

WILLIAM H. SORRELL
ATTORNEY GENERAL

SUSANNE R. YOUNG
DEPUTY ATTORNEY GENERAL

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

TEL: (802) 828-3171
FAX: (802) 828-3187
TTY: (802) 828-3665

<http://www.ago.vermont.gov>

April 5, 2016

Craig E. Richardson
Executive Director, E&E Legal
722 12th Street Northwest #400
Washington, DC 2005

RE: Certain records describing the Attorney General's Office's efforts
relating to RICO

Dear Mr. Richardson:

In response to your public records request of Thursday, March 31, 2016,
enclosed please find the documents you are seeking in the two (2) areas contained in
your request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael O. Duane", with a stylized flourish at the end.

Michael O. Duane
Senior Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001
(802) 828-3178
michael.duane@vermont.gov

Enclosures

Morgan, Wendy

From: Morgan, Wendy
Sent: Friday, March 18, 2016 6:06 PM
To: 'Michael Meade'
Subject: RE: Clean Power Plan and Exxon-Mobil

Great – Lhx

From: Michael Meade [mailto:Michael.Meade@ag.ny.gov]
Sent: Friday, March 18, 2016 5:43 PM
To: Kline, Scot <scot.kline@vermont.gov>; Morgan, Wendy <wendy.morgan@vermont.gov>
Cc: Brian Mahanna <Brian.Mahanna@ag.ny.gov>; Peter Washburn <Peter.Washburn@ag.ny.gov>; Damien LaVera <Damien.LaVera@ag.ny.gov>; Natalia Salgado <Natalia.Salgado@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Eric Soufer <Eric.Soufer@ag.ny.gov>; Daniel Lavoie <Daniel.Lavoie@ag.ny.gov>
Subject: RE: Clean Power Plan and Exxon-Mobil

AG Frosh from Maryland will also be joining. That's puts us at 6 AG's present for the press conference—and 13 states participating in the meetings.

Have a great weekend!

Mike

From: Michael Meade
Sent: Thursday, March 17, 2016 3:55 PM
To: 'Kline, Scot'; Morgan, Wendy
Cc: Brian Mahanna; Peter Washburn; Damien LaVera; Natalia Salgado; Lemuel Srolovic
Subject: RE: Clean Power Plan and Exxon-Mobil

I wanted to send around some additional thoughts regarding who may do what on 3/29. We can hopefully talk about this some more at 4:00.

Monday, March 28 (Optional)

6:00-8:00

Happy Hour with EPB and visiting AAG's

Attorneys General Climate Change Meeting

Date: March 29, 2016

Location: 120 Broadway, New York, NY

Schedule:

9:00 to 9:30 – Welcome (breakfast provided) <Lem Kicks off meeting and staff intros>

9:30 to 10:15 – Peter Frumhoff, Union of Concerned Scientists, presentation on imperative of taking action now on climate change (AGs and staff only) <Lem Introduces Peter>

10:15 to 10:30 – break

10:30 to 11:15 – Pawa Law office presentation regarding climate change litigation (AGs and staff only) <VT Introduces Pawa>

11:15 to 11:30 – break

11:30 am to 12:30 – press conference around AG climate change coalition's support of federal Clean Power plan and other climate change actions (Attending AGs) <Mike to coordinate—AG's participating, staff sitting in audience>

12:30 to 1:00 – lunch and follow-up from morning (lunch provided)

1:00 to 1:45 – NY AG office presentation regarding fossil fuel company disclosure investigations (AGs and staff only) <NY facilitates>

1:45 to 2:45 – closed working session (AGs and staff only) <VT & NY >

- Sharing of AG office activities
- Discussion of expanding coalition work beyond "EPA-practice," e.g., investigations of fossil fuel company disclosures, utility efforts to barrier renewables.

2:45 to 3:00 – break

3:00 to 4:30 – Continued--closed working session (AGs and staff only) <VT & NY>

- Continued discussion
- Coalition next steps

4:30 – end.

From: Kline, Scot [<mailto:scot.kline@vermont.gov>]

Sent: Tuesday, March 15, 2016 12:06 PM

To: Michael Meade; Morgan, Wendy

Cc: Brian Mahanna; Peter Washburn; Damien LaVera; Natalia Salgado; Lemuel Srolovic

Subject: RE: Clean Power Plan and Exxon-Mobil

Mike:

We are good with the new agenda. One item we should discuss more in our next call is the structuring of the afternoon discussion and who will facilitate it.

Thanks.

Scot

From: Michael Meade [<mailto:Michael.Meade@ag.ny.gov>]

Sent: Monday, March 14, 2016 5:18 PM

To: Morgan, Wendy <wendy.morgan@vermont.gov>; Kline, Scot <scot.kline@vermont.gov>
Cc: Brian Mahanna <Brian.Mahanna@ag.ny.gov>; Peter Washburn <Peter.Washburn@ag.ny.gov>; Damien LaVera <Damien.LaVera@ag.ny.gov>; Natalia Salgado <Natalia.Salgado@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>
Subject: RE: Clean Power Plan and Exxon-Mobil

I made the changes you suggested below. If it looks okay to this group, we can circulate tomorrow.

Draft Schedule for Attorneys General Climate Change Meeting

Date: March 29, 2016

Location: 120 Broadway, New York, NY

Schedule:

9:00 to 9:30 – Welcome (breakfast provided)

9:30 to 10:15 – Peter Frumhoff, Union of Concerned Scientists, presentation on imperative of taking action now on climate change (AGs and staff only)

10:15 to 10:30 – break

10:30 to 11:15 – Pawa Law office presentation regarding climate change litigation (AGs and staff only)

11:15 to 11:30 – break

11:30 am to 12:30 – press conference around AG climate change coalition's support of federal Clean Power plan and other climate change actions (Attending AGs)

12:30 to 1:00 – lunch and follow-up from morning (lunch provided)

1:00 to 1:45 – NY AG office presentation regarding fossil fuel company disclosure investigations (AGs and staff only)

1:45 to 2:45 – closed working session (AGs and staff only)

- Sharing of AG office activities
- Discussion of expanding coalition work beyond "EPA-practice," e.g., investigations of fossil fuel company disclosures, utility efforts to barrier renewables.

2:45 to 3:00 – break

3:00 to 4:30 – Continued--closed working session (AGs and staff only)

- Continued discussion
- Coalition next steps

4:30 – end.

