

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

DIVISION O, SECTION 25

.

LOUISIANA BUCKET BRIGADE .

V. . SUIT NO. 664,293

LOUISIANA GOVERNOR'S OFFICE, AND .

MATTHEW BLOCK, CUSTODIAN OF .

RECORDS .

.

FRIDAY, FEBRUARY 2, 2018

WRIT OF MANDAMUS

THE HONORABLE WILSON E. FIELDS, JUDGE PRESIDING

APPEARANCES:

PAMELA SPEES AND BILL QUIGLEY, COUNSEL FOR THE PLAINTIFF,
LOUISIANA BUCKET BRIGADE

TINA VANICHCHAGORN, COUNSEL FOR THE LOUISIANA OFFICE OF THE
GOVERNOR, AND MATTHEW BLOCK, CUSTODIAN OF RECORDS

REPORTED BY: KIMBERLY W. FORD, CCR #96020

I N D E X

WITNESSES:	PAGE
MATTHEW BLOCK	
EXAMINATION BY MS. SPEES	13
EXAMINATION BY MS. VANICHCHAGORN	27

EXHIBITS:	
P-A IN-GLOBO PUBLIC RECORDS REQUEST W/ATTACHMENTS . . .	27

FRIDAY, FEBRUARY 2, 2018

THE COURT: THIS IS DOCKET NUMBER 664,293,
LOUISIANA BUCKET BRIGADE VS. LOUISIANA GOVERNOR'S
OFFICE, ET AL. COUNSEL, MAKE YOUR APPEARANCES.

MS. SPEES: PAM SPEES FOR PLAINTIFF.

MR. QUIGLEY: AND BILL QUIGLEY FROM LOYOLA
FOR PLAINTIFF.

MS. VANICHCHAGORN: TINA VANICHCHAGORN ON
BEHALF OF THE DEFENDANTS.

THE COURT: WHO DO Y'ALL HAVE SITTING AT
COUNSEL TABLE WITH Y'ALL?

MS. SPEES: THIS IS OUR CLIENT, ANN ROLFES,
WITH THE LOUISIANA BUCKET BRIGADE.

THE COURT: I'M SORRY. WHO IS IT?

MS. SPEES: ANN ROLFES, R-O-L-F-E-S WITH THE
LOUISIANA BUCKET BRIGADE.

MS. VANICHCHAGORN: THIS IS MATTHEW BLOCK.
HE IS A NAMED DEFENDANT.

THE COURT: ALL RIGHT. AND TELL ME YOUR LAST
NAME.

MS. VANICHCHAGORN: VANICHCHAGORN.

THE COURT: COULD YOU SPELL THAT FOR ME,
PLEASE?

MS. VANICHCHAGORN: V-A-N --

THE COURT: YOU SAID "V" OR "B"?

MS. VANICHCHAGORN: "V".

V-A-N-I-C-H-C-H-A-G-O-R-N.

THE COURT: ALL RIGHT. THIS IS A PETITION FOR
WRIT OF MANDAMUS UNDER THE LOUISIANA PUBLIC
RECORDS ACT FILED BY THE PLAINTIFFS. YES.

MS. SPEES: YES, YOUR HONOR. SO WE FILED
THIS PETITION ON DECEMBER 13TH. AND AS YOU CAN

SEE --

THE COURT: ARE YOU PLANNING ON CALLING ANY WITNESSES?

MS. SPEES: WELL, WE HAD PLANNED TO CALL MR. BLOCK AND WANTED TO KNOW HOW THE COURT WISHED TO PROCEED. BECAUSE THERE HAVE BEEN PLEADINGS FILED SUBSEQUENT TO THE PETITION.

THE COURT: WHAT PLEADINGS?

MS. SPEES: WELL --

REPORTER'S NOTE: CONFERRING WITH CO-COUNSEL.

MS. SPEES: SORRY, YOUR HONOR. THE DEFENDANTS FILED AN OPPOSITION TO THE PETITION. AND THEN YESTERDAY WE FILED A REPLY TO THAT. SO I DIDN'T KNOW IF YOU WANTED TO PROCEED WITH THE HEARING AS IS. IN WHICH CASE, WE WOULD CALL MR. BLOCK TO THE STAND.

THE COURT: ALL RIGHT. IS MR. BLOCK THE ONLY WITNESS YOU ARE PLANNING ON CALLING?

MS. SPEES: WELL, WE HAD INITIALLY SUBPOENAED MS. VANICHCHAGORN, BUT SHE'S PARTICIPATING AS COUNSEL TODAY. AND AS LONG AS MR. BLOCK IS ABLE TO TESTIFY TO THE AREAS THAT WE WOULD BE INQUIRING ABOUT, I THINK WE CAN PROCEED THAT WAY.

THE COURT: OKAY.

MS. VANICHCHAGORN: JUDGE, I WOULD JUST LIKE TO NOTE THAT THE FACTS ARE NOT AT ISSUE. WE DON'T DISPUTE THE TIMELINE THAT THE PLAINTIFF SETS FORWARD. WE'RE REALLY JUST HERE TO TALK ABOUT WHETHER OR NOT WE HAVE WITHHELD ANYTHING. AND THAT HAS NOT BEEN THE CASE.

MS. SPEES: WELL -- WHAT HAS HAPPENED SINCE THE FILING OF THE PETITION IS THAT THE PLAINTIFF

WAS ADVISED MORE THAN ONCE THAT THERE WERE NO RESPONSIVE RECORDS. AND THEN ON JANUARY 26TH WAS PROVIDED WITH RECORDS THAT WERE IN FACT RESPONSIVE. AND AS THE DEFENDANT'S BRIEF MAKES CLEAR, THAT PROCESS RAISES A LOT OF QUESTIONS. AND SO WE HAVE SOME CONCERNS ABOUT THAT AND WOULD LIKE TO EXPLORE THAT THROUGH MR. BLOCK'S TESTIMONY.

THE COURT: YOU WISH TO -- LET ME MAKE SURE I'M CLEAR. HAVE YOU RECEIVED THE RESPONSES THAT YOU HAVE ASKED FOR?

MS. SPEES: WE HAVE RECEIVED A RESPONSIVE DOCUMENT ON JANUARY 26TH, AFTER BEING TOLD THAT THERE WERE NO RESPONSIVE DOCUMENTS GOING BACK TO OCTOBER TO ONE OF THE REQUESTS. AND THIS HAS TO DO WITH A MEETING BETWEEN THE GOVERNOR AND MARY LANDRIEU.

THE COURT: BUT WHAT I'M ASKING, HAVE YOU RECEIVED THE INFORMATION THAT YOU HAVE REQUESTED?

MS. SPEES: WE HAVE RECEIVED SOME INFORMATION THAT WE REQUESTED, YOUR HONOR. WE ARE CONCERNED THAT THERE IS MORE THERE, IN LIGHT OF HOW THIS HAS PLAYED OUT.

THE COURT: OKAY. AND WITH THE INFORMATION THAT YOU HAVE RECEIVED, ARE YOU NOW GOING TO ARGUE TO THE COURT THAT IT WAS UNTIMELY OR IT WAS -- THE ONLY THING YOU'RE -- WHAT IS IT THAT YOU ARE WISHING TO ARGUE TO THE COURT TODAY?

MS. SPEES: WE WOULD LIKE TO ELICIT TESTIMONY FROM MR. BLOCK TO DETERMINE THE NATURE OF THE SEARCH, WHAT WAS SEARCHED AND TO BE ABLE TO DETERMINE IF THIS IS IN FACT THE ONLY RESPONSIVE

RECORD. BECAUSE AFTER BEING TOLD MULTIPLE TIMES THERE WERE NO RESPONSIVE RECORDS, WE THEN GET ONE VERY LATE IN THE GAME, SHORTLY BEFORE THIS HEARING. AND THAT RAISES CONCERNS. AND WHAT ALSO RAISES CONCERNS IS THE DESCRIPTION OF THE PROCESS THAT THE DEFENDANTS FOLLOWED IN SEARCHING FOR THESE DOCUMENTS. WE THINK THERE ARE SOME GAPS THERE AND THAT THERE ARE LIKELY MORE RESPONSIVE RECORDS.

THE COURT: OKAY. SO YOU THINK THERE ARE MORE RECORDS THAT YOU HAVE NOT RECEIVED?

MS. SPEES: THAT'S CORRECT, YOUR HONOR.

THE COURT: OKAY. ALL RIGHT. YES, MA'AM.

