guidelines for Parents, Educators, and PreK-12 School*, Governor of Virginia (Jan. 21, 2022), <https://www.governor.virginia.gov/news-releases/2022/january/name-924074-en.html>.
22. On or about January 24, 2022, Governor Glenn Youngkin publicized the same e-mail address, helpeducation@governor.virginia.gov (the “Tip Line”), as a “resource for

parents, teachers, and students to relay any questions or concerns” regarding so-called “divisive practices” within Virginia schools. *See Gov. Youngkin sets up email tip line to report ‘divisive’ teaching practices*, NBC12 (Jan. 26, 2022),

<https://www.wdbj7.com/2022/01/26/gov-youngkin-sets-up-tip-line-report-divisive-teaching-practices/>;

The John Fredericks Show, *Gov. Glenn Unplugged [sic] on Masks, VA Election Board and Illegals*, Facebook (Jan. 24, 2022),

<https://www.facebook.com/TheJohnFredericksShow/videos/1002119263712289/>.

23. The Tip Line has been defended by the Governor’s Office as a “resource for parents, teachers, and students to relay any questions or concerns,” *see* Khalida Volou, Matthew Torres, *Gov. Youngkin’s ‘divisive practices’ tipline draws strong reactions*, WUSA9 (Jan. 26, 2022), <https://www.wusa9.com/article/news/local/virginia/youngkin-wants-parents-to-report-divisive-practices-in-virginia-schools/65-071fb69e-4956-4427-b0ed-7cb27ba6dcab>, while others in the state have criticized the measure as “putting teachers in an enemy position,” *id.*
24. On March 10, 2022, the Virginia Association of School Superintendents, by and through its Executive Director Howard Kiser, sent a letter to Jillian Balow, the Superintendent of Public Instruction in Virginia. In the letter, attached to this Petition as Ex. A, the Virginia Association of School Superintendents explained that “[a] tip line for parents to report divisive content to the Governor impedes positive relationships; therefore, the tip line needs to be terminated.” *See* Ex. A at 2.
25. On January 26, 2022, WRC, by and through its reporter Aimee Cho, submitted a FOIA request for “a copy of all emails sent to helpeducation@governor.virginia.gov on January

- 25, 2022.” *See* Affidavit of Michael Goldrick (“WRC Aff.”), attached to this Petition as Ex. B, at 2-3 (“WRC Request”).
26. The WRC Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.* at 2.
27. On January 26, 2022, *The Washington Post*, by and through its reporter Laura Vozzella, submitted a FOIA request seeking “[a]ny and all submissions to the Helpeducation@governor.virginia.gov address from its inception through the close of business [on January 26, 2022].” *See* Affidavit of Nate Jones (“*Washington Post* Aff.”), attached to this Petition as Ex. C, at 3-4 (“*Washington Post*’s First Request”).
28. The *Washington Post*’s First Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.* at 2.
29. On March 18, 2022, *The Washington Post*, by and through its reporter Hannah Natanson, submitted a FOIA request seeking “[a]ll emails sent from any email account in the governor’s office to any email address ending in ‘@aei.org’ from January 15, 2022 until the date this request is processed.” *See id.* at 5-6 (“*Washington Post*’s Second Request”).
30. The *Washington Post*’s Second Request was partially denied and the *Post* was informed that “one document [was] being withheld as working papers and correspondence of the Office of the Governor.” *See id.* at 5.
31. On January 27, 2022, WUSA, by and through its reporter Kolbie Satterfield, submitted a FOIA request seeking copies of “[a]ll e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is

fulfilled.” *See* Affidavit of Samara Martin Ewing (“WUSA Aff.”), attached to this Petition as Ex. D, at 3 (“WUSA Request”).

32. The WUSA Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.* at 2-3.

33. On January 27, 2022 the *Virginian-Pilot*, by and through its reporter Sierra Jenkins, submitted a FOIA request for “electronic copies of emails and attachments, including but not limited to voicemails, sent to helpeducation@governor.virginia.gov from Jan. 21 to Jan. 22, 2022.” *See* Affidavit of Kris Worrell (“*Virginian-Pilot* Aff.”), attached to this Petition as Ex. E, at 2-3 (“*Virginian-Pilot* Request”).

