

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Marc Lemcke,

Complainant

against

Docket #FIC 2023-0439

Town Clerk, Town of Westport; and
Town of Westport,

Respondents

June 26, 2024

The above-captioned matter was heard as a contested case on March 11, 2024, at which time the complainant and the respondents appeared and presented testimony, exhibits, and argument on the complaint.

After consideration of the entire record, the following facts are found, and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. It is found that on June 2, 2023, the complainant sent a records request to the respondent Town Clerk (hereinafter, the “June 2nd request”) seeking:
 - a. Documents with the search term “Aquarion” and/or “water tank” and/or “North Avenue construction” since 2017;
 - b. Access to handwritten notes, text messages or other documents related to meetings, phone calls or other conversations relating in any way to the search terms; and
 - c. “All FOI requests that your agencies or you personally have received since 2017.”
3. It is found that on June 9, 2023, the respondent Town Clerk responded to the complainant acknowledging his request and indicating that: (i) he will be sending emails containing the search terms in the complainant’s request; (ii) such emails were from 2021 and forward as the prior emails would have been sent to the prior Town Clerk; and (iii) he had no text messages or other documents relating to meetings, phone calls or other conversations relevant to the complainant’s provided search terms. It is found that almost immediately after acknowledging the complainant’s request, the respondent Town Clerk disclosed approximately 22 pages of emails to the complainant.

4. By email dated July 7, 2023, the complainant sent¹ an appeal to the Commission alleging that, among other things, various public agencies in the Town of Westport violated the Freedom of Information (“FOI”) Act by failing to provide all responsive records concerning not only his June 2nd request but also those related to a prior request he made to the First Selectwoman for the Town of Westport.² Furthermore, the complainant requested that the Commission hold an expedited hearing and immediately conduct an in camera review of over 200 records.³ The Commission denied the complainant’s request for an expedited hearing on November 13, 2023.

5. Section 1-200(5), G.S., provides:

‘[p]ublic records or files’ means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

6. Section 1-210(a), G.S., provides, in relevant part, that:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to (1) inspect such records promptly during regular office or business hours, (2) copy such records in accordance with subsection (g) of section 1-212, or (3) receive a copy of such records in accordance with section 1-212.

7. Section 1-212(a), G.S., provides, in relevant part, that “[a]ny person applying in writing shall receive, promptly upon request, a plain facsimile, electronic or certified copy of any public record.”

8. It is concluded that the records described in paragraph 2, above, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

¹ The Commission notes that the complainant’s appeal was emailed to the Commission’s general mailbox on July 7, 2023, but was not stamped as “received and filed” until September 26, 2023.

² The complainant has repeatedly attempted to interject into this matter previous requests he made to other agencies in the Town of Westport – i.e., the requests at issue in Docket #FIC 2022-0530, Marc Lemcke v. First Selectwoman, Town of Westport; and Town of Westport and Docket #FIC 2022-0229, Marc Lemcke v. Building Official, Town of Westport; and Planning and Zoning Department, Town of Westport. While the complainant may view this matter as a continuation of those prior cases, the Commission’s review is limited to the case currently before it.

³ The records to which the complainant is referring appear to be in connection with Docket #FIC 2022-0530. As noted in footnote 2, such request is not currently before the Commission and will not be considered.

9. Throughout the hearing in this matter and through several subsequent filings with the Commission, the complainant argues that the Commission should not view his June 2nd request as being made solely to the respondent Town Clerk but should include the entire Town of Westport and, presumably, every public agency contained therein.

10. Section 1-206(a), G.S., provides, in relevant part, that “[a]ny denial of the right to inspect or copy records provided for under section 1-210 shall be made to the person requesting such right *by the public agency who has custody or control of the public record. . . .*” (Emphasis added.)

11. As the Appellate Court noted in City of Bridgeport v. Freedom of Info Comm’n, 222 Conn. App. 17, 53 – 54 (2023), “[t]he references to request in §1-206 (a), involve an agency’s *response* to a request under the act, which necessarily requires receipt of the request. . . . [and, therefore,] an agency is not able to deny or comply with a request until it is received. . . .” (Citations omitted; emphasis in original; internal quotation marks omitted). Accordingly, a public agency does not have an obligation to respond to an FOI request until it actually receives such request.⁴

12. Therefore, to determine which public agencies had the obligation to respond to the complainant’s June 2nd request, the Commission must ascertain which agencies actually received that request.