MS. VANICHCHAGORN: YOUR HONOR, WE'VE RESPONDED TO THEIR REQUESTS. WE PROVIDE THEM EVERYTHING THAT WE HAVE THAT IS RESPONSIVE TO THE REQUEST THAT THEY'VE SUBMITTED. MS. SPEES MENTIONED THAT WE DID NOT PROVIDE RECORDS UNTIL JANUARY 26TH FOR THEIR LAST REQUEST THAT WAS MADE ON DECEMBER 4TH. WE DID INITIALLY BELIEVE THAT WE DID NOT HAVE RECORDS RESPONSIVE TO THAT REQUEST. AND WE RESPONDED THAT WE DIDN'T HAVE THE RECORDS. AFTER WE RESPONDED THAT WE DID NOT HAVE THE RECORDS, WE LEARNED THAT THERE WAS A RECORD THAT EXISTED. AND THE WAY THAT THAT HAPPENED IS THAT WE HAD A JOURNALIST CALL OUR OFFICE AND ASK US ABOUT A RECORD THAT SHE HAD RECEIVED IN A PUBLIC RECORDS REQUEST. AND SO THAT MADE US QUESTION WELL, IF THERE IS A RECORD HERE, THEN THERE MUST HAVE BEEN SOMETHING WRONG WITH THE SEARCH, BECAUSE THAT RECORD DID NOT APPEAR IN THE SEARCH THAT WE CONDUCTED FOR MS. ROLFES AND THE BAYOU BUCKET

BRIGADE FOR THEIR REQUEST. AND SO WE LOOKED AT THE NUMBER OF MAILBOXES THAT WERE ACTUALLY SEARCHED. AND WE TALKED TO THE DIVISION. AND THERE WAS AN ERROR IN THE BOXES THAT WERE CHECKED FOR THE SEARCH. THE WAY THAT IT WORKS IS THERE IS A BOX TO BE CHECKED FOR THE DIFFERENT DEPARTMENTS WITHIN THE OFFICE OF THE GOVERNOR.

THE COURT: HOLD BEFORE YOU GO ANY FURTHER. LET ME MAKE SURE BEFORE WE GO ANY FURTHER, IF WE GET INTO A HEARING, THE ONLY WITNESS THAT YOU HAVE IS MR. BLOCK THAT YOU INTEND TO CALL?

MS. SPEES: THAT'S CORRECT, YOUR HONOR. AS LONG AS HE CAN TESTIFY TO THE SEARCH THAT WAS OVERSEEN BY MS. VANICHCHAGORN.

THE COURT: OKAY. HERE'S WHY I'M ASKING, BECAUSE I NEED TO SEE IF I NEED TO INVOKE THE RULE OF SEQUESTRATION OR NOT. BUT YOU'RE SAYING ONLY IF HE CAN ANSWER CERTAIN QUESTIONS. MY QUESTION IS, WHAT WITNESSES, IRRESPECTIVE OF WHAT MR. BLOCK'S RESPONSE IS, THAT YOU INTEND TO CALL?

MS. SPEES: AT THIS POINT, JUST MR. BLOCK, YOUR HONOR.

THE COURT: ALL RIGHT. YOU'RE SAYING AT THIS POINT. OKAY. MR. BLOCK IS YOUR ONLY WITNESS?

MS. SPEES: YES, SIR.

THE COURT: DOES THE GOVERNOR'S OFFICE HAVE ANY OTHER WITNESSES THAT THEY INTEND TO CALL?

MS. VANICHCHAGORN: NO, SIR.

THE COURT: ALL RIGHT. SO I WON'T INVOKE THE RULE OF SEQUESTRATION. THE ONLY WITNESS THAT IS GOING TO BE CALLED, IF WE GET TO THAT STAGE, WILL BE MR. BLOCK. ANY OTHER WITNESSES THAT EITHER

PARTY WISH TO CALL THE COURT IS GOING TO RULE THAT THEY CANNOT BE CALLED BECAUSE THEY MAY HAVE BEEN SITTING IN THESE HEARINGS AND HEARD WHATEVER TESTIMONY MAY HAVE BEEN GIVEN OR ANY ARGUMENT THAT HAS BEEN GIVEN TO THE COURT. SO THE ONLY WITNESS THAT WILL BE ABLE TO BE CALLED IS MR. BLOCK. THE PLAINTIFF UNDERSTANDS THAT?

MS. SPEES: YES, YOUR HONOR.

THE COURT: ANY OBJECTION FROM THE PLAINTIFF?

MS. SPEES: NO, YOUR HONOR.

THE COURT: DEFENSE UNDERSTANDS THAT?

MS. VANICHCHAGORN: YES, SIR.

THE COURT: ANY OBJECTION FROM THE DEFENSE?

MS. VANICHCHAGORN: NO, SIR.

THE COURT: ALL RIGHT. YOU MAY CONTINUE, MA'AM.

MS. VANICHCHAGORN: I THINK AT ISSUE HERE IS THAT THE PLAINTIFF WANTS TO COME IN AND SEARCH OUR RECORDS THEMSELVES. AND THAT'S NOT WHAT THE PUBLIC RECORDS ACT FORESEES. WE RECEIVED THE REQUEST FROM THEM. WE INTERPRETED WHAT THEY MEANT TO US. AND WE PROVIDED THEM WITH RECORDS THAT WERE RESPONSIVE. THE LAST BATCH OF EMAILS THAT WE SENT, THAT WE PROVIDED WERE DISCOVERED AFTER THE SUIT WAS FILED. AND THEY WERE DISCOVERED AFTER WE RAN A REHABILITATIVE SEARCH FOR THE LAST REQUEST THAT WE RECEIVED. WE'VE TENDERED TO THEM EVERYTHING THAT WE HAVE THAT IS RESPONSIVE. AND IN FACT, WE'VE INVITED THEM, IF THEY DON'T BELIEVE -- OR IF THEY'RE SEEKING ADDITIONAL RECORDS TO SUBMIT AN ADDITIONAL PUBLIC RECORDS REQUEST WITH THE ITEMS THAT THEY WOULD LIKE FOR US

TO RESPOND WITH. THEY HAVEN'T DONE THAT.

THE COURT: OKAY. ALL RIGHT. YES, MA'AM.

MS. SPEES: YOUR HONOR, I THINK JUST AT THE OUTSET TO FRAME THIS PROPERLY FROM THE PLAINTIFF'S PERSPECTIVE, THERE HAS BEEN ONE REQUEST THAT WAS FILED WITH THE OFFICE OF THE GOVERNOR IN OCTOBER, ON OCTOBER 6. AND SUBSEQUENT TO THEN, THERE HAVE BEEN COMMUNICATIONS WHERE THE PLAINTIFF HAS BEEN TRYING TO ASSIST THE GOVERNOR'S OFFICE IN NARROWING AND FOCUSING THAT SEARCH EFFORT. AND GOING BACK TO OCTOBER THE PLAINTIFF HAS BEEN TOLD REPEATEDLY THAT THERE ARE NO RESPONSIVE RECORDS TO THE REQUESTS FOR RECORDS RELATING TO MEETINGS BETWEEN THE GOVERNOR AND REPRESENTATIVES OF THE COMPANIES NAMED IN THE REQUEST. WHAT MS. VANICHCHAGORN HAS JUST SAID IS THAT THEY ARE TREATING THE DECEMBER 4TH CORRESPONDENCE AS A SEPARATE REQUEST. AND, YOUR HONOR, FOR THE COURT'S EASE OF REFERENCE, WE SET OUT THE TIMELINE AND THE SEQUENCE OF THESE COMMUNICATIONS IN THE REPLY WE FILED YESTERDAY. AND WHAT'S CONCERNING HERE IS THAT IN THEIR OPPOSITION, THEY DESCRIBE A NEW SEARCH IN RESPONSE TO THE DECEMBER 4TH COMMUNICATION, AND THAT THAT WAS THE SEARCH THAT WAS FAULTY. BUT THE QUESTION IS, WHY DIDN'T THAT DOCUMENT SHOW UP IN EVEN EARLIER SEARCHES? IT WOULD HAVE BEEN RESPONSIVE GOING BACK TO THE VERY FIRST COMMUNICATION IN OCTOBER. SO THERE ARE CONCERNS THERE AND WE WOULD LIKE TO EXPLORE THAT.

THE COURT: OKAY.

MS. VANICHCHAGORN: YOUR HONOR, IF I CAN RESPOND TO THAT. THE VERY FIRST REQUEST THAT WE

RECEIVED DID NOT PROVIDE NAMES OF PERSONS THAT THE PLAINTIFF SOUGHT RECORDS RELATING TO. THE REQUEST WAS FOR COMMUNICATIONS BETWEEN THE OFFICE OF THE GOVERNOR AND ANY AND ALL EMPLOYEES OR AGENTS OF SIX DIFFERENT COMPANIES. WE CAST A WIDE NET. WE ENTERED SEARCH TERMS INCLUDED ALL OF THE COMPANIES THAT THEY LISTED. AND THEN WE MANUALLY WENT THROUGH ALL OF THE COMMUNICATIONS THAT FOUND THOSE. WITH THE NEXT REQUEST, THEY PROVIDED NAMES. AND THEN WITH THE THIRD REQUEST, THEY PROVIDED ADDITIONAL NAMES. AND THAT IS -- WHEN THEY PROVIDED THE ADDITIONAL INFORMATION TO HELP US WITH THE SEARCH, THAT'S WHEN WE WERE ABLE TO FIND THE RECORDS.

THE COURT: OKAY. ANYTHING ELSE, MS. SPEES?

MS. SPEES: NO, YOUR HONOR.

THE COURT: AND YOU WISH TO CALL YOUR WITNESS AND QUESTION YOUR WITNESS AS TO WHY YOU DIDN'T RECEIVE RECORDS AS, I GUESS, TIMELY?

MS. SPEES: THAT'S ONE QUESTION. AND THEN THERE'S ANOTHER SERIES OF QUESTIONS THAT HAS TO DO WITH THE SEARCH, WHAT WAS SEARCHED AND WHAT WASN'T SEARCHED BASED ON THE DEFENDANT'S REPRESENTATIONS IN THEIR OPPOSITION FILED THIS WEEK.