34. The *Virginian-Pilot* Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.* at 2.

35. On January 27, 2022, *USA TODAY*, by and through its reporter Ryan Miller, submitted a FOIA request seeking “[a]ny and all emails or other records, including but not limited to any attachments and responses to the emails, sent to and sent by ‘helpeducation@governor.virginia.gov’ from the time period of the email address being created by the Virginia governor’s office to the completion of this public records request.” *See* Affidavit of Ryan Miller (“*USA TODAY* Aff.”), attached to this Petition as Ex. F, at 2-5 (“*USA TODAY* Request”).

36. The *USA TODAY* Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.* at 2.

37. On January 27, 2022, the Daily Dot, by and through its reporter Louise Macaraniag, submitted a FOIA request seeking “an opportunity to inspect and obtain all emails sent to helpeducation@governor.virginia.gov from January 20th to the 27th.” *See* Affidavit of

David Covucci (“Daily Dot Aff.”), attached to this Petition as Ex. G, at 2 (“Daily Dot Request”).

38. The Daily Dot Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.*
39. On February 1, 2022, the AP, by and through its reporter Sarah Rankin, submitted a FOIA request seeking “copies of all emails sent to helpeducation@governor.virginia.gov” from “Jan. 24 to the day [the request] is fulfilled.” *See* Affidavit of Sarah Rankin (“AP Aff.”), attached to this Petition as Ex. H, at 2 (“AP Request”).
40. The AP Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor.” *See id.*
41. On February 9, 2022, WJLA, by and through its reporter Nick Minock, submitted a FOIA request seeking “all written communication received and sent to ‘helpeducation@governor.virginia.gov’ between January 15, 2022 to February 9, 2022 and all communications sent by this email address during the same time period.” *See* Affidavit of Cheryl Carson (“WJLA Aff.”), attached to this Petition as Ex. I, at 2-3 (“WJLA Request”).
42. The WJLA Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WJLA was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 2.
43. On February 17, 2022, and again on February 24, 2022, Axios, by and through its reporter Chelsea Cirruzzo, submitted a FOIA request seeking “copies of all e-mails sent

to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” See Affidavit of Qian Gao (“Axios Aff.”), attached to this Petition as Ex. J, at 2-4 (“Axios Request”).

44. The Axios Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and Axios was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” See *id.* at 2.

45. On February 18, 2022, and again on February 24, 2022, NPR, by and through its assistant producer Huo Jingnan, submitted a FOIA request seeking “[c]opies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” See Affidavit of Michah Ratner (“NPR Aff.”), attached to this Petition as Ex. K, at 2-5 (“NPR Request”).

46. The NPR Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and NPR was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” See *id.* at 2.

47. On February 21, 2022, WTVR, by and through its reporter Melissa Hipolit, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” See Affidavit of Sheryl Barnhouse (“WTVR Aff.”), attached to this Petition as Ex. L, at 2-3 (“WTVR Request”).

48. The WTVR Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WTVR was further told

that the “documents in question [were] on a sizeable gmail account which changes daily.”

See id. at 2.

49. On February 23, 2022, CNN, by and through its Assistant Managing Editor Matthew Philips, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See* Affidavit of Matthew Philips (“CNN Aff.”), attached to this Petition as Ex. M, at 2-3 (“CNN Request”).
50. The CNN Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and CNN was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 2.
51. On February 23, 2022, WDBJ, by and through its News Director Eric Walters, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See* Affidavit of Claire Magee Ferguson (“Gray Media Aff.”), attached to this Petition as Ex. N, at 2-3 (“WDBJ Request”).
52. The WDBJ Request was denied on the basis that all of the records sought “were working papers and correspondence of the Office of the Governor,” and WDBJ was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 2.
53. On March 1, 2022, WHSV, by and through its Assistant News Director Kyle Rogers, submitted a FOIA request seeking “copies of all e-mails sent to

helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See id.* at 4 (“WHSV Request”).

54. The WSHV Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WHSV was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 5.

55. On March 3, 2022, WVVA, by and through its News Director Wesley Armstead, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See id.* at 6-7 (“WVVA Request”).

56. The WVVA Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WVVA was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 6.

57. On March 7, 2022, WVIR, by and through its Anchor Elizabeth Holmes, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See id.* at 8-9 (“WVIR Request”).

58. The WVIR Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WVIR was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 8.