From: Morgan, Wendy [<mailto:wendy.morgan@vermont.gov>]
Sent: Friday, March 11, 2016 9:33 AM
To: Michael Meade; Kline, Scot
Cc: Brian Mahanna; Peter Washburn; Damien LaVera; Natalia Salgado; Lemuel Srolovic
Subject: RE: Clean Power Plan and Exxon-Mobil

Thanks! I like the clarity on who is invited to what

My two thoughts are:

11:30 am to 12:30 noon – is a little ambiguous do you mean 1230pm?

I also wonder about the afternoon break – I'd put NY and start the staff discussion and have a break closer to 245 – that also allows us to divide the discussion into parts more easily (keep us on track) -- maybe identifying those parts should be our next Thursday agenda item?

Have a good weekend – Wendy

From: Michael Meade [<mailto:Michael.Meade@ag.ny.gov>]
Sent: Thursday, March 10, 2016 5:27 PM
To: Kline, Scot <scot.kline@vermont.gov>; Morgan, Wendy <wendy.morgan@vermont.gov>
Cc: Brian Mahanna <Brian.Mahanna@ag.ny.gov>; Peter Washburn <Peter.Washburn@ag.ny.gov>; Damien LaVera <Damien.LaVera@ag.ny.gov>; Natalia Salgado <Natalia.Salgado@ag.ny.gov>; Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>
Subject: RE: Clean Power Plan and Exxon-Mobil

Wendy and Scott—

Here's our latest agenda. If you are okay with it, then we'll start sharing with other offices.

Best,
Mike

Draft Schedule for Attorneys General Climate Change Meeting

Date: March 29, 2016

Location: 120 Broadway, New York, NY

Schedule:

9:00 to 9:30 – Welcome (breakfast provided)

9:30 to 10:15 – Peter Frumhoff, Union of Concerned Scientists, presentation on imperative of taking action now on climate change (AGs and staff only)

10:15 to 10:30 – break

10:30 to 11:15 – Pawa Law office presentation regarding climate change litigation (AGs and staff only)

11:15 to 11:30 – break

11:30 am to 12:30 – press conference around AG climate change coalition's support of federal Clean Power plan and other climate change actions (Attending AGs)

12:30 to 1:00 – lunch and follow-up from morning (lunch provided)

1:00 to 1:45 – NY AG office presentation regarding fossil fuel company disclosure investigations (AGs and staff only)

1:45 to 2:45 – closed working session (AGs and staff only)

- Sharing of AG office activities
- Discussion of expanding coalition work beyond “EPA-practice,” e.g., investigations of fossil fuel company disclosures, utility efforts to barrier renewables.

2:45 to 3:00 – break

3:00 to 4:30 – Continued--closed working session (AGs and staff only)

- Continued discussion
- Coalition next steps

4:30 – end.

From: Lemuel Srolovic

Sent: Thursday, February 25, 2016 10:22 AM

To: 'Kline, Scot'; Morgan, Wendy

Cc: Brian Mahanna; Michael Meade; Peter Washburn; Damien LaVera; Natalia Salgado

Subject: RE: Clean Power Plan and Exxon-Mobil

Scot and Wendy – Looking forward to our conversation at 11. Here's our initial thinking about the schedule for the event.

Draft Schedule for Attorneys General Climate Change Meeting at NY AG's Office

Date: On or about April 1, 2016

Location: 120 Broadway, New York, NY

Schedule:

11 am to 12 noon – press conference around AG climate change coalition's support of federal Clean Power plan and other climate change actions

12 noon to 1:30 – follow-on media time and lunch

1:30 to 2:15 – NY AG office presentation regarding fossil fuel company investigations (AGs and staff only)

2:15 to 2:30 – break

2:30 to 3:15 – Pawa Law office presentation regarding climate change litigation (AGs and staff only)

3:15 to 3:30 – break

3:30 to 4:30 – closed session AG office discussion

4:30 – end.

From: Kline, Scot [<mailto:scot.kline@vermont.gov>]
Sent: Tuesday, February 23, 2016 3:40 PM
To: Lemuel Srolovic
Cc: Morgan, Wendy; Brian Mahanna; Tasha L. Bartlett
Subject: RE: Clean Power Plan and Exxon-Mobil

Lem:

Wendy has developed a conflict for the Thursday call at 11:30. We are wondering whether you and Brian can do the call earlier that morning – 11 or earlier?

Thanks.

Scot

From: Lemuel Srolovic [<mailto:Lemuel.Srolovic@ag.ny.gov>]
Sent: Thursday, February 18, 2016 10:04 PM
To: Kline, Scot <scot.kline@vermont.gov>
Cc: Morgan, Wendy <wendy.morgan@vermont.gov>; Brian Mahanna <Brian.Mahanna@ag.ny.gov>; Tasha L. Bartlett <Tasha.Bartlett@ag.ny.gov>
Subject: Re: Clean Power Plan and Exxon-Mobil

Scot -- thanks for update. We'll draft possible run of conference day. Look forward to our next conversation. Lem

Sent from my iPhone

On Feb 18, 2016, at 3:42 PM, Kline, Scot <scot.kline@vermont.gov> wrote:

Lem and Brian:

Wendy and I connected with our AG. He thinks what we talked about today makes sense. We are good with doing the event in NY. Bill recalled that the videotaping for individual AG's was done by AARP at an event. So that was not a regular press event. Sounds like a more traditional press event might be more in line with our event.

If you can get us a preliminary draft of the conference day, that would be helpful. Also, maybe we can target some possible dates for the event in next week's call.

Thanks.

Scot

From: Lemuel Srolovic [<mailto:Lemuel.Srolovic@ag.ny.gov>]
Sent: Wednesday, February 17, 2016 10:13 AM
To: Kline, Scot <scot.kline@vermont.gov>; Morgan, Wendy <wendy.morgan@vermont.gov>
Cc: Brian Mahanna <Brian.Mahanna@ag.ny.gov>; Tasha L. Bartlett <Tasha.Bartlett@ag.ny.gov>
Subject: RE: We Need to Reschedule This Afternoon's Conversation

Excellent! Please call Brian Mahanna's line at 212-416-8579. Speak with you tomorrow, Lem

From: Kline, Scot [<mailto:scot.kline@vermont.gov>]
Sent: Wednesday, February 17, 2016 8:35 AM
To: Lemuel Srolovic; Morgan, Wendy
Subject: RE: We Need to Reschedule This Afternoon's Conversation

Lem:

Thursday from 2-3 works on this end.

