

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

MISSOURI ALLIANCE FOR FREEDOM, INC.,)	
)	
)	
Plaintiff,)	
)	Case No. 17AC-CC00365
v.)	
)	
STATE AUDITOR NICOLE GALLOWAY,)	
)	
Defendant.)	

AFFIDAVIT OF BARBARA J. WOOD

STATE OF MISSOURI)
) ss
County of Cole)

Barbara Wood, being first duly sworn, deposes and says:

1. I am Barbara J. Wood, Senior Counsel to the Missouri State Auditor.
2. As Senior Counsel to the Missouri State Auditor, part of my duties include collecting and reviewing requests for access to or copies of records made under Chapter 610 RSMo (the Sunshine Law).
3. The Missouri Alliance for Freedom (MAF), the Plaintiff in the above-styled cause, sent three letters requesting documents, dated May 2, May 8, and May 26, 2017. All three letters were delivered to me for processing. True and accurate copies of these records are filed herewith as Defendant's Exhibits 1, 5, 7.

4. I drafted the letters in response to each of Plaintiff's requests, as well as letters updating Plaintiff on our progress in processing their requests. True and accurate copies of these records are filed herewith as Defendant's Exhibits 2, 3, 4, 6, 8, 9.

5. Within three business days of receipt by the State Auditor's Office (SAO), I acted on each request by providing documents identified (and web links to relevant published documents), initiating a search for responsive documents that were not readily available or specifically identified, and by informing Plaintiff that further review of their request was underway. Defendant's Exhibits 2, 6, 8.

6. The only public record specifically identified in Plaintiff's requests was a subpoena issued to the Missouri Department of Revenue on or about April 19, 2017. Defendant's Exhibit 1. This subpoena, together with some related correspondence, was provided along with the three business-day response letter. Defendant's Exhibit 2.

7. The only other request for documents from Plaintiff that identified records sufficiently well to construct an effective search were the requests for all correspondence to and from specified individuals, although these requests turned up a large volume of documents, and are requiring extensive review. The State Auditor's Office does not maintain records classified as "correspondence," and so is left to search by name and then determine whether a document is a piece of correspondence or something else. Since one of Plaintiff's requests is for all correspondence for over two years from the Auditor herself, whose name is on a vast majority of all documents in the organization, the search and review is significant. This latter search, and the remaining review for correspondence for agency attorneys is

estimated to be completed no later than December 1, 2017. This date was communicated to Plaintiff by letter. Defendant's Exhibit 4.

8. The remaining requests from Plaintiff did not request access to any document described with any reasonable specificity. Plaintiff's demands were for records "related to" certain audits (one audit is currently in process). The State Auditor's Office does not maintain records in the regular course of business that are organized in any manner that permits retrieval based on specification of subject matter or relation to certain subject matter. For this reason, a request for audit-related documents would lead only to the audit work papers and related supportive material that, with the exception of the published audit itself, are made confidential by Missouri law. Any further search for audit-related records would require that documents be read for content, and someone with subject-matter expertise would have to form an opinion as to whether such content was in any way related to an audit. Because a document might be related to an audit, but not mention the audit by name, we would potentially have to review almost every document in the organization.

9. As of August 11, 2017, I have spent approximately 185 hours of time searching, collecting, and reviewing potentially responsive records pursuant to Plaintiff's request. This time does not include time spent by computer systems personnel or administrative staff who have assisted in searches.

10. As of August 11, 2017, I have reviewed over 15,000 pages of records and produced to Plaintiff over 3,500 pages of records.

11. Ongoing searches for potentially responsive records have totaled over 50,000 records that will need to be reviewed. Over 40,000 documents are correspondence with office

attorneys (Paul Harper, General Counsel; Michael Moorefield, Chief of Staff and Counsel; Douglas Nelson, Senior Advisor and who also serves as legal counsel), and require careful review for possible attorney-client privileged matter, personnel information, documents related to legal actions, documents covered by federal copyright law, and documents containing computer configuration information--all requiring a significant time commitment.

12. At the time of filing this lawsuit, Plaintiff had not been denied access to any records other than those audit-related records made confidential by Missouri law. See §§29.070, 29.200, 32.057, 610.021(14), and 610.021(17). These citations were provided to Plaintiff in the three business-day response letters. Defendant's Exhibits 2 and 6.