59. On February 24, 2022, WTKR, by and through its Investigative Producer Kelly Dietz, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See* Affidavit of Gerardo Lopez (“WGNT and WTKR Aff.”), attached to this Petition as Ex. O, at 2-3 (“WTKR Request”).
60. The WTKR Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WTKR was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 2.
61. On February 24, 2022, WGNT, by and through its Investigative Producer Kelly Dietz, submitted a FOIA request seeking “copies of all e-mails sent to helpeducation@governor.virginia.gov from January 14, 2022 to the date this request is fulfilled.” *See id.* at 4-5 (“WGNT Request”).
62. The WGNT Request was denied on the basis that all of the records sought were “working papers and correspondence of the Office of the Governor,” and WGNT was further told that the “documents in question [were] on a sizeable gmail account which changes daily.” *See id.* at 4.
63. Upon information and belief, e-mails sent to the Tip Line have been made available to, or are otherwise accessible by, individuals and/or entities falling outside the statutory definition of the “Office of the Governor,” *see* Va. Code Ann. § 2.2-3705.7(2), including but not limited to individuals affiliated with the American Enterprise Institute.

**CAUSE OF ACTION: VIOLATION OF THE
VIRGINIA FREEDOM OF INFORMATION ACT**

64. The Press Coalition reasserts and adopts by reference paragraphs 1 – 63.

65. Respondents' categorical withholding of e-mails sent to the Tip Line, as well as its withholding of communications that were sent from the Governor's Office to e-mail addresses ending in "@aei.org," are actions inconsistent with the text of FOIA and relevant decisional law.
66. FOIA is clear that under the Working Papers Exemption "no information that is otherwise open to inspection under this chapter," such as e-mails, "shall be deemed excluded by virtue of the fact that it has been attached to or incorporated with any working paper or correspondence." Va. Code Ann. § 2.2-3705.7(2).
67. FOIA also makes clear that "information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format *without substantive analysis or revision* shall not be deemed working papers." *Id.* (emphasis added).
68. E-mails sent to the Tip Line have not, when first received, been substantively analyzed or revised by the Commonwealth of Virginia, Governor Glenn Youngkin, or any of his staff.
69. Under the plain text of FOIA, e-mails sent to the Tip Line, as well as communications being withheld that were sent from the Governor's Office to e-mail addresses in "@aei.org," are not the Governor's working papers and do not, therefore, qualify for the Working Papers Exemption.
70. Likewise, e-mails sent to the Tip Line, as well as communications being withheld that were sent from the Governor's Office to e-mail addresses ending in "@aei.org," are not "correspondence" of the Office of the Governor.
71. As the Fairfax County Circuit Court observed in *Hill v. Fairfax County School Board*, if a communication is not "intended only for" an individual who may assert the Working

Papers Exemption, that communication “should [be] disclosed.” 83 Va. Cir. 172, 177 (Fairfax Cty. July 13, 2011).

72. FOIA defines the Office of the Governor as “the Governor; the Governor’s chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.” Va. Code Ann. § 2.2-3705.7(2).

73. E-mails sent to the Tip Line, as well as communications being withheld that were sent from the Governor’s Office to e-mail addresses ending in “aei.org,” are not correspondence of the Office of the Governor and do not, therefore, qualify for the Working Papers Exemption.

74. E-mails sent to the Tip Line, as well as communications being withheld that were sent from the Governor’s Office to e-mail addresses ending in “@aei.org,” are public records under FOIA, are not exempt from disclosure, and should be disclosed.

PRAYER FOR RELIEF

Wherefore, the Press Coalition respectfully requests that this Court:

75. Hear this Petition within seven days, as provided by Va. Code Ann. § 2.2-3713(C);

76. Issue an injunction preventing Respondents from continuing to violate FOIA by (1) failing to provide the Press Coalition with access to public records in the form of e-mails sent to the Tip Line and by (2) erroneously withholding them on the basis of the Working Papers Exemption, *see* Va. Code Ann. § 2.2-3713(A) (allowing for enforcement of FOIA by petition for injunction);

77. Issue a writ of mandamus ordering Respondents to produce to the Press Coalition all e-mails responsive to the FOIA requests at the sole cost and expense of the Commonwealth of Virginia, *see id.* (allowing for enforcement of FOIA by petition for mandamus);
78. Order Respondents to pay the Press Coalition's costs, including attorney fees pursuant to Va. Code Ann. § 2.2-3713(D);
79. And any such further relief as this Court deems just and proper.

Dated: April _____, 2022

Respectfully submitted,

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