Should we call you? If so, let me know what number.

Thanks.

Scot

From: Lemuel Srolovic [<mailto:Lemuel.Srolovic@ag.ny.gov>]
Sent: Tuesday, February 16, 2016 6:34 PM
To: Kline, Scot <scot.kline@vermont.gov>; Morgan, Wendy <wendy.morgan@vermont.gov>
Subject: RE: We Need to Reschedule This Afternoon's Conversation

Scot and Wendy – wow, for us working this school vacation week here in NYS, it's a bit crazy!

Our deputy chief of staff is now tied up tomorrow at 4. Here's what he and I have free:

Tomorrow at 5:30

Thursday 2-3

Friday before 11.

Hopefully one of these works for you two.

Sorry this is proving to be hard to land.

Lem

From: Kline, Scot [<mailto:scot.kline@vermont.gov>]
Sent: Tuesday, February 16, 2016 4:54 PM
To: Morgan, Wendy
Cc: Lemuel Srolovic
Subject: Re: We Need to Reschedule This Afternoon's Conversation

Okay here.

Sent from my iPhone

On Feb 16, 2016, at 4:52 PM, Morgan, Wendy <wendy.morgan@vermont.gov> wrote:

I can make it work for me.

From: Lemuel Srolovic [<mailto:Lemuel.Srolovic@ag.ny.gov>]
Sent: Tuesday, February 16, 2016 4:48 PM
To: Kline, Scot <scot.kline@vermont.gov>
Cc: Morgan, Wendy <wendy.morgan@vermont.gov>
Subject: RE: We Need to Reschedule This Afternoon's Conversation

Hi Scot and Wendy -- sorry I missed the e-mail regarding today at 4? Does tomorrow at 4 still work for you? Regards, Lem

From: Kline, Scot [<mailto:scot.kline@vermont.gov>]
Sent: Tuesday, February 16, 2016 3:25 PM
To: Lemuel Srolovic
Cc: Morgan, Wendy
Subject: Re: We Need to Reschedule This Afternoon's Conversation

Lcm:

Are we on for a call at 4 today? Thanks.
Scot

Sent from my iPhone

On Feb 15, 2016, at 4:25 PM, Kline, Scot <scot.kline@vermont.gov> wrote:

Lem: Let's try for tomorrow at 4. We may need a call in number if the weather is bad as expected here -- Wendy and I may be calling in from different locations.
Thanks. Scot

Sent from my iPhone

On Feb 13, 2016, at 7:20 AM, Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov> wrote:

Scot -- we can do either Tue or Wed at 4. Preference?

I have a good weekend. Winter now for sure!

Lem

Sent from my iPhone

On Feb 9, 2016, at 2:24 PM, Kline, Scot
<scot.kline@vermont.gov> wrote:

Lem:

No problem. Let's shoot for Tuesday or Wednesday of this coming week. Tuesday morning until 10 or late afternoon (4 p.m. on) or Wednesday from 4 on, should work here. Wendy's schedule is a bit up in the air because of legislative work.

Just so you know, we circled back with our AG and the thought on this end is for something scaled down and focused more on Exxon-Mobil without a lot of publicity. Maybe an invite or two to the outside for a presentation. It would be an opportunity for states to hear about Exxon-Mobil and your efforts, and explore whether there is interest in doing something together as a group or supporting you in whatever way makes sense.

Please let us know if one of the above times works for you. If not, please suggest some others.

Thanks.

Scot

From: Lemuel Srolovic
<<mailto:Lemuel.Srolovic@ag.ny.gov>>
Sent: Tuesday, February 09, 2016 1:10 PM
To: Kline, Scot
<scot.kline@vermont.gov>
Subject: We Need to Reschedule This Afternoon's Conversation

Scot (and Wendy) -- sorry for late notice but we need to re-schedule this afternoon's group call. Something's come up today that's engaging our exec folks.

Could we re-schedule to Tue/Wed. of next week? We're working on framing and substance and want to keep the ball moving forward.

Sorry again for inconvenience,

Lem

Lemuel M. Srolovic
Bureau Chief
Environmental Protection
Bureau
New York State Attorney
General
212-416-8448 (o)
917-621-6174 (m)
lemuel.srolovic@ag.ny.gov

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Kline, Scot

From: Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>
Sent: Monday, March 21, 2016 10:53 AM
To: Kline, Scot
Subject: Calls with Pawa and Frumhoff

Scot - I spoke with Matt briefly on Friday. He said tomorrow or Wed. is good for him to talk with us re his presentation on the 29th. Thought I try to set up both conversations on the same day. Do you have availability tomorrow/Wed? Thanks, Lem

Lemuel M. Srolovic
Bureau Chief
Environmental Protection Bureau
New York State Attorney General
212-416-8448 (o)
917-621-6174 (m)
lemuel.srolovic@ag.ny.gov

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Kline, Scot

From: Kline, Scot
Sent: Monday, March 21, 2016 11:11 AM
To: 'Lemuel Srolovic'
Subject: RE: Calls with Pawa and Frumhoff

Lem:

Any time on Wednesday except for 9:30- 11 is open.

Thanks.

Scot

From: Lemuel Srolovic [mailto:Lemuel.Srolovic@ag.ny.gov]
Sent: Monday, March 21, 2016 10:53 AM
To: Kline, Scot <scot.kline@vermont.gov>
Subject: Calls with Pawa and Frumhoff

Scot - I spoke with Matt briefly on Friday. He said tomorrow or Wed. is good for him to talk with us re his presentation on the 29th. Thought I try to set up both conversations on the same day. Do you have availability tomorrow/Wed? Thanks, Lem

Lemuel M. Srolovic
Bureau Chief
Environmental Protection Bureau
New York State Attorney General
212-416-8448 (o)
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lemuel.srolovic@ag.ny.gov

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Kline, Scot

From: Peter Frumhoff <Pfrumhoff@ucsusa.org>
Sent: Monday, March 21, 2016 6:27 PM
To: Lemuel Srolovic
Cc: Kline, Scot
Subject: Re: Telephone Conversation re Climate Change Discussion on 3/29

Wed 12-1 would work well.