THE COURT: ALL RIGHT. ARE YOU ARGUING THAT YOU HAVE NOT RECEIVED ALL OF THE RECORDS THAT YOU HAVE REQUESTED?

MS. SPEES: YES, YOUR HONOR.

THE COURT: AND THAT YOU KNOW OR HAVE REASON TO BELIEVE THAT THOSE RECORDS EXIST?

MS. SPEES: WE CAN'T KNOW FOR SURE. WE HAVE A REASON TO BELIEVE THAT THEY EXIST, JUST LIKE WE

HAD A REASON TO BELIEVE THAT THE ONES THAT WERE ULTIMATELY PRODUCED EXISTED.

THE COURT: BUT YOU HAVE GOTTEN THE RESPONSE THAT THEY DO NOT EXIST OR THAT THEY HAVE TURNED OVER ALL THE RECORDS TO YOU THAT THEY HAVE?

MS. SPEES: THAT'S CORRECT, YOUR HONOR. BUT THAT HAS BEEN A REPRESENTATION THAT'S BEEN MADE PREVIOUSLY AND IT TURNED OUT NOT TO BE THE CASE.

MS. VANICHCHAGORN: YOUR HONOR, WHAT THE PLAINTIFF WOULD WANT YOU TO BELIEVE IS THAT WE FREELY GAVE THE RECORDS TO A JOURNALIST, BUT WE WITHHELD THEM FROM THE PLAINTIFF, KNOWINGLY. AND THAT IS JUST NOT THE CASE HERE.

THE COURT: WHAT IS THE VOLUME OF RECORDS THAT HAVE BEEN TURNED OVER?

MS. SPEES: IT'S VERY SLIM, YOUR HONOR. THE FIRST PRODUCTION WAS SEVEN PAGES. AND THE LAST PRODUCTION I THINK WAS TEN.

THE COURT: AND YOU BELIEVE THERE IS MORE. AND WHAT IS -- WHAT'S THE PRODUCTION? WHAT HAVE YOU RECEIVED?

MS. SPEES: IN THE FIRST PRODUCTION WE RECEIVED AN EMAIL STRING RELATING TO -- WHICH WAS COMMUNICATIONS WITH A SUNOCO EMPLOYEE ABOUT AN APPOINTMENT TO A LEVEE DISTRICT IN NORTHEAST LOUISIANA. AND THE SECOND PRODUCTION, WE RECEIVED AN EMAIL AND AN ATTACHMENT THAT SHOWED THAT THERE WAS A MEETING BETWEEN THE GOVERNOR AND MARY LANDRIEU ABOUT THE BAYOU BRIDGE PIPELINE PROJECT AND A SERIES OF EMAILS BETWEEN ANOTHER -- SOMEONE ELSE THAT THE PLAINTIFF BELIEVES IS ACTING AS AN AGENT FOR ONE OF THESE COMPANIES. THAT SET OF

DOCUMENTS IS THE ONE THAT CAME VERY LATE, AFTER THE GOVERNOR'S OFFICE INDICATED THAT THERE WERE NO RESPONSIVE RECORDS GOING TO MEETINGS BETWEEN THE GOVERNOR AND ANY AGENTS OF THESE COMPANIES.

THE COURT: ALL RIGHT. GIVE ME ONE MINUTE. I'LL COME RIGHT BACK. I NEED TO GRAB SOMETHING REAL QUICK.

R E C E S S

THE COURT: ALL RIGHT. COUNSEL, MAKE YOUR APPEARANCES AGAIN FOR THE RECORD.

MS. SPEES: PAM SPEES FOR THE PLAINTIFF.

MR. QUIGLEY: BILL QUIGLEY, LOYOLA LAW SCHOOL FOR THE PLAINTIFF.

MS. VANICHCHAGORN: TINA VANICHCHAGORN FOR THE DEFENDANTS.

THE COURT: ALL RIGHT. YOU MAY PROCEED.

MS. SPEES: WE CALL MR. BLOCK, MATTHEW BLOCK. YOUR HONOR, WOULD YOU LIKE ME TO DO THIS ON THE PODIUM OR --

THE COURT: WHEREVER YOU PREFER, COUNSEL.

MATTHEW BLOCK, CALLED AS A WITNESS, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY MS. SPEES:

Q. GOOD MORNING. CAN YOU STATE YOUR NAME AND ADDRESS FOR
THE RECORD, PLEASE?

A. SURE. MY NAME IS MATTHEW BLOCK. AND I'M --

THE COURT: YOU CAN GIVE US YOUR BUSINESS
ADDRESS.

A. I'M TRYING TO THINK WHAT IT IS, YOUR HONOR. I THINK IT
IS THE LOUISIANA STATE CAPITAL. I THINK IT'S 900 NORTH 3RD
STREET.

BY MS. SPEES:

Q. OKAY. THANK YOU. AND YOU'RE EMPLOYED AT THE OFFICE OF
THE GOVERNOR?

A. I AM.

Q. AND WHAT IS YOUR POSITION THERE?

A. I AM THE GOVERNOR'S EXECUTIVE COUNSEL. AND I GUESS FOR
THE PURPOSES OF THIS HEARING, I AM THE DESIGNATED CUSTODIAN
FOR THE PUBLIC RECORDS IN THE OFFICE OF THE GOVERNOR.

Q. THANK YOU. AND IN THAT CAPACITY, ARE YOU FAMILIAR WITH
THE RECORDS REQUEST AT ISSUE IN THIS PROCEEDING?

A. YES, I AM.

Q. OKAY. WHAT ROLE DID YOU PLAY IN RESPONDING TO THAT
REQUEST?

A. SO I BELIEVE THE FIRST COMMUNICATION I RECEIVED WAS
EMAILED TO ME, I BELIEVE, BACK SOMETIME IN OCTOBER. AND AT
THAT POINT IN TIME, MS. VANICHCHAGORN AND I BEGAN TO REVIEW
THE REQUEST ALONG WITH THE EMAIL SEARCH THAT WE DID IN
RESPONSE TO THAT.

Q. OKAY. AND WHAT DID THAT PROCESS INVOLVE?

A. SO ESSENTIALLY WHAT WE DO IS WE ASK OUR TECHNOLOGY

CONSULTANTS THAT WE HAVE IN THE OFFICE WHO ARE ALSO EMPLOYED BY THE OFFICE OF THE GOVERNOR TO DO THE SEARCH. SO THEY IN FACT DO THE ACTUAL SEARCH TERM SEARCH OF THE EMAIL BOXES. AND AS THROUGH THIS PROCESS, WE HAVE SORT OF FIGURED OUT MORE ABOUT HOW THAT IS ACTUALLY DONE. AND MOST OF THAT IS DONE BY THE DIVISION OF ADMINISTRATION. THEY SEND US ALL OF THE EMAILS THAT ARE THEN -- CONTAIN THE SEARCH TERMS THAT WE'VE IDENTIFIED. AND THEN OUR OFFICE GOES THROUGH THOSE EMAILS TO FIGURE OUT WHICH ONES MAY OR MAY NOT BE RESPONSIVE.

Q. SO THAT APPLIES OBVIOUSLY TO THE EMAIL RECORDS. WHAT ABOUT SEARCHES FOR OTHER RECORDS? WHAT DID THAT PROCESS INVOLVE?

A. SO THAT'S HOW OUR OFFICE WORKS. WE DO THAT -- HAVE THAT ELECTRONICALLY, SO WE DO AN EXAMINATION OF ALL OF THE ELECTRONIC RECORDS THAT WE HAVE WHICH INCLUDE RECORDS THAT WOULD BE SENT AND SCANNED IN. I BELIEVE IN THIS CASE, IT ASKED FOR COMMUNICATIONS BETWEEN THE OCTOBER -- IN THE OCTOBER EMAIL I BELIEVE THAT THE REQUEST WAS FOR COMMUNICATIONS BETWEEN, MOST OF THOSE ARE VIA EMAIL, AND THE ONES THAT ARE NOT WOULD BE SCANNED IN SEPARATELY.

Q. I WOULD LIKE TO SHOW YOU A SET OF DOCUMENTS THAT'S BEEN MARKED FOR IDENTIFICATION PURPOSES AS PLAINTIFF'S IN-GLOBO EXHIBIT "A".

MS. SPEES: AND I HAVE SHARED THIS WITH MR. VANICHCHAGORN, WHO HAS AGREED TO ALLOW THIS AS ESSENTIALLY THE SEQUENCE OF COMMUNICATIONS BETWEEN THE PLAINTIFF AND THE GOVERNOR'S OFFICE THAT IS SET OUT IN THE TIMELINE THAT WAS INCLUDED IN THE REPLY BRIEF YESTERDAY, JUST FOR THE SAKE OF SIMPLICITY AT THIS POINT, YOUR HONOR. IN-GLOBO-A. MAY I APPROACH?

THE COURT: YES.

BY MS. SPEES:

Q. SO, MR. BLOCK, I'D ASK YOU TO LOOK AT THE FIRST PAGE OF THE SET OF DOCUMENTS I'VE JUST HANDED YOU. CAN YOU IDENTIFY THAT?