13. As of August 1, 2017, with additional documents having been produced, Plaintiff has only been denied documents determined to constitute attorney-client privileged communications, those containing personally identifiable personnel information, documents related to legal actions, documents covered by federal copyright law, and documents containing computer configuration information. See §§29.221, 610.021(1), 610.021(21), 610.021(13), and 17 U.S.C. §102. These citations were provided to Plaintiff by cover letter that accompanied the document production. Defendant's Exhibit 4.

14. As part of our communication to Plaintiff, due to the extensive requests Plaintiff made, I drafted letters to Plaintiff stating that we were continuing our review and that we would provide updates to Plaintiff. Defendant's Exhibits 3, 4, 9.

15. At no time did I receive any communication from Plaintiff with respect to their demands or in response to our proposed plan for reviewing and providing documents. Until the

filing of the lawsuit, Plaintiff communicated no objection to or dissatisfaction with any aspect of the proposed processing of their requests.

16. With the service of the Petition, Plaintiff served discovery requests for the very same categories of documents demanded in their Sunshine Law letters, including the plainly confidential audit papers, and adding numerous interrogatories requesting individualized description of each of these documents. True and accurate copies of these records are filed herewith as Defendant's Exhibits 10, 11.

17. On August 16, 2017, Plaintiff served another set of discovery requests. True and accurate copies of these records are filed herewith as Defendant's Exhibits 12, 13. Among other questions, Plaintiff demands identification of each document excluded from production related to Plaintiff's May 2 letter. Defendant's Exhibit 12, question 23. In an accompanying request for document production, Plaintiff requests that each such document be produced. Defendant's Exhibit 13, request 15.

18. One week after Plaintiff served their second discovery requests, on August 23, 2017, Plaintiff served a third set of discovery requests. True and accurate copies of these records are filed herewith as Defendant's Exhibits 14, 15. Among other things, Plaintiff demands a listing and description of each document not produced under their May 8 request (Defendant's Exhibit 14, question 31) together with an accompanying document request to produce all such documents. Defendant's Exhibit 15, request 19.

19. To respond to these discovery requests, we would have to list and describe over 10,000 pages of records excluded to-date. We would also need to continue this listing and production for the potentially tens of thousands of records yet to be reviewed.

The facts set forth herein are based on my personal knowledge and are true to the best of my information, knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Barbara J. Wood
Barbara J. Wood

Subscribed and sworn before me, this 25 day of August, 2017

Notary Public Signature

Mark T Henley

My commission expires:

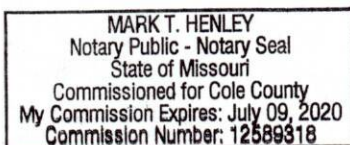
09 JUL 20

Notary Public Name

mark T Henley

County

Cole



Missouri Alliance for Freedom

Post Office Box 26777 • Kansas City, Missouri 64196 • www.missourifreedom.com

May 2, 2017

VIA E-MAIL AND REGULAR MAIL

Nicole Galloway
Missouri State Auditor
c/o Mark Henley, Custodian of Records
P.O. Box 869
Jefferson City, MO 65102
moaudit@auditor.mo.gov

RE: Sunshine Request re: Audit of Department of Revenue

Dear Auditor Galloway:

This is a request for records under the Missouri Sunshine Law, Chapter 610, RSMo.

I request that you make available to me all records relating to your audit of the Missouri Department of Revenue; specifically, your audit of the timeliness of the Department's issuance of tax refunds.

This request includes, but is not limited to, the following categories of records:

1. The subpoena you issued to the Department of Revenue on or about April 19, 2017;
2. All records relating to your decision to audit the timeliness of the Department's issuance of tax refunds;

This request includes, but is not limited to: records of communications; meetings; teleconferences; planning; and similar records.

3. All records of communication within the Office of the Auditor relating to the audit of the timeliness of income tax refunds;
4. All records of communication between or among the Office of the Auditor (including any agent thereof) and any other party or parties relating to the audit of the timeliness of tax refund issuance;

In addition, I ask that you provide all records of communications to or from Paul Harper from April 27, 2015 to the present. This request includes, but is not limited to, records relating to the audit of the Department of Revenue. This request includes communications within the Office of the Auditor and communications between and among Harper and other parties. This

request includes records of communications both during and prior to his current employment with the Office of the Auditor.