Look forward to talking then.

All best,

Peter

Sent from my iPhone

On Mar 21, 2016, at 5:39 PM, Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov> wrote:

Peter – could you speak with Scot Kline (VT AG's office) and I this Wednesday afternoon in the noon-2 or 3-5 time frames? If yes, I'll send a calendar invite. Thanks, Lem

Lemuel M. Srolovic
Bureau Chief
Environmental Protection Bureau
New York State Attorney General
212-416-8448 (o)
917-621-6174 (m)
lemuel.srolovic@ag.ny.gov

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Kline, Scot

From: Matt Pawa <mp@pawalaw.com>
Sent: Monday, March 21, 2016 10:27 PM
To: Lemuel Srolovic
Cc: Kline, Scot
Subject: Re: Telephone Conversation re Climate Change Discussion on 3/29

Yes. 3 to 5 is better for me. Thanks

Matt Pawa
Pawa Law Group, P.C.
1280 Centre Street, Suite 230
Newton Centre, MA 02459
(617) 641-9550
(617) 641-9551 facsimile
www.pawalaw.com

On Mar 21, 2016, at 5:57 PM, Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov> wrote:

Matt – could you speak with Scot and I this Wednesday afternoon in the noon-2 or 3-5 time frames? If yes, I'll send a calendar invite. Thanks, Lem

Lemuel M. Srolovic
Bureau Chief
Environmental Protection Bureau
New York State Attorney General
212-416-8448 (o)
917-621-6174 (m)
lemuel.srolovic@ag.ny.gov

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Kline, Scot

From: Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>
Sent: Monday, March 21, 2016 2:58 PM
To: Morgan, Wendy; Michael Meade ; Brian Mahanna; Peter Washburn; Damien LaVera; Natalia Salgado
Cc: Kline, Scot
Subject: RE: Climate Change Meeting -- survey

Thanks, Wendy. We changed a bit and will send out asap.

We are looking forward to your participation at the Climate Change Meeting on March 29 in New York City.

In order to plan for a productive working session in the afternoon, we ask you to please answer the following questions *no later than EOB Wednesday, March 23* to Lemuel.Srolovic@ag.ny.gov and Peter.Washburn@ag.ny.gov.

- (1) What do you hope to get or learn during the afternoon? We want to make sure we cover what we can of your particular interests.
- (2) Please provide a very brief description of the office activities you will describe at the 1:45 segment of the agenda. We'd like to group related activities together. You will have 2-3 minutes to describe your activities.
- (3) Specific items you would like to discuss in the discussion of expanding the coalition's work beyond the federal/EPA advocacy and litigation.
- (4) Will any consumer protection or securities staff be participating? Fossil fuel company disclosure investigations raise consumer protection and securities issues as well as climate change. If enough folks from that part of your offices are participating, we could plan a break out session for them.
- (5) Any other thoughts about the afternoon's working session?

From: Morgan, Wendy [mailto:wendy.morgan@vermont.gov]
Sent: Friday, March 18, 2016 12:11 PM
To: Michael Meade ; Brian Mahanna; Peter Washburn; Damien LaVera; Natalia Salgado; Lemuel Srolovic
Cc: Kline, Scot
Subject: Climate Change Meeting -- survey

Change as you see fit – Wendy and Scot

BTW if we want to have two topics in the 1:45-2:45 segment, and 14 states are represented, they will have 2-3 minutes to describe their activities which I noted below – does that work? Does NY need the full 45 minutes before that? -- Wendy

We are looking forward to your participation at the Climate Change Meeting on March 29 in New York City.

In order to plan for a productive working session in the afternoon, please answer the following questions *no later than EOB Wednesday, March 23* to XXXXX.

- (1) Please provide a very brief description of the office activities you will describe at the 1:45 segment of the agenda. We'd like to group related activities together. You will have 2-3 minutes to describe your activities.
- (2) What do you hope to get or learn during the afternoon? We want to make sure we cover what we can of your particular interests.
- (3) Will any consumer protection or securities staff be participating? The Exxon/Mobil presentation raises consumer protection and securities issues as well as climate change. If enough folks from that part of your offices are participating, we could plan a break out session for them.
- (4) Any other thoughts about the afternoon's working session?

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Kline, Scot

From: Michael Meade <Michael.Meade@ag.ny.gov>
Sent: Monday, March 21, 2016 2:59 PM
To: Kline, Scot; Morgan, Wendy
Cc: Lemuel Srolovic; Peter Washburn; Eric Soufer; Damien LaVera; Daniel Lavoie; Natalia Salgado; Brian Mahanna
Subject: Climate Change Coalition

Wendy and Scott,

Below are the broad goals and principles that we'd like to lay out as part of the coalition announcement next week. The filing of the brief and the defense of the EPA regs will highlight these principles. Let us know if you have any thoughts or edits to this. If it looks okay to you, I'll forward this around to the other offices when we have a draft release ready to go out. I'll also be asking the offices to contribute a quote from their respective AG's for the press release.

Let me know if you have any questions or comments.

Mike

Climate Coalition of Attorneys General

Principles:

- **Climate Change is Real**

The evidence that global temperatures have been rising over the last century-plus is unequivocal.

- **Climate Change Pollution Is The Primary Driver**

Natural forces do not explain the observed global warming trend.

- **People Are Being Harmed**

Climate change represents a clear and present danger to public health, safety, our environment and our economy -- now and in the future.

- **Immediate Action Is Necessary**

Climate change -- and its impacts -- is worsening. We must act now to reduce emissions of climate change pollution to minimize its harm to people now and in the future.

Pledge:

We pledge to work together to fully enforce the State and federal laws that require progressive action on climate change and that prohibit false and misleading statements to the public, consumers and investors regarding climate change.

- **Support Progressive Federal Action; Act Against Federal Inaction**

Support the federal government when it takes progressive action to address climate change, and press the federal government when it fails to take necessary action.

- **Support State and Regional Action**

Provide legal support to progressive state and regional actions that address climate change, supporting states in their traditional role as laboratories of innovation.

- **Defend Progress**

Serve as a backstop against efforts to impede or roll-back progress on addressing climate change.

- **Support Transparency And Disclosure**

Ensure that legally-required disclosures of the impacts of climate change are fully and fairly communicated to the public.