A. JUST THE FIRST PAGE? BECAUSE IT'S A TWO PAGE LETTER.

Q. SURE. CAN YOU IDENTIFY THAT DOCUMENT?

A. YES. SO THIS IS THE ORIGINAL OCTOBER 6 REQUEST THAT WE RECEIVED FROM THE BUCKET BRIGADE.

Q. AND I WANT TO DRAW YOUR ATTENTION TO THE FIRST SENTENCE WHERE IT SAYS PRODUCE COPIES OF ANY AND ALL PUBLIC RECORDS RELATED IN ANY WAY TO THE FOLLOWING. DO YOU SEE THAT?

A. I DO.

Q. OKAY. AND IS IT YOUR UNDERSTANDING THAT THE REQUEST THEN FOR COMMUNICATIONS BETWEEN THE GOVERNOR'S STAFF AND AGENTS OF THESE COMPANIES THAT WERE LISTED THERE, THAT THE REQUEST WAS ONLY SEEKING THOSE COMMUNICATIONS?

A. WELL, NO, BECAUSE THERE ARE TWO SEPARATE REQUESTS. SO IF YOU ARE ASKING ABOUT THE SECOND REQUEST, EXCUSE ME, IT SAYS, ANY AND ALL COMMUNICATIONS BETWEEN GOVERNOR JOHN BEL EDWARDS AND/OR ANY OTHER STAFF ON ONE HAND AND EMPLOYEES/STAFF/AGENTS OF BAYOU BRIDGE PIPELINE AND OTHERS ON THE OTHER HAND. SO IF YOUR QUESTION IS, DID WE INTERPRET THAT SECOND REQUEST AS FOR COMMUNICATIONS BETWEEN OUR OFFICE AND THOSE OTHER SEPARATE ENTITIES, YES, THAT'S HOW WE INTERPRETED IT, BECAUSE THAT'S WHAT IT SAYS.

Q. AND HOW DID YOU INTERPRET THE FIRST REQUEST?

MS. SPEES: AND, YOUR HONOR, WOULD YOU LIKE TO HAVE A SET TO REFER TO AS WE GO ALONG?

THE COURT: IF YOU HAVE A COPY FOR THE COURT.

MS. SPEES: SURE.

A. WE INTERPRETED THE FIRST TO DO A CALENDAR SEARCH FOR

THE GOVERNOR AND THE STAFF OF THE GOVERNOR'S OFFICE FOR WHETHER OR NOT THERE WERE ANY MEETINGS WITH THESE INDIVIDUALS FROM THESE ENTITIES.

BY MS. SPEES:

Q. OKAY. I'M GOING TO ASK YOU TO TURN TO PAGE 21 IN THAT SET OF DOCUMENTS. IT'S MARKED IN GREEN IN THE CORNER, THE PAGE NUMBER.

A. OKAY.

Q. CAN YOU IDENTIFY THAT DOCUMENT?

A. YES. SO THIS IS ONE OF SEVERAL LETTERS THAT WERE SENT THROUGHOUT THIS PROCESS BY MS. VANICHCHAGORN ON DECEMBER 29TH.

Q. OKAY. AND IN THAT DOCUMENT, MS. VANICHCHAGORN IS DESCRIBING THE SEARCH METHODOLOGY THAT WAS FOLLOWED IN RESPONSE TO THE OCTOBER REQUEST. IS THAT CORRECT?

A. YES.

Q. AND SHE SETS OUT A NUMBER OF FOUR WAYS IN WHICH SEARCHES WERE CONDUCTED. DO YOU AGREE WITH THAT?

A. YES.

Q. AND IT LOOKS LIKE THE FIRST ITEM IS WHAT YOU HAVE JUST DESCRIBED, AN ELECTRONIC SEARCH OF ALL OF THE GOVERNOR'S EMAIL ACCOUNTS?

A. YES.

Q. AND THEN SHE GOES ON TO DESCRIBE IN POINT TWO, AN ELECTRONIC SEARCH OF SCANNED PAPER CORRESPONDENCE RECEIVED BY THE OFFICE?

A. YES.

Q. AND THIS POINT THREE, AN EVALUATION OF THE GOVERNOR'S CALENDAR FOR MEETINGS. SO YOU JUST TESTIFIED TO THAT AS WELL?

A. YES.

Q. AND THEN IN POINT FOUR, A REQUEST OF EXECUTIVE COUNSEL,

SPECIAL COUNSEL AND EXECUTIVE ASSISTANT TO THE CHIEF OF STAFF TO DETERMINE WHETHER ANY HAD MEETINGS WITH ANY OF THE ENTITIES WHOSE NAMES WERE PROVIDED. IS THE EXECUTIVE COUNSEL REFERRING TO YOU?

A. I BELIEVE SO, YES.

Q. AND DID YOU HAVE MEETINGS WITH ANY OF THESE AGENTS? ANYONE AFFILIATED WITH THESE COMPANIES?

A. ANY OF THE ENTITIES LISTED HEREIN, I DO NOT BELIEVE I HAVE. I'M LOOKING AGAIN BETWEEN BAYOU BRIDGE PIPELINE, ETP -- NO.

Q. NOW THIS LETTER WAS SENT AFTER THE DECEMBER 4 CORRESPONDENCE WHERE PLAINTIFF REQUESTED OR NARROWED THE SEARCH TO ALSO ASK FOR ANY RECORDS RELATING TO A MEETING BETWEEN MARY LANDRIEU AND THE GOVERNOR, CORRECT? DO YOU RECALL THAT CORRESPONDENCE?

A. YES.

Q. OKAY. SO THIS LETTER IS COMING AFTER THAT AND IT IS DESCRIBING THE SEARCH. NOW YOU'VE INDICATED THAT PART OF THE SEARCH INVOLVED CHECKING THE GOVERNOR'S CALENDAR?

A. YES.

Q. DID ANYONE SPEAK WITH THE GOVERNOR ABOUT THIS REQUEST?

A. LIKELY NOT.

Q. DID ANYONE -- SO NO ONE AS PART OF THIS PROCESS, WOULD HAVE ASKED THE GOVERNOR DIRECTLY IF THERE WERE ANY MEETINGS WITH ANY OF THESE -- WITH ANY AGENTS AFFILIATED WITH THESE COMPANIES?

A. NO, BECAUSE THE REQUEST IS FOR ANY PUBLIC RECORDS RELATED TO ANY OF THESE MEETINGS. SO IF THERE WAS SOMETHING WHERE THERE WAS A GENERATION WHERE THERE WAS A MEETING, BUT THERE WAS, FOR SOME REASON, NO PUBLIC RECORD OF THAT MEETING, THEN THERE WOULD BE NOTHING RESPONSIVE TO THE RECORDS REQUEST. SO THERE WOULD BE NO NEED TO ASK THE

GOVERNOR IF THERE WAS ANY SEPARATE MEETING BECAUSE THE IDEA IS TO PRODUCE A PUBLIC RECORD -- A PUBLIC RECORD THAT WOULD BE RESPONSIVE TO THE REQUEST.

Q. WELL, LET ME ASK YOU ABOUT THAT. BECAUSE YOU'VE DESCRIBED -- THIS LETTER SETS OUT THE SEARCH OF EMAILS AND THE SEARCH FOR CORRESPONDENCE THAT WOULD HAVE COME IN, I GUESS, VIA HARD COPY AND THEN BE SCANNED IN TO THE SYSTEM, CORRECT?

A. CORRECT.

Q. WAS THERE ANY SEARCH OF ANY HARD COPIES? HARD COPY DOCUMENTS IN THE OFFICE?

A. SO I BELIEVE THE WAY IT WORKS IS THE HARD COPIES ARE IN FACT SCANNED AND THAT'S WHAT IS REFERENCED IN THE LETTER.

Q. WHAT ABOUT NOTES OF MEETINGS?

A. THAT'S THE SAME. ANY CONTEMPORANEOUS NOTES WOULD HAVE BEEN SCANNED IN AND WOULD BE SUBJECT TO THAT SEARCH.

Q. WELL, THIS REFERS TO IN POINT TWO, AN ELECTRONIC SEARCH OF ALL SCANNED PAPER CORRESPONDENCE. NOWHERE IN THIS LETTER DOES IT DISCUSS NOTES OR MEMOS THAT MIGHT HAVE BEEN GENERATED FROM WITHIN THE OFFICE ELECTRONICALLY OR HANDWRITTEN.

A. AND THAT'S WHAT I'M SAYING. THAT SEARCH WOULD HAVE BEEN CONDUCTED AND IF THERE WERE NO RESPONSIVE DOCUMENTS, THEN THERE IS NOTHING THAT WOULD HAVE BEEN PRODUCED.

Q. SO YOU'RE SAYING THAT -- BUT NOBODY SPOKE TO THE GOVERNOR TO ASK WHETHER HE HAD MET WITH ANY OF THESE FOLKS AND WHETHER HE MIGHT HAVE MADE NOTES HIMSELF?