In addition, I ask that you provide all records of communications to or from Douglas Nelson from April 27, 2015 to the present. This request includes, but is not limited to, records relating to the audit of the Department of Revenue. This request includes communications within the Office of the Auditor and communications between and among Nelson and other parties. This request includes records of communications both during and prior to his current employment with the Office of the Auditor.

In the interest of transparency, I ask that you interpret this request, and all terms herein, as broadly as possible.

The types of records subject to this request include, but are not limited to, internal or external, paper or electronic, draft or final,

1. documents;
2. notes;
3. correspondence;
4. memoranda;
5. letters;
6. email;
7. faxes;
8. spreadsheets;
9. databases;
10. telephone call logs;
11. recordings or notes of telephone conversations;
12. recordings or notes of voicemails;
13. recordings, notes, minutes, or agenda of meetings;
14. text messages;
15. instant messages; and,
16. calendar entries;

sent, received, or maintained by the Office of the Auditor or any employee or agent thereof. Please produce all electronic data in its native format, preserving all metadata.

Please provide your response, and any responsive documents that are immediately available, within five (5) business days.

I respectfully request that you make your production on a rolling basis if necessary. If at least some records can be produced without objection or are clearly responsive, please produce those documents first.

The information I request will be used to inform the public about the way their government works and this request is in the public interest. I request that fees be waived.

If you are unwilling to waive fees, I respectfully request that materials be produced by the most cost-effective means possible, and that a cost estimate be provided prior to production.

Please send responses and communications regarding this request to the following address:

Missouri Alliance for Freedom
c/o Kristen Blanchard Ansley
Post Office Box 26777
Kansas City, Missouri 64196

If you deny any part of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If there are any portions of this request that you find objectionable for any reason, please notify me in writing of the objections immediately, identifying by date and subject what documents are covered by the objection, and the legal authority for the objection. Please consider each request separately, so that any objection to one request will not unnecessarily delay responses to the remainder of the requests.

Given your commitment to transparency in government, I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read 'KBA', with a long horizontal line extending to the right.

Kristen Blanchard Ansley
President
Missouri Alliance for Freedom



NICOLE GALLOWAY, CPA
Missouri State Auditor

May 5, 2017

Ms. Kristen Blanchard Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Dear Ms. Ansley:

On May 2, 2017, the State Auditor's Office received your sunshine law request in which you asked for records relating to the audit of the Missouri Department of Revenue, specifically the "audit of the timeliness of the Department's issuance of tax refunds." You also requested records of communications to or from Paul Harper and Doug Nelson.

As to your request for records relating to the audit of the Department of Revenue, I have attached a copy of the subpoena and a letter dated April 18, 2017. The remaining requested information is confidential under Sections 29.070, 29.200.17, 32.057, 610.021(14), and 610.021(17), RSMo.

Our office is in the process of reviewing the remainder of your request. Because of the scope of your request and that it covers approximately 2 years, we will provide you with an update of the status of your request no later than 30 days and will provide you with any responsive documents as we complete our review.

Should you have any questions, please feel free to contact me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Wood".

Barbara Wood
Senior Counsel

DEFENDANT'S EXHIBIT 2



NICOLE GALLOWAY, CPA
Missouri State Auditor

June 2, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On May 2, 2017, the State Auditor's Office received your sunshine law request in which you asked for records relating to the audit of the Missouri Department of Revenue and records of communications to or from Paul Harper and Doug Nelson. On May 5, 2017, I sent you a response providing you a copy of the documents responsive to your request relating to the Missouri Department of Revenue.

As to your remaining requests, I stated that we would provide you with an update of the status of the request in no later than 30 days. Because of the scope of your request and that it covers approximately 2 years, our office is in the process of reviewing your request. We will provide you with an update of the status of your request in no later than 60 days.

If you have any questions, please feel free to contact me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Wood".