- **Engage The Public**

Raise public awareness regarding the impacts to public health, safety, our environment and our economy caused by climate change.

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Kline, Scot

From: Michael Meade <Michael.Meade@ag.ny.gov>
Sent: Tuesday, March 22, 2016 4:51 PM
To: Kline, Scot; Morgan, Wendy
Cc: Lemuel Srolovic; Peter Washburn; Eric Soufer; Damien LaVera; Daniel Lavoie; Natalia Salgado; Brian Mahanna
Subject: RE: Climate Change Coalition

A couple of updates to report back to the group. First, after a follow up conversation with our AG, Al Gore will now be joining us for part of the day on 3/29. This will certainly add a little star power to the announcement!

We will also be joined by MA AG Healey, which will bring our total number of AG's to a grand total of 7. I'm waiting to hear back from New Mexico, which is our possible 8th Attorney General. On the staff side, a total of 16 states (including DC and USVI) will be joining us for the meetings.

From: Kline, Scot [mailto:scot.kline@vermont.gov]
Sent: Tuesday, March 22, 2016 11:41 AM
To: Michael Meade; Morgan, Wendy
Cc: Lemuel Srolovic; Peter Washburn; Eric Soufer; Damien LaVera; Daniel Lavoie; Natalia Salgado; Brian Mahanna
Subject: RE: Climate Change Coalition

Mike:

Looks good. One suggestion. We are thinking that use of the term "progressive" in the pledge might alienate some. How about "affirmative," "aggressive," "forceful" or something similar?

Thanks.

Scot

From: Michael Meade [mailto:Michael.Meade@ag.ny.gov]
Sent: Monday, March 21, 2016 2:59 PM
To: Kline, Scot <scot.kline@vermont.gov>; Morgan, Wendy <wendy.morgan@vermont.gov>
Cc: Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>; Peter Washburn <Peter.Washburn@ag.ny.gov>; Eric Soufer <Eric.Soufer@ag.ny.gov>; Damien LaVera <Damien.LaVera@ag.ny.gov>; Daniel Lavoie <Daniel.Lavoie@ag.ny.gov>; Natalia Salgado <Natalia.Salgado@ag.ny.gov>; Brian Mahanna <Brian.Mahanna@ag.ny.gov>
Subject: Climate Change Coalition

Wendy and Scott,

Below are the broad goals and principles that we'd like to lay out as part of the coalition announcement next week. The filing of the brief and the defense of the EPA regs will highlight these principles. Let us know if you have any thoughts or edits to this. If it looks okay to you, I'll forward this around to the other offices when we have a draft release ready to go out. I'll also be asking the offices to contribute a quote from their respective AG's for the press release.

Let me know if you have any questions or comments.

Climate Coalition of Attorneys General

Principles:

- **Climate Change is Real**

The evidence that global temperatures have been rising over the last century-plus is unequivocal.

- **Climate Change Pollution Is The Primary Driver**

Natural forces do not explain the observed global warming trend.

- **People Are Being Harmed**

Climate change represents a clear and present danger to public health, safety, our environment and our economy -- now and in the future.

- **Immediate Action Is Necessary**

Climate change -- and its impacts -- is worsening. We must act now to reduce emissions of climate change pollution to minimize its harm to people now and in the future.

Pledge:

We pledge to work together to fully enforce the State and federal laws that require progressive action on climate change and that prohibit false and misleading statements to the public, consumers and investors regarding climate change.

- **Support Progressive Federal Action; Act Against Federal Inaction**

Support the federal government when it takes progressive action to address climate change, and press the federal government when it fails to take necessary action.

- **Support State and Regional Action**

Provide legal support to progressive state and regional actions that address climate change, supporting states in their traditional role as laboratories of innovation.

- **Defend Progress**

Serve as a backstop against efforts to impede or roll-back progress on addressing climate change.

- **Support Transparency And Disclosure**

Ensure that legally-required disclosures of the impacts of climate change are fully and fairly communicated to the public.

- **Engage The Public**

Raise public awareness regarding the impacts to public health, safety, our environment and our economy caused by climate change.

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Kline, Scot

From: Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>
Sent: Thursday, March 24, 2016 9:04 AM
To: Kline, Scot
Cc: Morgan, Wendy; Matt Pawa
Subject: RE: Conference

Thanks, Scot. We are too.

-----Original Message-----

From: Kline, Scot [mailto:scot.kline@vermont.gov]
Sent: Thursday, March 24, 2016 8:18 AM
To: Lemuel Srolovic
Cc: Morgan, Wendy; Matt Pawa
Subject: Conference

We are fine with having Sharon Eubanks with Matt. Thanks.

Sent from my iPhone

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Kline, Scot

From: Peter Washburn <Peter.Washburn@ag.ny.gov>
Sent: Friday, March 25, 2016 11:49 AM
To: Lemuel Srolovic; Kline, Scot; Morgan, Wendy
Cc: Michael Meade
Subject: Afternoon Discussion: State Responses
Attachments: Question Responses.docx

Wendy, Scot, Lem –

For this afternoon's discussion. See attached responses received from participating states re: what they are looking to add to/get out of the afternoon discussion.

As an overall summary, the responses demonstrate a strong desire among the states to learn what each other are up to -- a validation of the value of this meeting -- as well as to support and sustain coordination on individual and collective efforts into the future -- a validation of the value of a coalition.

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Attorneys General Climate Change Coalition

Questionnaire Responses

(1) What do you hope to get or learn during the afternoon? We want to make sure we cover what we can of your particular interests.

CT (Matthew Levine) – I hope to learn more about the substance of the disclosure investigation and the legal theories to support taking any action. It would also be helpful to understand the magnitude of such an action and the resources available to undertake it.

DC (Elizabeth Wilkins) – I am interested in hearing generally what other states are doing on climate change-related efforts and, in particular, in how they've staffed these efforts if they do not have a section dedicated to environmental issues.

IL (James Gignac) – Nothing more specific than what the agenda items are designed to draw out (discussion of coordination, possible new initiatives, etc.).

MA (Melissa Hoffer) – We'd like to learn the status of other states' investigations/plans and potential avenues for information sharing and coordination.

ME (Jerry Reid) – I am interested in learning more about potentially unfair and deceptive trade practices of Exxon as they relate to global warming, and the level of interest among our states in pursuing these claims.