A. I DON'T BELIEVE THAT TOOK PLACE, NO. I DON'T BELIEVE THAT CONVERSATION TOOK PLACE.

Q. OKAY. I WANT TO MOVE TO THE --

A. BUT -- SO LET ME -- LET ME BE CLEAR, THOUGH, IN THAT ONE OF THE REASONS THAT -- BECAUSE THE IMPLICATION THAT I

GUESS I'M GETTING FROM YOUR QUESTION IS THAT IT SHOULD HAVE TAKEN PLACE. BUT WHAT -- THE WAY WE INTERPRETED THE FIRST REQUEST WAS WHETHER OR NOT THERE WAS ANY MEETINGS THAT TOOK PLACE BETWEEN THE OFFICE OF THE GOVERNOR, THE GOVERNOR AND THESE INDIVIDUALS, WHICH WE INTERPRETED ESSENTIALLY TO BE A CALENDAR REQUEST FOR WHETHER OR NOT THEY WERE OF RECORD OF ANY MEETINGS BETWEEN THESE INDIVIDUALS.

Q. NOW WE JUST SPOKE A FEW MINUTES AGO ABOUT THE INITIAL REQUEST AND THAT IT WAS ASKING FOR ANY RECORDS RELATED IN ANY WAY TO MEETINGS BETWEEN THE GOVERNOR, ANYONE ON HIS STAFF AND THE AGENTS OF THESE COMPANIES, CORRECT?

A. BUT THAT -- I MEAN YOU'RE COMBINING TWO SENTENCES INTO ONE WHEN THAT'S NOT WHAT THE REQUEST SAYS. THE REQUEST SAYS, RECORDS RELATING TO THE FOLLOWING. AND IT SAYS ANY AND ALL MEETINGS. SO ALL I CAN TELL YOU IS HOW WE INTERPRETED THAT REQUEST, WHICH WE GET REQUESTS FOR THE GOVERNOR'S CALENDAR, MY CALENDAR, THE CHIEF OF STAFF'S CALENDAR ALL THE TIME AND WE INTERPRETED THIS AS A REQUEST FOR ANY RECORD OF WHETHER THERE WERE ANY MEETINGS BETWEEN THESE INDIVIDUALS. THAT'S HOW WE INTERPRETED THE REQUEST. THE CALENDARS ARE KEPT ELECTRONICALLY. AND THAT WAS THE SEARCH THAT WAS DONE.

Q. SO LET'S MOVE TO THE DOCUMENT AT PAGE 23 IN THIS SET. BECAUSE THAT -- THE POINT YOU JUST MADE RELATES TO THIS DOCUMENT. SO CAN YOU IDENTIFY THIS DOCUMENT, MR. BLOCK?

A. THIS IS THE JANUARY 8TH, EXCUSE ME, JANUARY 5TH LETTER THAT WAS RESPONSIVE TO, AND AGAIN, I UNDERSTAND THERE IS SOME DISPUTE AS TO WHETHER OR NOT THERE'S BEEN ONE PUBLIC RECORDS REQUEST OR THREE, BUT THIS LETTER IS STATING IT IS IN RESPONSE TO THE THIRD PUBLIC RECORDS REQUEST WHICH ASKS FOR -- ASKS QUESTIONS ABOUT FOR RECORDS RELATING TO MEETINGS WITH MARY LANDRIEU. I BELIEVE EITHER MEETINGS OR

COMMUNICATIONS OR BOTH, I CAN'T RECALL, ABOUT MARY LANDRIEU AND RANDY HAYDEN.

Q. AND WHAT IS THIS LETTER COMMUNICATING ABOUT THE EXISTENCE OF THOSE RECORDS?

A. THAT WE AT THAT POINT IN TIME WERE NOT ABLE TO FIND ANY COMMUNICATIONS OR MEETINGS WITH MARY LANDRIEU ON BEHALF OF ENERGY TRANSFER PARTNERS OR RANDY HAYDEN.

Q. OKAY. NOW I WANT TO DRAW YOUR ATTENTION TO THE DOCUMENT AT PAGE 29 OF THAT SET. CAN YOU IDENTIFY THAT DOCUMENT?

A. YES. I BELIEVE THIS IS THE LAST COMMUNICATION INDICATING THAT -- LET ME READ IT JUST TO MAKE SURE. YES. SO THIS IS THE LAST COMMUNICATION DATED FROM MS. VANICHCHAGORN DATED JANUARY 25TH IN WHICH SHE INDICATES THAT AFTER WE HAD BEEN CONTACTED BY A REPORTER WHO WAS ASKING A QUESTION ABOUT AN EARLIER EMAIL THAT OUR OFFICE HAD PRODUCED TO HER AND THAT WAS THEN NOT IDENTIFIED AS BEING PRODUCED IN RESPONSE TO THE BUCKET BRIGADE REQUEST, MS. VANICHCHAGORN ASKED THAT ANOTHER SEARCH BE RUN BECAUSE OBVIOUSLY IT WAS CONCERNING TO US THAT THERE WAS A RECORD THAT WE HAD PREVIOUSLY PRODUCED TO ANOTHER ORGANIZATION THAT DID NOT COME UP IN OUR SEARCH. AND SO WE RE-RAN THE REQUEST AND DETERMINED AT THAT POINT IN TIME WHAT HAD OCCURRED AND WHY THE RESULTS OF THE SEARCH HAD BEEN LIMITED. AND ONCE WE WERE ABLE TO DO THAT, THERE WERE SOME ADDITIONAL RESPONSIVE REQUESTS THAT WE IDENTIFIED AT THAT POINT IN TIME AND WE IMMEDIATELY FORWARDED THEM TO YOURSELF, I BELIEVE, BECAUSE THE SUIT HAD ALREADY BEEN FILED BY THAT POINT IN TIME IF I REMEMBER CORRECTLY. YES.

Q. SO TURNING YOUR ATTENTION TO PAGE 34 OF THAT SET, CAN YOU DESCRIBE THAT DOCUMENT?

A. THIS IS AN EMAIL FROM KATIE JUSTICE TO ROZ MOORE AND

RODERICK SCOTT. YOU WANT ME TO READ THE EMAIL?

Q. YES. SURE. YOU CAN READ IT OR DESCRIBE WHAT IT --

A. IT'S AN EMAIL SAYING, PLEASE PRINT OUT FOR JBE, WHO IS OF COURSE, THE GOVERNOR. PLEASE PRINT OUT FOR JBE'S MEETING WITH MARY LANDRIEU TONIGHT AT 5:00 P.M.

Q. AND WHAT WAS THE PRINTOUT?

A. IT IS A COMMUNICATION FROM SECRETARY BROWN THAT HAS, I GUESS, IT IS A WHITE PAPER, THAT'S HOW I'M GOING TO INTERPRET IT, A WHITE PAPER ABOUT THE BAYOU BRIDGE PIPELINE.

Q. AND IS THAT FOUND AT PAGE 35 OF THAT SET?

A. IT IS.

Q. OKAY. NOW YOU SAID THAT YOU HAD SEARCHED THE GOVERNOR'S CALENDAR FOR MEETINGS WITH AGENTS OF THESE COMPANIES. AND DID YOU GO BACK AND SEARCH THE GOVERNOR'S CALENDAR FOR AN ENTRY ABOUT THIS MEETING ON JANUARY 30TH WITH MARY LANDRIEU?

A. WE DID.

Q. AND WHAT WAS THE RESULT?

A. AND THERE WAS NO CALENDAR ENTRY AT 5 P.M. ON THAT DATE.

THE COURT: HOLD ONE SECOND. SIR, IN THE BACK WITH YOUR PHONE, WE ARE GOING TO NEED IT. YOU MAY CONTINUE, COUNSEL.

BY MS. SPEES:

Q. SO YOU INDICATED THAT EARLY ON IN THE SEARCH PROCESS FOR THE OCTOBER, IN RESPONSE TO THE OCTOBER REQUEST, THAT NO ONE SPOKE WITH THE GOVERNOR OR INTERVIEWED HIM ABOUT WHAT RESPONSIVE RECORDS MIGHT EXIST. AFTER YOU FOUND THIS DOCUMENT, DID ANYONE SPEAK WITH GOVERNOR EDWARDS ABOUT THAT MEETING AND WHETHER RECORDS MIGHT EXIST?

A. WHETHER --

Q. WHETHER OTHER RECORDS MIGHT EXIST RELATING TO THAT MEETING?

A. SO -- WELL, YOU ASKED TWO QUESTIONS THERE. SO I WILL ANSWER THE FIRST ONE, WHICH I THINK ANSWERS THE SECOND, IN THAT I DO NOT BELIEVE THAT THERE WAS ANYONE WHO ASKED THE GOVERNOR WHETHER OR NOT THERE WERE ANY MEETINGS OR ANY ADDITIONAL INFORMATION AT THAT POINT IN TIME.

Q. DID ANYONE SPEAK WITH THE GOVERNOR AT ALL ABOUT THIS MEETING AND THIS DOCUMENT?

A. AS IT RELATES TO THIS REQUEST? I MEAN, BECAUSE I ASSUME THAT THERE WAS COMMUNICATION AT THE TIME OF THIS MEETING BACK IN WHENEVER IT WAS IN, IN JANUARY OF 2017. I ASSUME THERE WAS COMMUNICATION WITH THE GOVERNOR THEN, BUT AS IT RELATES TO THIS REQUEST, NO. I DON'T BELIEVE SO.