Barbara Wood
Senior Counsel

BW/dd

DEFENDANT'S EXHIBIT 3



NICOLE GALLOWAY, CPA
Missouri State Auditor

August 1, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On May 2, 2017, the State Auditor's Office received your sunshine law request in which you asked for records relating to the audit of the Missouri Department of Revenue and records of communications to or from Paul Harper and Doug Nelson. On May 5, 2017, I sent you a response providing you with documents responsive to your request relating to the Missouri Department of Revenue.

Because of the scope of your request and that it covers approximately 2 years, our office notified you that we were in the process of reviewing your request. On June 2, 2017, I notified you that we would provide you with an update of the status of your request by August 1, 2017.

Your first request was regarding records relating to the audit of the Missouri Department of Revenue, "specifically [the Auditor's Office] audit of the timeliness of the Department's issuance of tax refunds." On May 5, 2017, our office provided you with a copy of documents responsive to your request except for the documents that are confidential under the statutes set forth in that letter. As subsequent communication has indicated that you intended your request to be broader than records with the parties related to the conduct of the audit, I have attached documents responsive to this expanded request. In addition, social media is not retained by our office. Social media, including tweets, are publicly available at <https://twitter.com/moauditornews>; <https://twitter.com/nicolergalloway>; and <https://facebook.com/mostateauditor>. Any additional responsive documents are confidential under sections 29.070, 29.200.17, 29.221, 32.057, 610.021(1), 610.021(14), and 610.021(17), RSMo.

As to your remaining request for records of communications to or from Paul Harper and Doug Nelson, I have attached 2914 pages of documents plus attachments dated April 27, 2015, through October 31, 2015. Any additional responsive documents during these dates are

DEFENDANT'S EXHIBIT 4

confidential under sections 29.070, 29.200.17, 29.221, 610.021(1), 610.021(13), 610.021(14), 610.021(17), and 610.021(21), RSMo, and 17 U.S.C.A. Section 102.

Because of the scope of your request and that it covers approximately 2 years requiring the review of thousands of pages, our office is in the process of reviewing the remainder of your request. We will provide you with an update of the status of your request no later than every 30 days and will provide you with any responsive documents as we complete our review. This continuing review should be completed no later than December 1, 2017.

If you have any questions, please feel free to contact me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Wood". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Barbara Wood
Senior Counsel

Missouri Alliance for Freedom

Post Office Box 26777 • Kansas City, Missouri 64196 • www.missourifreedom.com

May 8, 2017

VIA E-MAIL AND REGULAR MAIL

Nicole Galloway
Missouri State Auditor
c/o Mark Henley, Custodian of Records
P.O. Box 869
Jefferson City, MO 65102
moaudit@auditor.mo.gov

RE: Sunshine Request re: Audits of State Treasurer

Dear Auditor Galloway:

This is a request for records under the Missouri Sunshine Law, Chapter 610, RSMo.

I request that you make available to me records relating to your audit of the Missouri Office of State Treasurer ("Treasurer") for the year ending June 30, 2016 and relating to your closeout audit of the Treasurer for the period from July 1, 2016 to January 9, 2017. Specifically, I ask that you make available to me the records below:

1. All records relating to the Treasurer's management of Unclaimed Property, including but not limited to all records concerning fraud, scams, theft, or loss relating to Unclaimed Property.
2. Request number 1 includes, but is not limited to, all records of communication within the Office of the Auditor and any employee or agent thereof (including, but not limited to, Nicole Galloway, Paul Harper, Douglas Nelson, and Michael Moorefield) relating to the Treasurer's management of Unclaimed Property.
3. Request number 1 includes, but is not limited to, all records of communications between or among the Office of the Auditor and any employee or agent thereof (including, but not limited to, Nicole Galloway, Paul Harper, Douglas Nelson, and Michael Moorefield) and any other individual, organization (including but not limited to any news or press organization), or agency (including but not limited to the Treasurer or any employee or agent thereof) relating to the Treasurer's management of Unclaimed Property.

In the interest of transparency, I ask that you interpret this request, and all terms herein, as broadly as possible.

The types of records subject to this request include, but are not limited to, internal or external, paper or electronic, draft or final,

1. documents;
2. notes;
3. correspondence;
4. memoranda;
5. letters;
6. email;
7. faxes;
8. spreadsheets;
9. databases;
10. telephone call logs;
11. recordings or notes of telephone conversations;
12. recordings or notes of voicemails;
13. recordings, notes, minutes, or agenda of meetings;
14. text messages;
15. instant messages; and,
16. calendar entries;

sent, received, or maintained by the Office of the Auditor or any employee or agent thereof. Please produce all electronic data in its native format, preserving all metadata.