OR (Paul Garrahan) – We look forward to learning about NY's oil company investigation, primarily. And to hear any other ideas you and other states may have. And to build our working relationship.

RI (Greg Schultz) – I am most interested in personally meeting the various state AAGs that I have worked with since 2009 on Clean Air Act and Climate Change issues. I would also be interested in looking ahead to our challenges for this year and beyond, such as possible other EPA-related actions and rulemaking, etc.

USVI (Claude Earl Walker) – We are eager to hear what other attorneys general are doing and find concrete ways to work together on litigation to increase our leverage.

VA (Daniel Rhodes) – We are mostly interested in hearing about efforts ongoing in the other jurisdictions present and how Virginia may complement those efforts and move forward here.

WA (Laura Watson) – We are interested in the discussion about utility efforts to barrier renewables. I am told that this has not been a problem in our state, or at least not a problem that we currently have the tools to address. I am interested in hearing what types of issues other states are seeing and what tools they are using to address those.

We are also interested in finding out whether other states are taking action on ocean acidification or whether this is largely a West Coast issue at this point.

We are also wondering whether other states are looking at the insurance side of things. Are states running into issues with insurance companies limiting coverage for climate-related claims?

(2) Please provide a very brief description of the office activities you will describe at the 1:45 segment of the agenda. We'd like to group related activities together. You will have 2-3 minutes to describe your activities.

CT (Matthew Levine) – I can briefly describe the various legal actions that Connecticut has participated in (many of which we have joined with New York and the extended coalition of States). I can also discuss Connecticut's extensive efforts to combat climate change through actions by our agency and shifting to renewable sources of energy. We have been successful in defending several legal challenges to the State's commitment to increase renewables sources of energy.

DC (Elizabeth Wilkins) – DC has not previously taken many affirmative steps to combat climate change. To the degree that we have had any involvement, it has been because we represent our Department of Energy and Environment in front of our Public Service Commission on matters related to creating incentives for more widespread use of sustainable energy.

IL (James Gignac) – Climate and energy-related activities of the Illinois Attorney General's Office include:

- Participation in federal multi-state cases involving air quality and carbon emissions;
- Enforcement actions and state regulatory matters involving coal-burning power plant emissions and coal ash;
- FERC and MISO issues involving capacity payments to coal plants;
- Financial challenges of coal industry (both mining and power sectors);
- Involvement in state level policy and regulations on energy efficiency, renewables, and utility business models

MA (Melissa Hoffer) – Advancing clean energy and making smart energy infrastructure investments (addresses our positions on new gas pipelines, LTKs for cleaner energy); promoting utility customer choice (solar incentives, grid mod); readiness and resilience (storm response, grid mod).

ME (Jerry Reid) – Maine has long participated with New York, Massachusetts and other like-minded states in litigation to bring about meaningful federal regulation of greenhouse gas emissions. Today this is primarily in the form of litigation supporting EPA in challenges to the Clean Power Plan.

OR (Paul Garrahan) – I assume this item is asking what work out offices are doing on climate change issues? Other than our CAA litigation with other states, we are also defending Oregon's Clean Fuels Program (low carbon fuel standards) at the 9th Circuit (after successfully getting the challenge dismissed by the district court) and at the Oregon Court of Appeals (rule making challenge). We also continue to defend the state in a public trust doctrine case asserting that the state has not taken sufficient steps to cut GHG emissions. That case is also currently at the Oregon Court of Appeals (for a second time).

RI (Greg Schultz) – I'm not sure exactly what you are looking for here. Perhaps I could discuss the challenges of working in a small state with limited environmental staff. For instance, as part of a 3-person Environmental and Land Use Unit within the RIAG's office, I prosecute a wide variety of civil environmental enforcement actions in state court; defend state agencies on environmental and related matters; litigate state's rights in land, including public rights-of-way, beaches and parks; counsel state agencies on environmental matters, including rulemaking; represent the State in multi-state environmental litigation, etc.

USVI (Claude Earl Walker) – We just finished litigation against Hess Oil over an enforcement matter relating to Hess's decision to close its oil refinery in St. Croix, Virgin Islands, after receiving billions of dollars in tax breaks. As part of our \$800 million settlement, we were able to create an environmental response trust that will deal with clean-up of the site and help convert part of it to solar development, we hope. We also have issued a subpoena to ExxonMobil and are preparing third party subpoenas on the common issue of its potential misrepresentations regarding its knowledge of climate change.

VA (Daniel Rhodes) – No response.

WA (Laura Watson) – As you know, Washington State is one of the parties to the multi-state litigation defending the Clean Power Plan. We have also intervened in a lawsuit in defense of Oregon's low carbon fuel standard. We are looking at possible causes of action based on fossil fuel company disclosures and have just started looking at possible common law causes of action (e.g., nuisance suits). Other than that, the bulk of our climate work consists of providing legal support to our clients in the Governor's Office and the Department of Ecology. Specifically, we are supporting a regulatory effort to cap carbon emissions from transportation fuels, natural gas, and stationary sources. We are also providing legal support related to the development of environmental impact statements for two large coal export facilities proposed in Washington and three proposed oil terminals.

(3) Specific items you would like to discuss in the discussion of expanding the coalition's work beyond the federal/EPA advocacy and litigation.

CT (Matthew Levine) – None.

DC (Elizabeth Wilkins) – Nothing to add – DC will most likely be primarily in listening mode as this work is new for us.

IL (James Gignac) – Consider how to increase our office's coordination on matters involving DOE, FERC, and ISOs/RTOs. How we can better link the consumer and environmental interests of our offices in these venues? Similarly, regarding state energy and climate policies, can we strengthen or bolster our office's sharing of knowledge, materials, experts, etc. on things like energy efficiency, renewable portfolio standards, demand response, net metering, and utility rate design? Finally, I would be interested in talking with any other states (time permitting) dealing with coal mine or power plant closures and issues of jobs, property taxes, decommissioning or clean-up, and site re-use.

MA (Melissa Uoffer) – See above.

ME (Jerry Reid) – None.

OR (Paul Garrahan) – We don't have any particular ideas, other than our interest in the possible oil company litigation, but we are open to other possibilities.

RI (Greg Schultz) – I am open for any discussion. I would like to hear from the NHAG and other states on their MTBE litigation.