13. It is found that the complainant’s June 2nd request and subsequent complaint to the Commission evidence not only his subjective intent for that request to cover every public agency in the Town of Westport, but also his subjective belief that all public agencies in the Town of Westport were obligated to respond. For example, the June 2nd request contains a salutation that reads “Dear Town of Westport agency directors/leaders/heads, and staff member,” and a part of the request even uses the word “agencies.” Similarly, the complainant’s subjective intent is further evidenced in the first line of his complaint wherein he states: “I complain that the Town of Westport has been hiding and delaying documents for over one year.”

14. Nevertheless, the complainant’s subjective intent or belief concerning his request is irrelevant to the question of which public agencies actually received the June 2nd request and were thereby obligated to respond under the FOI Act.

15. It is found that the complainant submitted his June 2nd request to the respondent Town Clerk through the Town of Westport’s directory webpage. Moreover, it is found that the administrative record is devoid of any evidence indicating that the complainant sent his June 2nd request to any other public agency in the Town of Westport.

16. Additionally, the Commission has long recognized that, under the FOI Act, public agencies “have no affirmative obligation to forward a request onto another public agency.” Docket #FIC 2014-163, David Collins et. al, v. Governor, State of Connecticut, Office of the

⁴A notable caveat to this general rule is that “an individual is entitled to presume that a properly addressed request for records sent by mail will be received within a few days after it is mailed, and in the absence of evidence to the contrary, the commission may presume the same.” City of Bridgeport v. Freedom of Info Comm’n, 222 Conn. App. 17, 55 – 56 (2023). Such caveat, however, is not applicable to the case currently before the Commission.

Governor et al, citing Lash, et al. v. Freedom of Info Comm'n et al., 300 Conn 511, 521 – 522 (2001) (affirming the appellate court's determination that one public agency has no duty to make available the records of another public agency.)

17. It is concluded, therefore, that the Commission's jurisdiction is limited to determining whether the respondent Town Clerk provided all responsive records it maintained at the time it received the complainant's June 2nd request.

18. As set forth in paragraphs 2 and 3, above, although the complainant's request sought various records dating back to 2017, the respondents' initial disclosure consisted only of records dating back to 2021 (when the current Town Clerk assumed his role).

19. Pursuant to an order of the Hearing Officer, on May 13, 2024, the respondents completed a supplemental search for records maintained by the respondent Town Clerk's Office dating back to 2017.⁵ On May 23, 2024, the respondents submitted an affidavit detailing their supplemental search and indicated that records were withheld pursuant to the attorney-client privilege.

20. On June 6, 2024, the respondents submitted 114 records (amounting to 474 pages) for in camera inspection. On the Index of In Camera Records, the respondents claim that all 114 records are exempt, in their entirety, pursuant to §1-210(b)(10), G.S. Such records shall hereinafter be referred to as ICR 2023-0439-001 through ICR 2023-0439-114, respectively.⁶

21. Section 1-210(b)(10), G.S., provides in relevant part that nothing in the FOI Act shall require disclosure of "communications privileged by the attorney-client relationship. . . ."

22. The applicability of the exemption contained in §1-210(b)(10), G.S., is governed by established Connecticut law defining the privilege. That law is well set forth in Maxwell v. FOI Commission, 260 Conn. 143 (2002) ("Maxwell"). In that case, the Supreme court stated that §52-146r, G.S., which establishes a statutory privilege for communications between public agencies and their attorneys, merely codifies "the common-law attorney-client privilege as this court previously had defined it." Id., 149.

23. Section 52-146r, G.S., defines "confidential communications" to mean:

all oral and written communications transmitted in confidence between a public official or employee of a public agency acting in

⁵ The complainant made multiple representations during the hearing concerning the respondent Town Clerk's initial disclosure. Such representations obfuscated the complainant's position, as he simultaneously asserted his satisfaction with the respondent Town Clerk and yet indicated that records from the Town Clerk's Office remained outstanding. Upon reviewing the record, the Hearing Officer determined that the complainant's representations concerning the respondent Town Clerk were predicated on a fundamental misunderstanding of where he should send FOI requests for former town officials or employees. To address the complainant's misunderstanding, on May 7, 2024, the Hearing Officer ordered the respondents to conduct an additional search for responsive records covering the period of 2017-2021.