Please provide your response, and any responsive documents that are immediately available, within five (5) business days.

I respectfully request that you make your production on a rolling basis if necessary. If at least some records can be produced without objection or are clearly responsive, please produce those documents first.

The information I request will be used to inform the public about the way their government works and this request is in the public interest. I request that fees be waived.

If you are unwilling to waive fees, I respectfully request that materials be produced by the most cost-effective means possible, and that a cost estimate be provided prior to production.

Please send responses and communications regarding this request to the following address:

Missouri Alliance for Freedom
c/o Kristen Blanchard Ansley
Post Office Box 26777
Kansas City, Missouri 64196

If you deny any part of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If there are any portions of this request that you find objectionable for any reason, please notify me in writing of the objections immediately, identifying by date and subject what documents are covered by the objection, and the legal authority for the objection. Please

consider each request separately, so that any objection to one request will not unnecessarily delay responses to the remainder of the requests.

Given your commitment to transparency in government, I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to read 'KBA', with a long horizontal stroke extending to the right.

Kristen Blanchard Ansley
President
Missouri Alliance for Freedom



NICOLE GALLOWAY, CPA
Missouri State Auditor

May 12, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On May 9, 2017, the records custodian for the State Auditor's Office received your sunshine law request in which you asked for records relating to the audit of the Missouri Office of State Treasurer.

As to your request for records relating to the audit of the State Treasurer's office, I have attached a copy of the document responsive to your request. A copy of the audit is also available at <https://app.auditor.mo.gov/AuditReports/CitzSummary.aspx?id=555>. The remaining requested information is confidential under Sections 29.070, 29.200.17, 32.057, 610.021(14), and 610.021(17), RSMo.

Should you have any questions, please feel free to contact me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Wood".

Barbara Wood
Senior Counsel

DEFENDANT'S EXHIBIT 6

Missouri Alliance for Freedom

Post Office Box 26777 • Kansas City, Missouri 64196 • www.missourifreedom.com • showme@missourifreedom.com

May 26, 2017

VIA E-MAIL AND REGULAR MAIL

Nicole Galloway
Missouri State Auditor
c/o Mark Henley, Custodian of Records
P.O. Box 869
Jefferson City, MO 65102
moaudit@auditor.mo.gov

RE: Sunshine Request re: Auditor Communications

Dear Auditor Galloway:

This is a request for records under the Missouri Sunshine Law, Chapter 610, RSMo.

I request that you make available to me all records of communication you have sent or received while serving as Auditor.

In the interest of transparency, I ask that you interpret this request, and all terms herein, as broadly as possible.

The types of records subject to this request include, but are not limited to, internal or external, paper or electronic, draft or final,

1. documents;
2. notes;
3. correspondence;
4. memoranda;
5. letters;
6. email;
7. faxes;
8. spreadsheets;
9. databases;
10. telephone call logs;
11. recordings or notes of telephone conversations;
12. recordings or notes of voicemails;
13. recordings, notes, minutes, or agenda of meetings;
14. text messages;
15. instant messages; and,
16. calendar entries;

sent, received, or maintained by the Office of the Auditor or any employee or agent thereof. Please produce all electronic data in its native format, preserving all metadata.

Please provide your response, and any responsive documents that are immediately available, within five (5) business days.

I respectfully request that you make your production on a rolling basis if necessary. If at least some records can be produced without objection or are clearly responsive, please produce those documents first.

The information I request will be used to inform the public about the way their government works and this request is in the public interest. I request that fees be waived.

If you are unwilling to waive fees, I respectfully request that materials be produced by the most cost-effective means possible, and that a cost estimate be provided prior to production.