USVI (Claude Earl Walker) – We are interested in identifying other potential litigation targets.

VA (Daniel Rhodes) – Not sure we have specific items for the afternoon discussion at this time but likely will be prompted by the discussions. We would be very interested in any discussion and thoughts about resource sharing through collaborative thinking in the formation of coalition building.

WA (Laura Watson) – I think I probably covered this in response to the first question. The only thing I'd add is that we're interested in the legal theories under section 115 of the federal Clean Air Act, although it looks like the focus in the agenda is on non-federal actions.

(4) Will any consumer protection or securities staff be participating? Fossil fuel company disclosure investigations raise consumer protection and securities issues as well as climate change. If enough folks from that part of your offices are participating, we could plan a break out session for them.

CT (Matthew Levine) – We will not have someone from our Consumer protection division but I work closely with that group and am getting familiar with the consumer protection and securities issues related to climate change and we would likely be the group (environment) that works on these issues.

DC (Elizabeth Wilkins) – I will be the only person from DC participating.

IL (James Gignac) – Not in the meeting itself, but we have do have consumer protection staff interested in learning more about the issues. We do not have securities staff.

MA (Melissa Hoffer) – No.

ME (Jerry Reid) – No.

OR (Paul Garrahan) – Yes, Sr AAG Tim Nord will attend from our consumer protection unit.

RI (Greg Schultz) – No.

USVI (Claude Earl Walker) – Yes, we will have our outside counsel/Special Assistant Attorney General, who has specialized in consumer protection work.

VA (Daniel Rhodes) – No response.

WA (Laura Watson) – Our CP folks will not be attending but I have been in contact with them and intend to report back to them after the meeting. I've reviewed our office's internal analysis on the various causes of action available in Washington State and can contribute at least generally to the discussion.

(5) Any other thoughts about the afternoon's working session?

CT (Matthew Levine) – None.

DC (Elizabeth Wilkins) – None.

IL (James Gignac) – None.

MA (Melissa Hoffer) – None.

ME (Jerry Reid) – None.

OR (Paul Garrahan) – We look forward to the discussion.

RI (Greg Schultz) – I would be interested in discussing the possibility of setting up additional AG meetings with NESCAUM (Northeast States for Coordinated Air Use Management) on regional air issues (NESCAUM works closely with state air agencies on a variety of air issues). I work closely with my state air agency, but never seem to sit down with them to discuss their specific issues and concerns.

USVI (Claude Earl Walker) – None.

VA (Daniel Rhodes) – None.

WA (Laura Watson) - None.

Kline, Scot

From: Kline, Scot
Sent: Monday, March 28, 2016 9:08 AM
To: 'Lemuel Srolovic'
Cc: Brian Mahanna; Michael Meade; Morgan, Wendy
Subject: RE: Climate Change Conference Common Interest Agreement
Attachments: Climate Change Conf. Common Interest Agreement.vt.edits.docx

Lem:

Thanks for the draft. We have an overall comment and two suggested language changes. First the latter. The suggested changes are redlined in the attached document. One is worth brief explanation: in paragraph 5 (iii), we have a couple of concerns: we don't think we can return documents of which we have taken possession under our state law unless ordered by a court to do so; and our office is okay with refusing to disclose covered documents if we can do so under our law, but we really avoid taking on an affirmative obligation to always litigate those issues.

The overall comment is whether we really need a common interest agreement for the conference, particularly given the short time left before the conference. We are concerned that this will distract people and take away time and focus from the conference itself. Our thought has been that anyone providing anything in writing at the conference should assume that it may get produced because of some state's public record laws. Matt and Peter should stick to what is in the public domain or be prepared to have those materials become public.

Our two cents.

Thanks.

Scot

From: Lemuel Srolovic [mailto:Lemuel.Srolovic@ag.ny.gov]
Sent: Friday, March 25, 2016 5:18 PM
To: Kline, Scot <scot.kline@vermont.gov>; Morgan, Wendy <wendy.morgan@vermont.gov>
Cc: Brian Mahanna <Brian.Mahanna@ag.ny.gov>; Michael Meade <Michael.Meade@ag.ny.gov>
Subject: Climate Change Conference Common Interest Agreement

Scot and Wendy – sorry for the delay but here's our proposed common interest agreement which is pared down from the VW template. We'd like to distribute to attending offices asap and ask them to sign.

Look ok to you?

Thanks,

Lem

Lemuel M. Srolovic
Bureau Chief

Environmental Protection Bureau
New York State Attorney General
212-416-8448 (o)
917-621-6174 (m)
lemuel.srolovic@ag.ny.gov

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CLIMATE CHANGE CONFERENCE COMMON INTEREST AGREEMENT

This Common Interest Agreement ("Agreement") is made and entered into by and between the undersigned Attorneys General of the States, Commonwealths, and Territories (the "Parties") who are attending—along with their staff and certain outside advisors—a conference sponsored by the Office of the Attorneys General of New York and Vermont that will take place in the City of New York on Tuesday, March 29, 2016 (the "Conference"). The Parties mutually agree:

1. The Parties share common legal interests with respect to the following topics that are expected to be discussed at the Conference (i) undertaking the defense of claims under federal law in *State of West Virginia, et al. v. United States Environmental Protection Agency*, No. 15-1363 (D.C. Cir.) and related proceedings, (ii) taking other legal actions to compel or defend federal measures to limit greenhouse gas emissions, (iii) conducting investigations of representations made by companies to investors, consumers and the public regarding fossil fuels, renewable energy and climate change, (iv) conducting investigations of potential illegal conduct to limit or delay the implementation and deployment of renewable energy technology, (v) taking legal action to obtain compliance with federal and state laws governing the construction and operation of fossil fuel and renewable energy infrastructure or (vi) contemplating undertaking one or more of these legal actions, including litigation ("Matters of Common Interest").

2. It is in the Parties' individual and common interests to share documents, mental impressions, strategies, and other information regarding the Matters of Common Interest and any related investigations and litigation at the Conference, and thereafter as they so choose ("Shared Information").

3. **Non-Waiver of Privileges:** The exchange of Shared Information among Parties—including among Parties' staff and outside advisors attending the Conference—does not diminish in any way the privileged and confidential nature of such information. The Parties retain all applicable privileges and claims to confidentiality, including the attorney client privilege, work product privilege, common interest privilege, law enforcement privilege, deliberative process privilege and exemptions from disclosure under any public records laws that may be asserted to protect against disclosure of Shared Information to non-Parties (hereinafter collectively referred to as "Privileges").