Q. SO THERE HAS BEEN NO DETERMINATION WHETHER THE GOVERNOR ATTENDED THAT MEETING ALONE OR WITH OTHER STAFF OR WHETHER SOMEONE MIGHT HAVE TAKEN NOTES AT THAT MEETING OR WHETHER A MEMO MIGHT HAVE BEEN CREATED AFTER THAT MEETING?

A. NO --

Q. THAT CONVERSATION DOES NOT HAPPEN IS MY QUESTION. DID THAT CONVERSATION --

A. THAT CONVERSATION DID NOT HAPPEN.

Q. OKAY. THANK YOU.

A. OKAY.

MS. SPEES: ONE MOMENT, YOUR HONOR.

BY MS. SPEES:

Q. JUST TO BE CLEAR, THE JANUARY -- I'M SORRY, YES, THE JANUARY 26 EMAIL THAT WE'RE DISCUSSING IN WHICH THE OFFICE OF THE GOVERNOR IS PRODUCING THESE RECORDS OF THE MEETING WITH MARY LANDRIEU, IT DESCRIBES AN ANOMALY IN THE SEARCH. AND IT SUGGESTS, WOULD YOU AGREE, IN THE SECOND PARAGRAPH THAT IT WAS -- THE ANOMALY OCCURRED WITH RESPECT TO THE SEARCH CONDUCTED AFTER THE DECEMBER 4TH EMAIL FROM THE BUCKET BRIGADE. IS THAT CORRECT?

A. THAT'S WHAT IT SAYS, YES. AND THAT IS CORRECT.

Q. SO HAD -- I GUESS MY QUESTION IS, IF THERE WAS NO SEARCH ANOMALY IN THE EARLIER SEARCHES THAT WERE CONDUCTED IN RESPONSE TO THE OCTOBER REQUESTS, THE FIRST COMMUNICATION ABOUT THAT REQUEST, WHY WASN'T THIS DOCUMENT PRODUCED AT THAT TIME? WOULD YOU AGREE IT'S RESPONSIVE TO THAT REQUEST?

A. NO, I DON'T. I MEAN FOR THE VERY REASON THAT WE'VE HAD THIS ON-GOING DISCUSSION OVER THE LAST SEVERAL MONTHS, IN THAT YOU IDENTIFIED, THE BUCKET BRIGADE HAS IDENTIFIED ADDITIONAL PEOPLE TO RUN SEARCHES FOR. AND SO THE -- MS. LANDRIEU AND MR. HAYDEN WERE NOT IDENTIFIED IN THAT FIRST REQUEST IN OCTOBER. AND SO THOSE SEARCH TERMS WERE NOT USED IN THE ORIGINAL SEARCH IN OCTOBER. THEY WERE THEN DONE ONCE THOSE NAMES WERE IDENTIFIED IN DECEMBER, I BELIEVE. AND, OF COURSE, THAT'S WHEN WE UNFORTUNATELY INITIALLY MADE THE DETERMINATION THAT THERE WERE NO EMAILS THAT CONTAINED -- FROM THOSE INDIVIDUALS. ONCE WE REALIZED AFTER BEING CONTACTED BY A REPORTER, WHO AGAIN, IDENTIFIED WHO WAS IN POSSESSION OF A RECORD THAT WE HAD SUPPLIED TO HER IN RESPONSE TO A SEPARATE PUBLIC RECORDS REQUEST, IT WAS AT THAT POINT IN TIME THAT WE RE-RAN THE SEARCH. AND WE DETERMINED THAT WHAT HAD HAPPENED IS WHEN THE DIVISION OF ADMINISTRATION HAD RUN THE SEARCH THEY HIT -- ESSENTIALLY FAILED TO CLEAR OUT, AND NOT BY ANY MALICIOUS INTENT, BUT JUST BY PURE ACCIDENT HAD FAILED TO CLEAR OUT THE PREVIOUS SEARCH UNIVERSE SO TO SPEAK, SO THEY FAILED TO CLEAR OUT THE SEARCH UNIVERSE FROM THE PREVIOUS SEARCH THEY HAD DONE UNRELATED TO THIS REQUEST. AND SO IT SEARCHED A LIMITED NUMBER OF EMAIL BOXES.

Q. MY QUESTION IS, IF THERE WAS NO SEARCH ANOMALY WHEN YOU WERE SEARCHING IN OCTOBER, THE REQUEST SOUGHT RECORDS RELATING TO MEETINGS BETWEEN THE GOVERNOR AND ANYONE ON HIS

STAFF AND AGENTS OF THESE COMPANIES. THE MARY LANDRIEU DOCUMENT FITS THAT REQUEST. WOULD YOU AGREE?

A. THE MARY LANDRIEU DOCUMENT -- THE MARY LANDRIEU EMAILS IF -- AND I WILL BE HAPPY TO GO THROUGH THEM WITH YOU. SO THEY ARE ATTACHED. AND THESE EMAILS ARE BETWEEN SPECIFIC INDIVIDUALS THAT WERE NOT IDENTIFIED IN THE ORIGINAL OCTOBER REQUEST. SO YOUR OCTOBER REQUEST ASKED FOR SPECIFIC ENTITIES. AND I'VE EXPLAINED EXACTLY AND I THINK WE WERE VERY FRANK WITH THE BUCKET BRIGADE AS TO THE CONTENTS OF THE SEARCH, WHAT WE ORIGINALLY SEARCHED, WHICH WERE INDIVIDUALS THAT -- THESE WERE THE SEARCH TERMS, BAYOU BRIDGE PIPELINE, ENERGY TRANSFER PARTNERS, ENERGY TRANSFER EQUITY, SUNOCO LOGISTICS, PHILLIPS 66. THOSE WERE THE SEARCH TERMS WE USED TO DETERMINE WHETHER OR NOT THERE WERE MEETINGS BETWEEN THESE INDIVIDUALS AND THE GOVERNOR'S OFFICE. THIS -- WE DID NOT SEARCH FOR THE NAMES MARY LANDRIEU OR RANDY HAYDEN BACK IN OCTOBER. SO THAT SEARCH WAS NOT DONE UNTIL THOSE NAMES WERE IDENTIFIED BACK IN DECEMBER.

Q. DO YOU AGREE THAT THE DOCUMENT THAT'S ATTACHED TO THE EMAIL ABOUT THE MEETING WITH MARY LANDRIEU HAS THE WORDS "BAYOU BRIDGE PIPELINE" IN IT? WOULD THAT HAVE NOT SHOWN UP IN A SEARCH IN OCTOBER?

A. IT DOES HAVE BAYOU BRIDGE INFO IN THE SUBJECT AND BAYOU BRIDGE PIPELINE IS ATTACHED, YES. THERE IS A WHITE PAPER FOR -- THAT SAYS BAYOU BRIDGE PIPELINE AT THE TOP.

Q. OKAY.

A. BUT I MEAN DO YOU WANT --

Q. NO, THAT'S FINE. THANK YOU.

A. OKAY.

MS. SPEES: A MOMENT, YOUR HONOR.

THE COURT: ANYMORE QUESTIONS FOR THIS WITNESS, COUNSEL?

MS. SPEES: YES, YOUR HONOR.

BY MS. SPEES:

Q. SO JUST TO BE CLEAR, YOUR TESTIMONY IS THAT THE SEARCHES COVERED ELECTRONIC EMAILS, OBVIOUSLY EMAILS ARE ELECTRONIC, BUT THEY COVERED EMAILS FOR THE GOVERNOR'S STAFF. THEY COVERED SCANNED CORRESPONDENCE AND A SEARCH OF THE GOVERNOR'S CALENDAR. IS THAT THE EXTENT OF THE SEARCHES THAT YOU TESTIFIED TO?

A. GO THROUGH THAT LIST AGAIN, PLEASE.

Q. I'M OPERATING OFF OF THE LETTER DATED DECEMBER 29TH AT PAGE 21.

A. RIGHT.

Q. SO THAT'S DESCRIBING AN ELECTRONIC SEARCH OF ALL OF THE EMAIL ACCOUNTS IN THE GOVERNOR'S OFFICE, SCANNED PAPER CORRESPONDENCE AND THE GOVERNOR'S CALENDAR, AND THEN A DISCUSSION WITH THREE PEOPLE IN THE OFFICE ABOUT WHETHER ANY MEETINGS HAPPENED, CORRECT?

A. YES.

Q. AND YOU'VE TESTIFIED THAT NOBODY SPOKE WITH THE GOVERNOR ABOUT ANY MEETINGS HE MAY HAVE HAD WITH ANYONE AFFILIATED WITH THESE COMPANIES, CORRECT?

A. THAT'S RIGHT.

Q. CONCERNING THIS REQUEST AND IN RELATION TO THIS REQUEST?

A. CAN I FINISH MY ANSWER?

Q. YES.

A. OKAY. BECAUSE THE REASON THAT NO REQUEST WAS MADE OF THE GOVERNOR BECAUSE AS I HAVE STATED, THE WAY WE INTERPRETED THE REQUEST AND I THINK WE'VE BEEN VERY CLEAR ABOUT HOW WE INTERPRETED THE REQUEST, THE FIRST REQUEST OF THE TWO THAT WERE MADE ON OCTOBER 6TH WAS TO DETERMINE WHETHER OR NOT THERE WAS ANY RECORD OF -- SO ESSENTIALLY A

CALENDAR ENTRY OF ANY MEETINGS BETWEEN THOSE INDIVIDUALS.