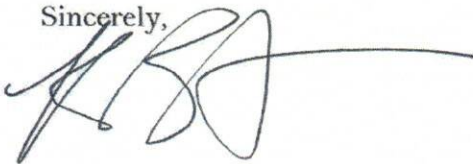
Please send responses and communications regarding this request to the following address:

Missouri Alliance for Freedom
c/o Kristen Blanchard Ansley
Post Office Box 26777
Kansas City, Missouri 64196

If you deny any part of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. If there are any portions of this request that you find objectionable for any reason, please notify me in writing of the objections immediately, identifying by date and subject what documents are covered by the objection, and the legal authority for the objection. Please provide a privilege log for all records you refuse to release as privileged or otherwise closed. Please consider each request separately, so that any objection to one request will not unnecessarily delay responses to the remainder of the requests.

Given your commitment to transparency in government, I look forward to your timely response.

Sincerely,

A handwritten signature in black ink, appearing to be 'KBA', with a long horizontal line extending to the right.

Kristen Blanchard Ansley
President
Missouri Alliance for Freedom



NICOLE GALLOWAY, CPA
Missouri State Auditor

June 1, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On May 26, 2017, the State Auditor's Office received your sunshine law request in which you asked for all records of communications that the State Auditor has sent or received while serving as Auditor. Audit reports and other records of communication sent by the State Auditor are available at <https://auditor.mo.gov/>.

Our office is in the process of reviewing the remainder of your request. Because of the scope of your request and that it covers approximately 2 years, we will provide you with an update of the status of your request in no later than 30 days and will provide you with any responsive documents as we complete our review.

If you have any questions, please feel free to call me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in blue ink, which appears to read "Barbara Wood", is positioned above the printed name.

Barbara Wood
Senior Counsel

DEFENDANT'S EXHIBIT 8



NICOLE GALLOWAY, CPA
Missouri State Auditor

June 30, 2017

Kristen Ansley
Missouri Alliance for Freedom
P.O. Box 26777
Kansas City, MO 64196

Re: Missouri Sunshine Law

Dear Ms. Ansley:

On May 26, 2017, the State Auditor's Office received your sunshine law request in which you asked for all records of communications that the State Auditor has sent or received while serving as Auditor. On June 1, 2017, I sent you a response providing you with a link to audit reports and other records of communication that are available on our website.

Our office is in the process of reviewing the remainder of your request. We are also processing your sunshine law request that our office received on May 2, 2017 regarding records of communication to or from Paul Harper and Doug Nelson. Because of the scope of each of your requests and that they cover approximately 2 years, we will provide you with an update of the status of your request in no later than 60 days and will provide you with any responsive documents as we complete our review.

If you have any questions, please feel free to call me at barbara.wood@auditor.mo.gov or at 573-751-4268.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Wood".

Barbara Wood
Senior Counsel

DEFENDANT'S EXHIBIT 9

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19th JUDICIAL CIRCUIT**

MISSOURI ALLIANCE)	
FOR FREEDOM, Inc.)	Case No. 17AC-CC00365
)	
Plaintiff,)	
)	
v.)	
)	
MISSOURI AUDITOR)	
NICOLE GALLOWAY)	
)	
Defendant.)	

**PLAINTIFF'S THIRD REQUESTS FOR PRODUCTION OF DOCUMENTS
TO DEFENDANT NICOLE GALLOWAY**

Plaintiff Missouri Alliance for Freedom, Inc. ("MAF") propounds the following requests for production of documents to Defendant Nicole Galloway. Responses should be provided within the time period prescribed by the Missouri Rules of Civil Procedure.

Definitions and Instructions

1. The terms "you" and "your" shall mean Defendant Nicole Galloway and each and every person acting or alleged to have acted on her behalf.

2. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And"

and "or" encompass both "and" and "or." Words in the masculine, feminine or neuter form shall include each of the other genders.

3. The term "documents" is used in the broad sense and includes, without limitation, the following items whether printed or recorded, reproduced by any mechanical, electronic or photographic process, or written or produced by hand, and shall include all drafts and copies of any such document (unless such copy is identical in every respect with the original or copy thereof produced), namely: agreements; communications, including newspaper or other periodical reports or articles; intracorporate communications; correspondence; telegrams; memoranda; records; books; summaries or records of telephone conversations; telephone logs; diaries; forecasts; financial statements; statistical statements; management letters; accountants' or clients' work papers; manuals; graphs; charts; accounts; analytical records; minutes or records of meetings or conferences; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; appraisals; reports or summaries of negotiations' brochures; pamphlets; circulars; trade letters; press releases; mag cards; telex files; teletype; contracts; notes; projections; marginal notations; photographs; drawings; specifications; securities ledgers or other records of original entry; checks, back and front; typed or stenographic transcripts or any testimony given at any legal or investigative proceeding; text messages, social media posts, messages, or

communications, drafts of any of the foregoing, if applicable; or other documents or writings of whatever description.