⁶ The last portion of the ICR reference number indicates a distinct email thread identified by the respondents via tabs on the disclosed in camera records. Additionally, each page of the in camera records contains a Bates number which continues sequentially throughout the in camera records as 001 through 474.

the performance of his or her duties or within the scope of his or her employment and a government attorney relating to legal advice sought by the public agency or public official or employee of such public agency from that attorney, and all records prepared by the government attorney in furtherance of the rendition of such legal advice.

24. Section 52-146r, G.S., prohibits disclosure of confidential communications between a government attorney and a public official or employee of a public agency and provides, in relevant part, that:

[i]n any civil or criminal case or proceeding or in any legislative or administrative proceeding, all confidential communications shall be privileged and a government attorney shall not disclose any such communications unless an authorized representative of the public agency consents to waive the privilege and allow such disclosure.

25. The Supreme Court has also stated that “both the common-law and statutory privilege protect those communications between a public official or employee and an attorney that are confidential, made in the course of the professional relationship that exists between the attorney and [their] public agency client, and relate to the legal advice sought by the agency from the attorney.” Maxwell, at 149.

26. The Commission recognizes that “[w]here legal advice of any kind is sought from a professional legal adviser in his capacity as such, the communications relating to that purpose, made in confidence by the client, are at his instance permanently protected from disclosure by himself or by the legal adviser, except the protection be waived.” Rienzo v. Santangelo, 160 Conn. 391, 395 (1971).

27. It is found that in submitting responsive records for in camera inspection, the respondents asserted a blanket attorney-client privilege for all such records.

28. Nevertheless, case law makes clear that

[t]he burden of establishing the applicability of the privilege rests with the party invoking it. . . . *Any privilege there may be is not a blanket one.* The limitation, in connection with this communication, frames the special relationship that *must be found for each document separately considered.* . . . Because the application of the attorney-client privilege tends to prevent the full disclosure of information and the true state of affairs, it is both narrowly applied and strictly construed. Harrington v. Freedom of Info Comm’n, 323 Conn. 1, 12 (2016) (hereinafter, “Harrington”) (Citations omitted; emphasis added; internal quotation marks omitted).

29. It is found that, although the respondents indicated that all the records submitted for in camera inspection were exempt from disclosure pursuant to the attorney-client privilege, they

did not submit any evidence explaining how or why each record was exempt under such privilege.

30. Accordingly, in conducting its individualized assessment of each record as required by Harrington, the Commission must determine whether each in camera record, on its face, was properly withheld pursuant to the attorney-client privilege.

31. It is found that the respondents' in camera submission consists exclusively of email communications (separated by email threads) and attachments thereto.

32. The Commission notes two principles that are particularly relevant in reviewing the respondents' in camera submission. First, "a client's identity and information related to where and when a client has conversations with his or her attorney do not fall within the attorney client privilege." Clerk of Common Council v. Freedom of Info Comm'n, 215 Conn App. 404, 420 (2022). Second,

[p]reexisting documents are documents that are *not* a record of a communication and were *not* created for the purpose of seeking legal advice. . . . [Preexisting] documents that are not in themselves communications . . . are treated in different ways depending on how the attorney acquired them. . . . A preexisting document does not become privileged merely because it is transferred to or routed through an attorney. . . . However, a preexisting document could become privileged if it were somehow transformed for the purpose of seeking legal advice and communicated or intended to be communicated to an attorney.

Town of Avon v. Sastre, 224 Conn. App. 155, 180 (2024). (Citations omitted; emphasis in original).

33. After a careful review of the in camera records, it is found that those portions of the in camera records identified in the Appendix to this decision are communications between public officials and attorneys for a public agency; the attorneys were acting in their official capacity as legal counsel to the public agency; the communications related to legal advice sought by the public agency from the attorneys and the communications were made in confidence.