4. **Nondisclosure.** Shared Information shall only be disclosed to: (i) Parties; (ii) employees or agents of the Parties, including experts or expert witnesses; (iii) government officials involved with the enforcement of antitrust, environmental, or consumer protection laws who have agreed in writing to abide by the confidentiality restrictions of this Agreement; (iv) criminal enforcement authorities; (v) other persons, provided that all Parties consent in advance; and (vi) other persons as provided in paragraph 6. Nothing in this Agreement prevents a Party from using the Shared Information for law enforcement purposes, criminal or civil, including presentation at pre-trial and trial-related proceedings, to the extent that such presentation does not (i) conflict with other agreements that the Party has entered into, (ii) interfere with the preservation of the Privileges, or (iii) conflict with court orders and applicable law.

5. **Notice of Potential Disclosure.** If any Shared Information is subject to any form of compulsory process in any proceeding or is demanded under a public records law ("Request"),

the Party receiving the Request shall: (i) immediately notify all other Parties (or their designees) in writing; (ii) cooperate with any Party responding to the Request; and (iii) ~~if requested return~~ ~~and/or refuse to disclose any Shared Information unless otherwise required by law,~~ administrative order, or court order.

6. Inadvertent Disclosure. If a Party discloses Shared Information to a person not entitled to receive such information under this Agreement, the disclosure shall be deemed to be inadvertent and unintentional and shall not be construed as a waiver of any Party's right under law or this Agreement. Any Party may seek additional relief as may be authorized by law.

7. Related Litigation. The Parties continue to be bound by this Agreement in any litigation or other proceeding that arises out of the Matters of Common Interest.

8. Parties to the Agreement. This Agreement may be executed in counterparts. All potential Parties must sign for their participation to become effective.

9. Withdrawal. A Party may withdraw from this Agreement upon thirty (30) days written notice to all other Parties. Withdrawal shall not terminate, or relieve the withdrawing Party of any obligation under this Agreement regarding Shared Information received by the withdrawing Party before the effective date of the withdrawal.

10. Modification. This writing is the complete Agreement between the parties, and any modifications must be approved in writing by all Parties.

Signature: _____ Date: _____

[Name]

[Title]

[Office]

[Phone]

[Email]

Morgan, Wendy

From: Morgan, Wendy
Sent: Wednesday, March 30, 2016 5:29 PM
To: 'Peter Washburn'; Kline, Scot
Subject: RE: Follow-up thank you letter

You can have it "signed" by Scot if you want – it was a very environmental group ☺

From: Peter Washburn [mailto:Peter.Washburn@ag.ny.gov]
Sent: Wednesday, March 30, 2016 5:28 PM
To: Kline, Scot <scot.kline@vermont.gov>
Cc: Morgan, Wendy <wendy.morgan@vermont.gov>
Subject: Re: Follow-up thank you letter

Good point. Should it be "signed" by you or wendy?

Message sent from a Blackberry device

From: Kline, Scot [mailto:scot.kline@vermont.gov]
Sent: Wednesday, March 30, 2016 04:42 PM
To: Peter Washburn
Cc: Morgan, Wendy <wendy.morgan@vermont.gov>
Subject: RE: Follow-up thank you letter

Peter:

Thanks for the draft. Your idea of a thank you is a great one. The draft looks good. One small suggestion. On the "Exxon/Fossil Fuel Company Investigations" can we drop the word "Investigations" from that so it would just be the "Exxon/Fossil Fuel Companies" working group. Not all of the states have yet opened a formal investigation and there is some sensitivity here (and I suspect in some other states) to saying or indicating we have.

Thanks.

Scot

From: Peter Washburn [mailto:Peter.Washburn@ag.ny.gov]
Sent: Wednesday, March 30, 2016 3:01 PM
To: Morgan, Wendy <wendy.morgan@vermont.gov>; Kline, Scot <scot.kline@vermont.gov>
Subject: Follow-up thank you letter

Wendy/Scott – For your review, below is a draft of a thank you and follow-up letter to yesterday. As Lem is out until Monday, the plan would be for me to send this out on behalf of him and you.

* * *

On behalf of Attorneys General Schneiderman and Sorrell, we would like to thank you for participating in yesterday's meeting. We thought the day was very productive, and created a foundation for strengthening and furthering collaboration among our offices in addressing climate change.

We'd also like to remind you that the coalition's first call is scheduled for **Tuesday, April 12th at 1pm EST**. Call-in information will be forwarded in advance.

In addition to generally discussing issues and interests related to the coalition's next steps during this call, we'd like to firm up participation in and plans for working groups. The two working groups formed yesterday, and the states expressing interest in participating on them, are listed below:

Exxon/Fossil Fuel Company Investigations

CA, CT, DE, IL, MA, ME, NM, NY, RI, USVI, VT, and WA

Roadblocks To Renewables

CT, IL, MA, NY, and RI

Finally, we'll soon be forwarding a common interest agreement for your review, with the goal of everyone signing on in advance of the April 12th call.

Thank you again for participating in yesterday's coalition kick-off meeting – we look forward to continuing to work with you on this critical effort.

Lem Srolovic, NY

Scott Kline/Wendy Morgan, VT

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Kline, Scot

From: Lemuel Srolovic <Lemuel.Srolovic@ag.ny.gov>
Sent: Wednesday, March 30, 2016 9:01 PM
To: Matt Pawa
Cc: Kline, Scot
Subject: Re: Wall st journal

My ask is if you speak to the reporter, to not confirm that you attended or otherwise discuss the event.

Sent from my iPhone

> On Mar 30, 2016, at 6:31 PM, Matt Pawa <mp@pawalaw.com> wrote:

>

> Lem and Scot - a WSJ reporter wants to talk to me. I may not even talk to her at all but if I do I obviously will have no comment on anything discussed at the meeting. What should I say if she asks if I attended? No comment? Let me know.

>

> MP

>

> Matt Pawa

> Pawa Law Group, P.C.

> 1280 Centre Street, Suite 230

> Newton Centre, MA 02459

> (617) 641-9550

> (617) 641-9551 facsimile

> www.pawalaw.com

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