Q. AND YOUR TESTIMONY IS THAT EVEN ONCE YOU FOUND OUT THAT THERE WAS THIS DOCUMENT REFLECTING A MEETING WITH MARY LANDRIEU, THAT WAS NOT REFLECTED ON HIS CALENDAR, CORRECT?

A. IT WAS NOT REFLECTED ON HIS CALENDAR. AND IS -- I THINK SHOULD BE CLEAR, BUT I JUST WANT TO MAKE THE POINT THAT THAT RECORD WAS AN INTERNAL COMMUNICATION BETWEEN INDIVIDUALS IN OUR OFFICE. YOUR SECOND REQUEST, WHICH WAS FOR COMMUNICATIONS VERY CLEARLY REFERENCES COMMUNICATIONS NOT INTERNALLY WITHIN THE OFFICE, WHICH YOU COULD HAVE, BY THE WAY, I MEAN THOSE WOULD BE PUBLIC RECORDS, YOU COULD -- THE REQUEST COULD HAVE IDENTIFIED THAT, BUT IT DID NOT. IT IDENTIFIED COMMUNICATIONS BETWEEN THE GOVERNOR'S OFFICE AND THE SEPARATE ENTITIES.

Q. AND NOT TO BELABOR THIS, BUT JUST TO POINT YOUR ATTENTION BACK TO THE FIRST REQUEST WHICH -- CAN YOU JUST DESCRIBE THAT FIRST REQUEST THAT IS ON PAGE ONE OF THE SET THAT YOU'RE HOLDING?

A. WELL, I'M POINTING OUT THERE ARE TWO. THERE ARE TWO SEPARATE REQUESTS WITH TWO BULLET POINTS. AND I WAS REFERRING TO THE SECOND REQUEST WHICH SAYS COMMUNICATION BETWEEN GOVERNOR JOHN BEL EDWARDS AND ANY OTHER STAFF OF THE GOVERNOR ON ONE HAND, THE WORDS ARE USED, "ON ONE HAND" AND COMMUNICATIONS BETWEEN THESE SEPARATE ENTITIES ON THE OTHER HAND. SO THE WAY WE INTERPRETED THAT IS OUR OFFICE, IS THE GOVERNOR COMMUNICATING WITH BAYOU BRIDGE PIPELINE, ENERGY TRANSFER PARTNERS AND THAT YOU WANTED COMMUNICATIONS OR THAT THE BUCKET BRIGADE WANTED COMMUNICATIONS BETWEEN THOSE ENTITIES.

Q. AND, MR. BLOCK, I JUST ASKED YOU ABOUT THE FIRST REQUEST.

A. OH, ABOUT THE FIRST BULLET POINT.

Q. FIRST BULLET POINT. WHAT IS THAT SEEKING?

A. PUBLIC RECORDS ABOUT MEETINGS BETWEEN THE GOVERNOR AND THE OFFICE OF THE GOVERNOR AND THOSE INDIVIDUALS.

Q. THANK YOU. SO JUST TO TRY TO WRAP UP HERE, THE -- AGAIN, THERE WAS NO INTERVIEW WITH THE GOVERNOR, SO WE DON'T KNOW IF ANYONE ELSE ATTENDED THAT MEETING WITH MARY LANDRIEU AND MAY HAVE TAKEN NOTES THAT WEREN'T SCANNED INTO THE SYSTEM, CORRECT? IS THAT CORRECT?

A. SO YOU HAVE ASKED HAS THERE BEEN ANY COMMUNICATION WITH THE GOVERNOR. AND THE ANSWER TO THAT IS NO.

MS. SPEES: A MOMENT, YOUR HONOR. ALL RIGHT. WE HAVE NOTHING FURTHER, YOUR HONOR. BUT AT THIS TIME, WE WOULD OFFER INTO EVIDENCE THE EXHIBIT MARKED PLAINTIFF'S IN-GLOBO EXHIBIT A.

THE COURT: ANY OBJECTION?

MS. VANICHCHAGORN: NO, SIR.

THE COURT: GRANTED. ANY REDIRECT? I MEAN NOT REDIRECT? ANY CROSS?

MS. VANICHCHAGORN: I JUST HAVE A COUPLE OF QUESTIONS, NOT THAT MANY.

EXAMINATION

BY MS. VANICHCHAGORN:

Q. GOOD MORNING, MR. BLOCK. DO YOU KNOW HOW MANY EMPLOYEES BAYOU BRIDGE PIPELINE HAS?

A. NO, I DO NOT.

Q. BAYOU BRIDGE PIPELINE, L.L.C., HOW MANY THEY HAVE?

A. NO.

Q. ENERGY TRANSFER PARTNERS?

A. NO.

Q. ENERGY TRANSFER EQUITY?

A. NO.

Q. SUNOCO LOGISTICS?

A. NO.

Q. PHILLIPS 66?

A. NO.

Q. PHILLIPS 66 PARTNERS?

A. NO.

Q. DO YOU KNOW HOW MANY AGENTS THEY HAVE?

A. NO.

Q. AS THE CUSTODIAN OF RECORDS FOR THE OFFICE OF THE GOVERNOR HAVE YOU WITHHELD ANY RECORDS PURSUANT TO THESE THREE REQUESTS FROM LOUISIANA BUCKET BRIGADE?

A. AS A CUSTODIAN OF THE RECORDS FOR THE OFFICE OF THE GOVERNOR, I WITHHELD NO RECORDS PERIOD. RELATED TO THIS REQUEST OR NOT.

MS. VANICHCHAGORN: THAT'S ALL I HAVE.

THE COURT: ANY REDIRECT?

MS. SPEES: NO, YOUR HONOR.

THE COURT: ALL RIGHT. YOU MAY STEP DOWN, SIR. YOU REST?

MS. SPEES: YES, YOUR HONOR.

THE COURT: ANYTHING FROM THE GOVERNOR'S OFFICE?

MS. VANICHCHAGORN: NO, SIR.

THE COURT: I WILL HEAR YOUR CLOSING.

MS. SPEES: YOUR HONOR, AS WE SET OUT IN OUR AMENDED PETITION FOR THE WRIT OF MANDAMUS AND IN OUR REPLY THAT WAS FILED YESTERDAY, THIS WAS ONE REQUEST FILED IN OCTOBER. AND THEN THEREAFTER THE PLAINTIFF ENDEAVORED TO ASSIST THE OFFICE IN NARROWING THE SCOPE OF THE SEARCH. IT WASN'T ON THE PLAINTIFF TO GO THAT FAR AND DO THAT. AND RECORDS REQUESTS ARE INHERENTLY COMPLICATED. THEY'RE NOT CONVENIENT FOR STATE AGENCIES, BUT THE

PUBLIC RECORDS LAW, YOU KNOW, SORT OF ANTICIPATES THAT AND THE SUPREME COURT HAS INTERPRETED IT -- HAS SAID THAT IT HAS TO BE APPLIED STRICTLY. AND HERE WE HAVE THE OFFICE OF THE GOVERNOR REPEATEDLY SAYING THERE ARE NO RECORDS IN RESPONSE TO THE FIRST CATEGORY OF RECORDS SOUGHT IN THE OCTOBER 6TH REQUEST. THEY SAY THAT REPEATEDLY AND THEN ONLY AFTER BEING CALLED BY A REPRESENTATIVE OF NEWS MEDIA DOES THIS RECORD SURFACE AND THEN GET PRODUCED TO THE PLAINTIFF. OBVIOUSLY, WE'VE HEARD TESTIMONY ABOUT THE TECHNICAL PROBLEMS AND THE SEARCH THAT WAS UNDERTAKEN LATE IN THE GAME, BUT THE CONCERN THERE IS THAT WHY DIDN'T THIS DOCUMENT SHOW UP AND GET PRODUCED EARLIER ON. IT WAS ALWAYS RESPONSIVE TO THE INITIAL REQUEST. SO WE'VE HEARD WHAT WAS SEARCHED, EMAILS AND SCANNED CORRESPONDENCE, BUT WE DON'T HAVE ANY INQUIRIES AT ALL WITHIN THE OFFICE ABOUT WHETHER THERE WERE ANY NOTES TAKEN. NO ONE SPOKE WITH THE GOVERNOR ABOUT WHETHER HE MET WITH ANY OFFICIALS CONNECTED TO ANY OF THESE COMPANIES AND WHETHER THERE MIGHT BE RECORDS THAT EXIST OUTSIDE OF WHAT'S BEEN CAPTURED ELECTRONICALLY. WE THINK THE SEARCH WAS CLEARLY FAULTY AND INEFFECTIVE. AND GIVEN WHAT WE'VE RECEIVED LATE IN THE GAME, IT JUST BEGS TO QUESTION WHETHER THERE ARE -- OR IT SUGGESTS THERE MAY BE MORE RECORDS OUT THERE. AND ANOTHER FULLER SEARCH IN EXPLORING THESE OTHER TYPES OF DOCUMENTS THAT MAY EXIST IS WARRANTED. YOU KNOW, THE REQUEST SOUGHT IN OCTOBER, RECORDS RELATING TO MEETINGS. WE NOW KNOW THAT A MEETING BETWEEN THE GOVERNOR AND A REPRESENTATIVE OF ONE OF THESE

COMPANIES, MARY LANDRIEU, DID HAPPEN. IT WAS SET FOR JANUARY 30TH. WE KNOW NOTHING ELSE. AND THERE ARE A LOT OF QUESTIONS IN TERMS OF WHY DIDN'T ANYONE JUST ASK THE GOVERNOR. DID ANYONE GO WITH HIM? WERE THERE NOTES? WAS THERE A MEMO? WERE THERE OTHER MEETINGS WITH OTHER AGENTS?

THE COURT: WHAT ARE YOU REQUESTING OF THIS COURT, COUNSEL?

MS. SPEES: WE ARE ASKING THE COURT TO ORDER THE GOVERNOR'S OFFICE TO UNDERTAKE ANOTHER SEARCH THAT SPECIFICALLY EXPLORES THESE AREAS AND ASKS THESE QUESTIONS OF THE GOVERNOR OR DO OTHER RECORDS EXIST THAT WOULDN'T HAVE BEEN CAPTURED IN THIS SEARCH. BECAUSE WE HAVE CLEAR EVIDENCE THAT THAT HAS ALREADY HAPPENED IN THIS CASE.

THE COURT: OKAY. ALL RIGHT. THANK YOU.

MS. VANICHCHAGORN: YOUR HONOR, A WRIT OF MANDAMUS IS AN EXTRAORDINARY REMEDY. AND IT IS WHERE YOU'RE TELLING US THAT WE HAVE TO PERFORM A CERTAIN ACT. WE'VE PERFORMED THAT ACT HERE ALREADY. IF THE BUCKET BRIGADE HAD REQUESTED ANY AND ALL PUBLIC RECORDS THAT THE OFFICE OF THE GOVERNOR HAD RELATIVE TO BAYOU BRIDGE PIPELINE, OUR RESPONSE WOULD HAVE BEEN COMPLETELY DIFFERENT. BUT THE PUBLIC RECORDS ACT DOES NOT IMPOSE A DUTY ON THE CUSTODIAN TO INTERPRET WHAT IT IS THAT THEY MAY HAVE BEEN LOOKING FOR. IT REQUIRES US TO READ THE REQUEST AND TO PROVIDE RECORDS THAT ARE RESPONSIVE AND THAT ARE NOT EXEMPT FROM DISCLOSURE BASED ON THE WORDS THAT ARE IN THE REQUEST. WE HAVE DONE THAT IN THIS CASE. THE ARGUMENT -- PLAINTIFF'S ARGUMENT THAT THE MARY LANDRIEU

MEETING WITH THE GOVERNOR WAS CLEARLY RESPONSIVE TO THE FIRST REQUEST IS AN ARGUMENT. IT IS NOT A FACT. THAT SHE'S A REPRESENTATIVE OF ONE OF THESE COMPANIES ALSO IS ARGUMENT. IT IS NOT A FACT. IT WASN'T ESTABLISHED. AND SO THAT DOCUMENT WAS DELIVERED TO THE PLAINTIFFS AFTER HER NAME WAS GIVEN TO US. THERE WAS NO OTHER WAY FOR US TO KNOW THAT THEY CONSIDERED HER TO BE AN EMPLOYEE OR AN AGENT OF ANY OF THOSE COMPANIES. SO WE'VE RESPONDED AND WE HAVE NO OTHER RECORDS FOR THEM.

THE COURT: OKAY.

MS. SPEES: YOUR HONOR, THE REQUEST WAS VERY CLEAR. AND THE PUBLIC RECORDS LAW DOES IMPOSE A HEAVY BURDEN ON STATE AGENCIES. THERE WAS A LOT OF INTERPLAY AFTER THE FIRST REQUEST. THERE WAS BACK AND FORTH. THERE MAY HAVE BEEN, AT ANY POINT CLARIFICATION. THE PLAINTIFF WAS OFFERING NEW NAMES AS THIS WENT ALONG. AND AS THE OFFICE WAS SAYING, THERE JUST WEREN'T ANY RECORDS. AND THE PLAINTIFF WENT BEYOND WHAT IT WAS REQUIRED TO DO. THE BURDEN IS ON THE CUSTODIAN IN THESE PROCEEDINGS TO SUSTAIN ITS ACTION UNDER THE PUBLIC RECORDS ACT. AND THEY JUST HAVEN'T DONE THAT. THERE ARE A LOT OF QUESTIONS HERE GIVEN HOW THIS PROCESS HAS PLAYED OUT. AND IN THE DECEMBER 4TH COMMUNICATION, IT WAS MADE VERY CLEAR THAT MARY -- THE BASIS FOR THE ASSERTION OF FACT THAT MARY LANDRIEU IS ACTING AS A REPRESENTATIVE OF ONE OF THE COMPANIES NAMED IN THE COMPLAINT. AND THEY HAVE PRODUCED THE RECORD ULTIMATELY. SO THAT IS CLEAR HERE. AND WE THINK IT WARRANTS ANOTHER GO AROUND HERE, YOUR HONOR, GIVEN THE SIGNIFICANCE OF

THIS ISSUE.

THE COURT: ALL RIGHT. THE COURT HAS REVIEWED THE DOCUMENTS OR THE BRIEFS THAT YOU ALL HAVE SUBMITTED AND THE DOCUMENTS THAT YOU ALL HAVE SUBMITTED THIS MORNING AS EXHIBIT-A IN GLOBO AND HEARD YOUR ARGUMENT AS IT RELATES TO THIS PUBLIC RECORDS REQUEST. AND THE COURT FINDS THAT THE GOVERNOR'S OFFICE TRIED TO ADHERE TO THE PUBLIC RECORDS REQUEST. AND EVEN FROM YOUR OWN ARGUMENT TO THIS COURT, THAT THE PLAINTIFF TRIED TO NARROW THEIR SCOPE OR AT LEAST SUPPLEMENTED THEIR REQUEST TO THE GOVERNOR'S OFFICE ON A FEW DIFFERENT OCCASIONS TO MAKE SURE THAT THE DOCUMENTS THAT THEY WERE SEEKING WAS ACTUALLY GIVEN TO THEM. THERE WAS A QUESTION AS IT RELATES TO THE MARY LANDRIEU DOCUMENT. AND THAT DOCUMENT WAS PRODUCED TO THE PLAINTIFF AFTER THE NAME MARY LANDRIEU WAS REVEALED TO THE DEFENDANTS TO DO AN ADDITIONAL SEARCH FOR ADDITIONAL DOCUMENTS. THE COURT FINDS THAT THE OFFICE OF THE GOVERNOR HAS PRODUCED AND PROVIDED THE INFORMATION THAT THEY HAVE BEEN REQUESTED OF THIS PUBLIC RECORD REQUEST. AND THE COURT IS GOING TO DENY THE PLAINTIFF'S REQUEST THAT THIS COURT ORDER THEM TO DO AN ADDITIONAL SEARCH. THE COURT FINDS THAT THEY HAVE DONE THEIR SEARCH AND THEY HAVE SUBMITTED THE DOCUMENTS THAT THEY HAVE IN THEIR POSSESSION TO YOU. IF YOU FIND THAT THAT IS INSUFFICIENT OR REQUEST ADDITIONAL DOCUMENTS, THEN THERE ARE OTHER AVENUES THAT YOU CAN TAKE. BUT THIS COURT FINDS THAT THEY HAVE COMPLIED WITH THE PUBLIC RECORDS REQUEST. MS. VANICHCHAGORN --

MS. VANICHCHAGORN: YES, SIR.

THE COURT: PREPARE A JUDGMENT FOR THE
COURT'S SIGNATURE.

MS. VANICHCHAGORN: YES, SIR.

C E R T I F I C A T E

THIS CERTIFICATE IS VALID ONLY FOR A TRANSCRIPT ACCOMPANIED BY MY ORIGINAL SIGNATURE AND ORIGINAL REQUIRED SEAL ON THIS PAGE.

I, KIMBERLY W. FORD, CERTIFIED COURT REPORTER IN AND FOR THE STATE OF LOUISIANA AND EMPLOYED AS OFFICIAL COURT REPORTER BY THE 19TH JUDICIAL DISTRICT COURT, DO HEREBY CERTIFY THAT THIS PROCEEDING WAS REPORTED BY ME IN THE STENOGRAPHIC REPORTING METHOD, THAT THIS TRANSCRIPT WAS PREPARED BY ME AND IS A TRUE AND CORRECT TRANSCRIPT TO THE BEST OF MY ABILITY AND UNDERSTANDING, THAT THE TRANSCRIPT HAS BEEN PREPARED IN COMPLIANCE WITH TRANSCRIPT FORMAT GUIDELINES REQUIRED BY STATUTE OR BY RULES OF THE BOARD OR BY THE SUPREME COURT OF LOUISIANA, AND THAT I AM NOT RELATED TO COUNSEL OR TO THE PARTIES HEREIN, NOR AM I OTHERWISE INTERESTED IN THE OUTCOME OF THIS MATTER.

WITNESS MY HAND THIS 11TH DAY OF SEPTEMBER, 2018.

KIMBERLY W. FORD, CCR
OFFICIAL COURT REPORTER
19TH JUDICIAL DISTRICT COURT
CCR #96020