34. Accordingly, it is found that those portions of the in camera records identified in the Appendix to this decision were properly withheld by the respondents under § 1-210(b)(10), G.S. (i.e., the attorney-client privilege).

35. It is found, therefore, that any in camera record, or portion thereof, not specifically identified in the Appendix to this decision, failed to meet one or more of the criteria for the attorney-client privilege, outlined in paragraphs 23 and 33, above, and thus are not exempt from disclosure pursuant to §1-210(b)(10), G.S. Accordingly, it is found that the respondents improperly withheld such records, or portions thereof.

36. Based on the foregoing, it is concluded that the respondents violated the disclosure provisions of §§1-210(a) and 1-212(a), G.S., by withholding those in camera records, or portions thereof, not specifically identified in the Appendix to this decision.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

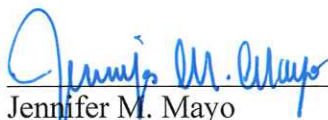
1. Within 14 days of the notice of final decision in this matter, the respondents shall provide the complainant with copies of the in camera records, or portions thereof, not specifically identified in the Appendix to this decision, unredacted, and free of charge.

2. If the respondents have any question concerning which in camera records, or portions thereof, are exempt from disclosure, as a result of the line numbering utilized by the Commission, they shall contact the Commission, via email, at foi@ct.gov, with copy to the complainant, within 7 days of their receipt of the final decision.

3. Henceforth, the respondents shall strictly comply with the disclosure requirements of §§1-210(a) and 1-212(a), G.S.

4. In the future, the respondents are advised against asserting a blanket claim for attorney-client privilege across an entire submission of in camera records, especially for the types of records at issue in this case. When claiming that records are exempt pursuant to the attorney-client privilege, agencies are obligated to separately consider each record to determine if the privilege applies. It is clear from the nature of the in camera records submitted by the respondents that this obligation was not met.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 26, 2024.



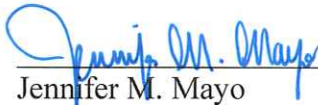
Jennifer M. Mayo
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

MARC LEMCKE, 66 North Avenue, Westport, CT 06880

TOWN CLERK, TOWN OF WESTPORT; AND TOWN OF WESTPORT, c/o Attorney Eileen L. Flug and Attorney Nicholas R. Bamonte, Berchem Moses P.C., 1221 Post Road East, Westport, CT 06880



Jennifer M. Mayo
Acting Clerk of the Commission

APPENDIX TO HEARING OFFICER'S REPORT

As indicated in paragraph 34 of the findings in Docket #FIC 2023-0439, the following in camera records, or portions thereof, may be properly withheld pursuant to §1-210(b)(10), G.S., as subject to the attorney-client privilege:

ICR 2023-0439-001

- Bates #001 (lines 7-8)

ICR 2023-0439-002

- Bates #012 (lines 4, 6 (after the colon), 8, 10, 14 (after the colon) - 16 (up to the period), 34-35)
- Bates #013 (entire record)
- Bates #014 (lines 12-37)
- Bates #015 (lines 1-26)
- Bates #017 - #037 (entire record)

ICR 2023-0439-003

- Bates #039 (lines 37 (after the period) - 40 (up to the period))
- Bates #040 (lines 2-8)

ICR 2023-0439-004

- Bates #042 (lines 7-11)

ICR 2023-0439-005

- Bates #043 (lines 7-18)

ICR 2023-0439-006

- Bates #049 (lines 7-8)

ICR 2023-0439-007

- Bates #052 (lines 7-8)

ICR 2023-0439-008

- Bates #055 (lines 7-10)
- Bates #056 (entire record)

ICR 2023-0439-010

- Bates #060 (lines 12 (after the period) - 15 (up to the period), 17-23)

ICR 2023-0439-012

- Bates #065 (lines 5-6)

ICR 2023-0439-013

- Bates #066 (lines 5, 13-19)
- Bates #067 (lines 6-7)

ICR 2023-0439-014

- Bates #069 (lines 8-9)

ICR 2023-0439-015

- Bates #076 (lines 5, 13-19)
- Bates #077 (lines 6-7)