4. If any document responsive to these requests is withheld under a claim of privilege, furnish a list specifying each such document and setting forth the following information: (a) the date of the document; (b) a description of the subject matter of the document; (c) the name, address and identification by employment and title of each person who prepared, received, viewed and has or has had possession, custody or control of the document; (d) a statement of the basis upon which the privilege is claimed; and (e) the paragraph or paragraphs of these requests to which the document relates.

5. Where a requested document is destroyed, or alleged to have been destroyed, furnish a list specifying each such document and setting forth the following information: (a) the date of the document; (b) a description of the subject matter of the document; (c) the name, address and identification by employment and title of each person who prepared, received, viewed and has had possession, custody or control of the document; (d) the date of its destruction; (e) the reason for its destruction; (f) the identity of each person having knowledge of its destruction; and (g) the paragraph or paragraphs of these requests to which the document relates.

6. If a requested document exists in electronic format, produce that document in its native electronic format, preserving all metadata.

7. These requests for production are intended to be continuing in nature and must be supplemented as required by the Missouri Rules of Civil Procedure.

Requests for Production

16. Please produce all documents described in your response to Interrogatory 24.

RESPONSE:

17. Please produce all documents relating in any way to the process described in your response to Interrogatory 28.

RESPONSE:

18. Please produce all documents relating in any way to the process described in your response to Interrogatory 29.

RESPONSE:

19. Please produce all documents described in your response to Interrogatory 31.

RESPONSE:

20. Please produce all documents described in your response to Interrogatory
32.

RESPONSE:

21. Please produce all documents relating in any way to the process described
in your response to Interrogatory 38.

RESPONSE:

22. Please produce all documents relating in any way to the process described
in your response to Interrogatory 39.

RESPONSE:

23. Please produce all documents described in your response to Interrogatory
41.

RESPONSE:

24. Please produce all documents described in your response to Interrogatory
42.

RESPONSE:

25. Please produce all documents described in your response to Interrogatory
- 48.

RESPONSE:

26. Please produce all documents described in your response to Interrogatory
- 49.

RESPONSE:

Respectfully submitted this 23rd day of August, 2017.

GRAVES GARRETT, LLC



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*Attorneys for Missouri Alliance for
Freedom, Inc.*

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI
19th JUDICIAL CIRCUIT**

MISSOURI ALLIANCE)	
FOR FREEDOM, Inc.)	Case No. 17AC-CC00365
)	
Plaintiff,)	
)	
v.)	
)	
MISSOURI AUDITOR)	
NICOLE GALLOWAY)	
)	
Defendant.)	

**PLAINTIFF'S THIRD INTERROGATORIES
TO DEFENDANT NICOLE GALLOWAY**

Plaintiff Missouri Alliance for Freedom, Inc. ("MAF") propounds the following interrogatories to Defendant Nicole Galloway. Responses should be provided within the time period prescribed by the Missouri Rules of Civil Procedure.

Definitions and Instructions

1. The terms "you" and "your" shall mean Defendant Nicole Galloway and each and every person acting or alleged to have acted on her behalf.

2. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. "All" means "any and all"; "any" means "any and all." "Including" means "including but not limited to." "And" and "or" encompass both "and" and "or." Words in the masculine, feminine, or neuter form shall include each of the other genders.

3. The term "documents" is used in the broad sense and includes, without limitation, the following items whether printed or recorded, reproduced by any mechanical, electronic or photographic process, or written or produced by hand, and shall include all drafts and copies of any such document (unless such copy is identical in every respect with the original or copy thereof produced), namely: agreements; communications, including newspaper or other periodical reports or articles; intracorporate communications; correspondence; telegrams; memoranda; records; books; summaries or records of telephone conversations; telephone logs; diaries; forecasts; financial statements; statistical statements; management letters; accountants' or clients' work papers; manuals; graphs; charts; accounts; analytical records; minutes or records of meetings or conferences; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; appraisals; reports or summaries of negotiations' brochures; pamphlets; circulars; trade letters; press releases; mag cards; telex files; teletype; contracts; notes; projections; marginal notations; photographs; drawings; specifications; securities ledgers or other records of original entry; checks, back and front; typed or stenographic transcripts or any testimony given at any legal or investigative proceeding; text messages, social media posts, messages, or communications, drafts of any of the foregoing, if applicable; or other documents or writings of whatever description.