ICR 2023-0439-016

- Bates #079 (lines 7-9)

ICR 2023-0439-017

- Bates #089 (lines 7-8)

ICR 2023-0439-018

- Bates #092 (lines 7-8)

ICR 2023-0439-021

- Bates #109 (line 7 (after the period))

ICR 2023-0439-022

- Bates #113 (lines 7-10)

ICR 2023-0439-023

- Bates #115 (lines 7-10)

ICR 2023-0439-024

- Bates #117 (line 8)

ICR 2023-0439-027

- Bates #133 (lines 3, 5 (after the colon), 7, 9, 13, 34 (after the semicolon - 35)
- Bates #134 (lines 1 (up to the period), 24, 26-38)
- Bates #135 (entire record)
- Bates #136 (lines 2-40)
- Bates #137 (lines 1-13)
- Bates #138 - #159 (entire record)

ICR 2023-0439-028

- Bates #160 (lines 25-26)
- Bates #161 (lines 2 (after the period) - 9, 20-23)

- Bates #162 (lines 1-12, 23-26, 32-33)
- Bates #163 (lines 9-10, 19-28)

ICR 2023-0439-029

- Bates #166 (lines 8-9, 29-30)

ICR 2023-0439-030

- Bates #170 (lines 8-9, 29-30)

ICR 2023-0439-031

- Bates #174 (lines 8-16, 23 (after the period) – 26 (up to the period), 28-32)
- Bates #175 (lines 1-2)

ICR 2023-0439-032

- Bates #178 (lines 4, 7, 22-24, 29-30, 32)
- Bates #179 (lines 4-8)

ICR 2023-0439-033

- Bates #181 (lines 9, 16, 31)
- Bates #182 (lines 2 (after the colon) - 3 (up to the first period), 18-24, 35 (after the colon))
- Bates #183 (lines 1-3 (up to the second period), 26-27)

ICR 2023-0439-034

- Bates #188 (lines 10, 25, 33 (after the colon) - 34 (up to the first period))
- Bates #189 (lines 15-21, 32 (after the colon) - 35 (up to the second period))
- Bates #190 (lines 22-23)

ICR 2023-0439-035

- Bates #194 (lines 6, 14 (after the colon) - 15 (up to the first period), 30-35)
- Bates #195 (lines 1, 12 (after the colon) - 15 (up to the second period), 38)
- Bates #196 (line 1)

ICR 2023-0439-036

- Bates #197 (9-14, 24 (after the colon) - 26 (up to the third period))
- Bates #198 (lines 2-3)

- Bates #209 (entire record)

ICR 2023-0439-037

- Bates #210 (lines 7 (after the colon) - 9 (up to the third period), 30-31)

ICR 2023-0439-038

- Bates #211 (lines 8-11, 24 (after the first period) -26 (up to the first period))
- Bates #212 (lines 9-13, 29)
- Bates #213 (lines 3, 30 (after the colon) – 31)
- Bates #214 (lines 11-20, 30 (after the colon) - 34 (up to the period))
- Bates #215 (lines 23-24)

ICR 2023-0439-039

- Bates #219 (lines 7-10, 19-22)
- Bates #220 (lines 5-9)

ICR 2023-0439-040

- Bates #221 (lines 7-11, 19-22)
- Bates #222 (lines 7-11)

ICR 2023-0439-041

- Bates #223 (lines 6-18)
- Bates #224 (lines 6-7, 21 (after the period) – 28)
- Bates #225 (lines 2-5, 20-31)
- Bates #226 (3-6, 12-13, 28-29)
- Bates #227 (lines 2-11)

ICR 2023-0439-042

- Bates #229 (lines 5, 10-11, 26-37)
- Bates #230 (lines 1, 27-28)
- Bates #231 (lines 7 (after the period) - 14, 25-28)
- Bates #232 (lines 5-16, 27-30, 36-37)
- Bates #233 (lines 14-15, 24-33)

ICR 2023-0439-043

- Bates #236 (lines 13-14, 18-19)
- Bates #237 (lines 10, 15-16)
- Bates #238 (lines 7-9)

ICR 2023-0439-044

- Bates #239 (lines 6, 29)
- Bates #240 (lines 1-2, 25-26)

ICR 2023-0439-045

- Bates #242 (lines 6, 29)
- Bates #243 (lines 1-2, 25-26)

ICR 2023-0439-046

- Bates #245 (lines 26, 30-31)
- Bates #246 (lines 21-22)

ICR 2023-0439-047

- Bates #247 (lines 26, 30-31)
- Bates #248 (lines 21-22)

ICR 2023-0439-048

- Bates #249 (lines 5 (after the colon) - 6, 7 (after the colon) - 8, 26, 30-31)
- Bates #250 (lines 19-20)

ICR 2023-0439-049

- Bates #251 (lines 5 (after the colon) - 6, 7 (after the colon) - 8, 26, 30-31)
- Bates #252 (lines 19-20)

ICR 2023-0439-050

- Bates #253 (lines 13-14, 18-19)
- Bates #254 (lines 10, 15-16)
- Bates #255 (lines 7-9)

ICR 2023-0439-051

- Bates #256 (line 25 (up to the second period))
- Bates #257 (line 15)

ICR 2023-0439-052

- Bates #258 (lines 5 (up to the second period), 21)

ICR 2023-0439-053

- Bates #259 (lines 6-7, 14-15)

ICR 2023-0439-054

- Bates #261 (lines 6-7)

ICR 2023-0439-055

- Bates #263 (lines 13-14, 21-22)

ICR 2023-0439-056

- Bates #265 (lines 7-15)

ICR 2023-0439-057

- Bates #267 (line 7 (up to the second period))

ICR 2023-0439-058

- Bates #270 (lines 7-8, 23-28)
- Bates #271 (lines 7-12, 25)

ICR 2023-0439-059

- Bates #276 (lines 7-8, 23-28)
- Bates #277 (lines 7-12, 25)

ICR 2023-0439-060

- Bates #282 (lines 6-11, 24)

ICR 2023-0439-061

- Bates #285 (lines 6-11, 24)

ICR 2023-0439-062

- Bates #288 (line 7)

ICR 2023-0439-063

- Bates #290 (line 7)

ICR 2023-0439-064

- Bates #292 (7-8, 20 (up to the second period), 35 (after the first period) – 36 (up to the third period))

ICR 2023-0439-065

- Bates #295 (lines 5-9, 27-28)
- Bates #296 (lines 3-8, 27)

ICR 2023-0439-067

- Bates #300 (lines 5-6, 13-18)
- Bates #301 (line 3)

ICR 2023-0439-068

- Bates #303 (lines 5-10, 29)

ICR 2023-0439-070

- Bates #307 (line 6)

ICR 2023-0439-071

- Bates #309 (line 7 (after the period))

ICR 2023-0439-072

- Bates #312 (lines 5-6)

ICR 2023-0439-073

- Bates #314 (line 5)

ICR 2023-0439-074

- Bates #316 (lines 11 (the second sentence), 13)

ICR 2023-0439-075

- Bates #329 (lines 6-7, 26-27)
- Bates #330 (lines 1-6, 25)

ICR 2023-0439-076

- Bates #332 (lines 20, 25-26)

ICR 2023-0439-077

- Bates #334 (lines 8-13, 31)

ICR 2023-0439-078

- Bates #337 (lines 6, 25-28)

ICR 2023-0439-079

- Bates #339 (lines 6, 25-28)

ICR 2023-0439-080

- Bates #341 (lines 5, 21-23)

ICR 2023-0439-081

- Bates #343 (lines 9-10, 21 (after the colon) - 23, 24 (after the colon) - 35)
- Bates #344 (lines 1-8, 27 (after the dash) - 28, 36)

ICR 2023-0439-082

- Bates #349 (lines 7 (after the colon) - 9, 10 (after the colon) - 29)
- Bates #350 (lines 7 (after the dash) - 8, 16)

ICR 2023-0439-083

- Bates #354 (lines 9-10, 28-29)
- Bates #355 (lines 7 (after the colon) - 9, 10 (after the colon) - 29)
- Bates #356 (lines 7 (after the dash) - 8, 16)

ICR 2023-0439-084

- Bates #361 (lines 7-13, 21-23)

ICR 2023-0439-085

- Bates #364 (lines 7-13, 21-23)

ICR 2023-0439-086

- Bates #367 (lines 8 (after the colon) - 9 (up to the first period), 24-30)
- Bates #368 (lines 7 (after the colon) - 10 (up to the second period), 33-34)

ICR 2023-0439-087

- Bates #370 (lines 22-30)
- Bates #371 (lines 10 (after the colon) - 16)
- Bates #372 (lines 2-10, 21 (after the colon) - 25 (up to the period))
- Bates #373 (lines 8-9)

ICR 2023-0439-088

- Bates #374 (line 35 (after the colon))
- Bates #375 (line 1-6, 23-29)
- Bates #376 (line 4 (after the colon) - 7 (up to the second period), 30-31)

ICR 2023-0439-089

- Bates #387 (lines 6-13, 22 (after the colon) - 28)
- Bates #388 (lines 10-16), 27 (after the colon) - 30 (up to the second period)
- Bates #389 (lines 17-18)

ICR 2023-0439-090

- Bates #390 (lines 8 (after the colon) - 14, 31-35)
- Bates #391 (lines 1-2, 13 (after the colon) - 16 (up to the second period))
- Bates #392 (lines 1-2)

ICR 2023-0439-091

- Bates #393 (lines 8 (after the period) - 10 (up to the first period), 23-27)
- Bates #394 (lines 12, 20)
- Bates #395 (lines 1, 10 (after the colon) - 11, 30-38)
- Bates #396 (lines 11 (after the colon) - 15 (up to the period))
- Bates #397 (lines 1-2)

ICR 2023-0439-092

- Bates #398 (lines 5-6, 21-33)
- Bates #399 (lines 22-23)

- Bates #400 (lines 1 (after the period) – 8, 19-22, 37-38)
- Bates #401 (lines 1-10, 21-24, 30-31)
- Bates #402 (lines 8-9, 18-27)

ICR 2023-0439-093

- Bates #405 (lines 7-10, 25-36)
- Bates #406 (lines 8-11, 33-34)
- Bates #407 (lines 7-16)

ICR 2023-0439-094

- Bates #409 (lines 5 (up to the period), 19, 24-25)
- Bates #410 (lines 4-16)
- Bates #411 (lines 5-6, 20 (after the period) – 27)
- Bates #412 (lines 1-4, 19-30)
- Bates #413 (lines 2-5, 11-12, 27-28)
- Bates #414 (lines 2-11)

ICR 2023-0439-095

- Bates #416 (lines 21-32)

ICR 2023-0439-096

- Bates #417 (lines 6-7, 11-12)
- Bates #418 (lines 2, 7-8, 32-33)

ICR 2023-0439-097

- Bates #420 (lines 6, 10-11, 32-33)

ICR 2023-0439-098

- Bates #422 (lines 6, 10-11, 32-33)

ICR 2023-0439-099

- Bates #424 (lines 6-7, 11-12)
- Bates #425 (lines 2, 7-8, 32-34)

ICR 2023-0439-100

- Bates #427 (lines 6 (after the first period), 21-29)

ICR 2023-0439-103

- Bates #433 (line 6)

ICR 2023-0439-104

- Bates #435 (lines 5-8, 23-24)

ICR 2023-0439-105

- Bates #438 (lines 5-8, 23-24)

ICR 2023-0439-107

- Bates #443 (lines 24-34)
- Bates #444 (lines 6 (after the period) – 8 up to the period), 11-17)

ICR 2023-0439-108

- Bates #447 (lines 5 (after the period) – 14, 22 (up to the coma)
- Bates #448 (lines 1-4)
- Bates #450 (lines 12-17)

ICR 2023-0439-109

- Bates #453 (lines 6 (after the colon) – 10 (up to the period))

ICR 2023-0439-110

- Bates #464 (lines 8-14, 22-24)
- Bates #465 (lines 3-6)

ICR 2023-0439-111

- Bates #467 (lines 7-9)

ICR 2023-0439-112

- Bates #469 (lines 7-9)

ICR 2023-0439-113

- Bates #471 (lines 7-14, 22-24)