4. The terms "identify," "identity" or "identification," when used in reference to a natural person, require you to state the person's full name, last known address, home and business telephone number, and present business affiliation. When used in reference to a person other than a natural person, the terms "identify," "identity" or "identification," require you to describe the nature of such person (that is, whether it is a corporation, partnership, etc. under the definition of "person" (see below)), and to state that person's last known address and telephone number, and principal place of business. Once any person has been identified properly, it shall be sufficient thereafter when identifying that same person to state the name only.

5. The terms "identify," "identity," or "identification" as they relate to documents require you to state the date, the author (and, if different, the signor or signors), the addressee, and the type of document (e.g., letter, memorandum, telegram, chart, etc.). If any document was but is no longer in your possession or subject to your control, state what disposition was made of it, the reason for the disposition, and who currently has the document or whether it was destroyed. If the document is produced under this request, label the document so it appropriately corresponds to the interrogatory in response to which it is being produced. When used in relation to communications, the term "identify" incorporates the requirements for documents and also requires that you identify the participants in, time of, and substance of any oral or non-written communications.

6. The terms “person” and “persons” refer to all individuals, partnerships, associations, firms, companies, joint ventures, corporations, trusts, estates, governmental agencies, and any other entity.

7. The term “describe” requires you to explain in full and in detail all elements of the object of the description. Where the term “describe” applies to a process, procedure, or proceeding, you must reveal the process, procedure, or proceeding in full and in detail, including: all steps or elements of the process, procedure, or proceeding; the identity of any person or group of persons with decision making authority; the identity of any person or persons with fact-finding or advisory duties as part of the process, procedure, or proceeding; the source of any person or persons’ authority or duties as part of the process, procedure, or proceeding; the facts considered by the person or persons with decision making authority, fact-finding duties, or advisory duties as part of the process, procedure, or proceeding; the applicable rules, regulations, or other similar controlling authority relating to the process, procedure, or proceeding; and the identity of any documents relating in any way to the process, procedure, or proceeding.

8. If any answer is refused, in whole or in part, on the basis of a claim of privilege, state the ground of the privilege claimed, the general nature of the matter withheld (e.g., substance of a conversation, contents of a memoranda, etc.), the date of the

origination of the withheld information, the name of the originator, the names of all persons to whom the withheld information was distributed, shown or explained.

9. If you cannot answer an interrogatory in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

10. "Public business" means all matters which relate in any way to the performance of your duties as Auditor or your service as Auditor or to the performance of any employee or agent of the Office of the Auditor.

11. "Correspond" means to receive or to transmit communications of any kind.

12. "Responsive" with respect to a record and a request under Chapter 610, RSMo., means that the request, liberally construed, seeks production of the document, without regard to whether you believe the document is subject to closure on the basis of some claim of privilege or statutory exemption.

13. These interrogatories are intended to be continuing in nature and must be supplemented as required by the Missouri Rules of Civil Procedure.

Interrogatories

24. Please identify and describe all records responsive to MAF's May 2, 2017 request that meet the following criteria: (a) you have excluded them from your response

to MAF's May 2, 2017 request; and (b) you have not identified and described them in your response to Interrogatory 23.

RESPONSE:

25. Please state how many responsive records you have withheld from your response to MAF's May 2, 2017, request. This includes all records you refer to in Paragraph 22 of your Answer when you state that "such records that were denied to Plaintiff were not open public records and are protected from disclosure by law." It also includes all records identified in your response to Interrogatories 23 and 24.

RESPONSE:

26. Please state how many records you produced on or before July 21, 2017 in response to MAF's May 2, 2017 request.

RESPONSE:

27. Please state how many records you produced after July 21, 2017 in response to MAF's May 2, 2017 request.

RESPONSE: