

THE LAW OFFICES OF
BRUCE W. HEPLER

May 29, 2025

VIA HAND DELIVERY

Tamara Rueda, Clerk
Kennebec County Superior Court
Capital Judicial Center
1 Court Street, Suite 101
Augusta, ME 04330

**Re: The Heritage Foundation & Mike Howell v. Janet Mills, in her official capacity
as Governor of the State of Maine.**

Dear Tamara,

Enclosed for filing are the following documents:

1. Civil Cover Sheet;
2. Complaint (Appeal of Denial of Public Records Pursuant to 1 M.R.S. § 400 *et seq*) with Exhibits);
3. Pro hac vice motion for Samuel E. Dewey, Esq., with Proposed Order; and
4. \$875 filing fee (\$175 for Complaint and \$700 for pro hac vice motion).

Thank you for your attention to this matter and please call if you have any concerns.

Sincerely,

Bruce W. Hepler
Bar No. 8007

Enclosures

Cc: Samuel E. Dewey, Esq.

75 Pearl Street, Portland, Maine 04101

Bruce W. Hepler, Esq. p: 207-772-2525 f: 207-772-2111 brucehepler1@gmail.com
Matthew H. Bowen, Esq. p: 207-699-0119 f: 207-772-2111 matthew.h.bowen.law@gmail.com

MAINE JUDICIAL BRANCH

This summary sheet and the information it contains do not replace or supplement the filing and service of pleadings or other papers as required by the Maine Rules or by law. This form is required for the Clerk of Court to initiate or update the civil docket. The information on this summary sheet is subject to the requirements of M. R. Civ. P. 11.

I. COUNTY OF FILING OR DISTRICT COURT JURISDICTION ("X" the appropriate box and enter the County or location)

- Superior Court County: Kennebec
- District Court Location (city/town): _____

II. NATURE OF THE FILING

- Initial Complaint
 - Third-Party Complaint
 - Cross-Claim or Counterclaim
 - Reinstated or Reopened case
- Docket No.: _____

If filing a second or subsequent Money Judgment Disclosure, give the docket number of the first disclosure.)

III. REAL ESTATE OR TITLE TO REAL ESTATE IS INVOLVED

IV. MOST DEFINITIVE NATURE OF ACTION

("X" in ONE box. If the case fits more than one nature of action, select the one that best describes the cause of action.)

GENERAL CIVIL

Constitutional/Civil Rights

- Constitutional/Civil Rights

Contract

- Debt Collection brought by a debt collector as defined by 32 M.R.S. § 11002 (*Contract Case Cover Sheet (CV-261) must be attached*)
- Other Contract (*Contract Case Cover Sheet (CV-261) must be attached*)

Declaratory/Equitable Relief

- Declaratory Judgment
- General Injunctive Relief
- Other Equitable Relief

Non-Personal Injury Torts

- Auto Negligence
- Libel/Defamation
- Other Negligence
- Other Non-Personal Injury Tort

Personal Injury Torts

- Assault/Battery
- Auto Negligence
- Domestic Tort
- Medical Malpractice
- Other Negligence
- Other Personal Injury Tort
- Product Liability
- Property Negligence

Statutory Actions

- Freedom of Access
- Other Statutory Action
- Unfair Trade Practice

Miscellaneous Civil

- Administrative Warrant
- Appointment of Receiver
- Arbitration Awards
- Common Law Habeas Corpus
- Drug Forfeiture
- Foreign Deposition
- Foreign Judgments
- HIV Testing
- Land Use Enforcement (80K)
- Minor Settlements
- Other Civil
- Other Forfeiture/Property Libel
- Pre-Action Discovery
- Prisoners Transfers
- Shareholders' Derivative Action

APPEALS (ADR EXEMPT)

- Administrative Agency (80C)
- Governmental Body (80B)
- Other Appeal

REAL ESTATE

Foreclosures

- Foreclosure (ADR exempt)
- Foreclosure (Diversion eligible)
- Foreclosure (Other)

Title Actions

- Boundary
- Easement
- Eminent Domain
- Quiet Title

Miscellaneous Real Estate

- Abandoned Road
- Adverse Possession
- Equitable Remedy
- Mechanics Lien
- Nuisance
- Other Real Estate
- Partition
- Trespass

CHILD PROTECTIVE CUSTODY

- Non-DHHS Protective Custody

SPECIAL ACTIONS

- Money Judgment Disclosure

Initial Complaint: A complaint filed as an original proceeding. A filing fee is required.
Third-Party Complaint: An original defendant's action against a third party that was not part of the original proceeding. A filing fee is required.
Cross-Claim: An original defendant's claim against another original defendant. No additional fee is required.
Counterclaim: An original defendant's claim against an opposing party. No additional fee is required.
Reinstated or Reopened Case: Money Judgment Disclosures or post-judgment motions.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.

MAINE JUDICIAL BRANCH

V. M.R. Civ. P. 16B ALTERNATIVE DISPUTE RESOLUTION (ADR)

I certify that pursuant to M.R. Civ. P. 16B(b), this case is exempt from a required ADR process because ("X" one box below):

- It falls within an exemption listed above (it is an appeal or an action for non-payment of a note in a secured transaction).
The plaintiff or defendant is incarcerated in a local, state, or federal facility.
The parties have participated in a statutory pre-litigation screening panel process with (name of panel chair) that concluded on (date of panel finding - mm/dd/yyyy)
The parties have participated in a formal ADR process with (name of neutral) on (date - mm/dd/yyyy)
The plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption.
The action does not include ADR pursuant to M.R. Civ. P. 16(a)(1).
There is other good cause for an exemption and the plaintiff has filed a motion for exemption.

VI. PARTY AND ATTORNEY CONTACT INFORMATION

If you need additional space, list additional parties on an attachment and note "see attachment" in the appropriate section.

Please note: If a party is a government agency, use the full agency name or the standard abbreviation. If the party is an official within a government agency, identify the agency first and then the official, giving both name and title.

(a) PLAINTIFF(S)

("X" the box below to indicate the party type associated with the filing)

- Plaintiff(s)
Third-Party Plaintiff(s)
Counterclaim Plaintiff(s)
Cross-Claim Plaintiff(s)

Is the plaintiff a prisoner in a local, state, or federal facility? Yes No

Name (first, middle initial, last): The Heritage Foundation
Mailing address (include county): 214 Massachusetts Ave NE
Washington, DC 20005-4948
Telephone: (202) 546-4400
Email:

Name (first, middle initial, last): Mike Howell
Mailing address (include county): 214 Massachusetts Ave NE
Washington, DC 20005-4948
Telephone: (202) 546-4400
Email:

(b) ATTORNEY(S) FOR PLAINTIFF(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL plaintiffs, specify which plaintiff(s) the listed attorney(s) represents.

Name and bar number: Bruce W. Hepler, Bar No. 8007
Firm name: Law Offices of Bruce W. Hepler, LLC
Mailing Address: 75 Pearl Street
Portland, ME 04101
Telephone: (207) 772-2525
Email: brucehepler1@gmail.com

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MAINE JUDICIAL BRANCH

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

(c) DEFENDANT(S)

("X" the box below to indicate the party type associated with the filing)

- Defendant(s)
- Third-Party Defendant(s)
- Counterclaim Defendant(s)
- Cross-Claim Defendant(s)

Is the defendant a prisoner in a local, state, or federal facility? Yes No

Name *(first, middle initial, last)*: Janet Mills, in her official capacity as Governor of Maine.
 Mailing address *(include county)*: 1 State House Station
Augusta, Me 04330
 Telephone: (207) 287-3531
 Email: _____

Name *(first, middle initial, last)*: _____
 Mailing address *(include county)*: _____
 Telephone: _____
 Email: _____

(d) ATTORNEY(S) FOR DEFENDANT(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL defendants, specify which defendant(s) the listed attorney(s) represents.

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

Name and bar number: _____
 Firm name: _____
 Mailing Address: _____
 Telephone: _____
 Email: _____

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MAINE JUDICIAL BRANCH

(e) PARTIES IN INTEREST

Name (first, middle initial, last): _____
Mailing address (include county): _____
Telephone: _____
Email: _____

Name (first, middle initial, last): _____
Mailing address (include county): _____
Telephone: _____
Email: _____

(f) ATTORNEY(S)

If there are multiple attorneys, indicate the lead attorney. If all counsel do not represent ALL parties in interest, specify which parties in interest the listed attorney(s) represents.

Name and bar number: _____
Firm name: _____
Mailing Address: _____
Telephone: _____
Email: _____

Name and bar number: _____
Firm name: _____
Mailing Address: _____
Telephone: _____
Email: _____

VII. RELATED CASE(S) IF ANY

Case name: _____
Docket Number: _____
Assigned Judge/Justice: _____

Date (mm/dd/yyyy): 05/28/2025

▶ 
Signature of Plaintiff or Lead Attorney of Record

Bruce W. Hepler
Printed Name of Plaintiff or Attorney

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STATE OF MAINE
Kennebec, SS

SUPERIOR COURT
DOCKET NO. _____

THE HERITAGE FOUNDATION and
MIKE HOWELL,

Plaintiffs,

v.

JANET MILLS, in her official capacity as the
Governor of the State of Maine,

Defendant.

**COMPLAINT / APPEAL OF
DENIAL OF PUBLIC RECORDS**

COMPLAINT AND APPEAL

Plaintiffs, The Heritage Foundation and Mike Howell ("Plaintiffs"), submit this complaint and appeal the denial of access to records responsive to two requests under the Maine Freedom of Access Act, 1 M.R.S. § 400 *et seq.*, against Maine Governor Janet Mills ("Governor Mills" or the "Governor"). Plaintiffs allege as follows:

PRELIMINARY STATEMENT

1. This is a lawsuit seeking to enforce the right to inspect and copy government records pursuant to the Maine Freedom of Access Act ("FOAA"). That act declares "that public proceedings exist to aid in the conduct of the people's business," that it is "the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted

openly,” and that “[t]his subchapter shall be liberally construed and applied to promote its underlying purposes and policies” of open government. 1 M.R.S. § 401.

2. Plaintiffs submitted two limited requests for copies of records in the custody of Governor Mills’ Office related to Governor Mills’ opposition to President Donald J. Trump’s Executive Order 14201, Keeping Men Out of Women’s Sports, 90 Fed. Reg. 9,279 (Feb. 5, 2025), and the subsequent media coverage of the verbal back and forth between Governor Mills and President Trump at a National Governors Association luncheon. Governor Mills’ actions were controversial and made national news. Governor Mills’ office acknowledged receipt of the request but offered no timeline for access and did not respond to repeated requests for updates.

3. As of the filing of this Complaint, it has been over 90 days since the requests were made on February 24, 2025, yet the Governor has not produced a single document or even offered a timeframe for access.

4. FOAA requires agencies “to respond to a . . . request with the purpose of facilitating the requester’s timely access to the requested records unless the agency has a good-faith basis for withholding or delaying access.” *Hum. Rts. Def. Ctr. v. Maine Cnt’y. Comm’rs Ass’n Self-funded Risk Mgmt. Pool*, 2023 ME 56, ¶ 25, 301 A.3d 782, 792 (Me. 2023). FOAA does not permit agencies to ignore requests or to not respond in a timely manner.

5. The Governor’s unreasonable delay is contrary to the purpose of FOAA. Allowing a government agency to acknowledge a request, but never produce documents,

encourages burdens to disclosure that violate the statute's purpose for open government.

1 M.R.S. § 401.

PARTIES

6. Plaintiff, The Heritage Foundation is a Washington, D.C.-based nonpartisan public policy organization with a national and international reputation whose mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Foundation, About Heritage, <https://www.heritage.org/about-heritage/mission> (last visited May 22, 2025). Heritage is a not-for-profit section 501(c)(3) organization which engages in substantial dissemination of information to the public.

7. Plaintiff Mike Howell leads The Oversight Project and is an investigative columnist for *The Daily Signal* and a contributor to *The Blaze*. The Oversight Project is an initiative aimed at obtaining information via FOIA requests and other means to best inform the public and Congress for the purposes of Congressional oversight. The Oversight Project works to expose and root out corruption in government, among elected officials, and in our most influential organizations to ensure power resides with the American People.” The Oversight Project, <https://itsyourgov.org/> (last visited May 22, 2025). The Oversight Project and Plaintiff Howell's journalistic work is published most frequently on X (formally known as Twitter) to provide information directly to the

American people. See Oversight Project (@ItsYourGov), X (last visited May 22, 2025), <https://x.com/ItsYourGov>. Significant findings are also posted on the Oversight Project’s website. See <https://itsyourgov.org/> (last visited May 22, 2025). That website contains a searchable archive of records obtained by the Oversight Project in the “Doc Depo”. See <https://docdepot.itsyourgov.org/> (last visited May 22, 2025). Staff for the Oversight Project routinely appear on television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate.

8. Defendant Janet Mills is the Governor of the State of Maine. The Governor’s office is located at 210 State Street, Augusta, Maine 04333.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 1 M.R.S. § 409.

10. Venue is proper in this Court under 1 M.R.S. § 409 because the agency’s principal office is in Kennebec County, Maine.

11. A FOAA matter has statutory priority such that it “may be advanced on the docket and receive priority over other cases when the court determines that the interest of justice so require.” 1 M.R.S. § 409.

FACTUAL ALLEGATIONS

12. On Friday, February 21, 2025, Governor Mills and President Trump quarreled following President Trump’s announcement that the Federal Government would withhold federal funding from Maine if the state did not comply with EO 14201. See, e.g., Brooke Migdon, *Trump, Maine governor clash over transgender athletes*, The Hill

(Feb. 21, 2025), <https://thehill.com/homenews/state-watch/5157818-trump-janet-mills-maine-transgender-athletes/>.

13. News reports indicate Governor Mills attempted to capitalize on the media attention the dispute generated with mass text messages for fundraising. *See e.g., Alec Schemmel, Dem governor fundraises off dust-up with Trump over trans sports in Maine: 'I told him we'd see him in court', Fox News (Feb. 26, 2025), [https://perma.cc/YNZ4-5UHX].*

14. On February 24, 2025, Plaintiffs submitted two FOAA requests to the Governor's office related to the state's policy regarding EO 14201 and subsequent media inquiries to the Governor's office about the National Governors Association luncheon. Complete and accurate copies of these requests are attached as Exhibits A and B. (collectively the "Requests").

15. The first request sought: "All records concerning Executive Order 14201— Keeping Men Out of Women's Sports." *See Exhibit A.*

16. The second request sought:

1. All records related to the February 21, 2025 National Governors Association session at the White House;
2. All records concerning Mary Margaret Olohan's request for comment following the February 21, 2025 National Governors Association session at the White House.

17. The Requests identified Plaintiff Howell as a member of the news media.

18. The Governor's Office acknowledged the Requests by email on February 28, 2025, but provided no estimate of the time to complete processing or an estimate of the costs associated with processing the requests. A complete and accurate copy of this acknowledgment is attached as Exhibit C.

19. Plaintiff Howell requested an update on the processing of the Requests on four separate occasions in April and May 2025. A complete and accurate copy of the email requests for an update are attached as Exhibit D.

20. The Governor's office did not respond to these communications.

21. As of the filing of this action, it has been over three months since Plaintiffs' requests. The Governor has not produced a single responsive public record, offered an estimate of the time to process the request, or an estimate of any fees to process the request.

COUNT 1
Violation of the Freedom of Access Act

22. Plaintiffs incorporate and reallege each and every allegation contained in the previous paragraphs of this Complaint.

23. FOAA allows any person to "request that [an] agency or official ... provide a copy" of any "public record." 1 M.R.S. § 408-A(2). Compliance with FOAA is not optional: when a copy of public records is sought, "[t]he agency or official shall mail the copy upon request." *Id.* § 408-A(2)(B).

24. Plaintiffs requested the production of public records on an issue of public concern on February 24, 2025.

25. Defendant's failure to produce records within ninety days is unreasonable and violates the FOAA. *See* 1 M.R.S. § 408-A.

26. Under FOAA, the Governor was required to respond to Plaintiffs' requests "with the purpose of facilitating the requester's *timely* access to the requested records unless the agency has a good-faith basis for withholding or delaying access." *Hum. Rts. Def. Ctr. v. Maine Cnt'y. Commissioners Ass'n Self-funded Risk Mgmt. Pool*, 2023 ME 56, ¶ 25, 301 A.3d 782, 792 (Me. 2023) (emphasis added).

27. She did not do this. Instead, the Governor "has acted in the manner opposite to facilitating access to its public records" and "deliberately and affirmatively imped[ed] or thwart[ed] [Plaintiffs'] valid requests for access." *Id.*

28. The Governor's failure to produce documents for over two months runs contrary to the FOAA, which requires the agency to "make a good faith effort to fully respond to the request within the estimated time frame." 1 M.R.S. § 408-A(3).

29. The Governor has not complied with her statutory obligation to provide a cost estimate "[w]ithin a reasonable time of receiving the request." 1 M.R.S. § 408-A(2).

30. The Governor has ignored Plaintiffs' request for two months without offering a reasonable justification for her failure to comply with the FOAA.

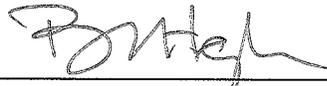
31. Fulfilling Plaintiffs' requests by requiring production of the disputed records accords with the purposes underlying the FOAA. The Governor violated the FOAA by refusing to do so.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand:

- a. Copies of all documents requested by Plaintiffs in their February 2025 FOAA requests and withheld by the Governor;
- b. An award of costs of this action and reasonable attorneys' fees; and
- c. Such other relief as the Court may deem equitable and just.

Dated May 29, 2025



Bruce W. Hepler, Bar No. 8007
Matthew Bowen, Bar No. 6364
Attorney for Plaintiffs

Law Offices of Bruce W. Hepler, LLC
75 Pearl Street
Portland, Maine 04101
tele: (207) 772-2525
fax: (207) 772-2111



for Samuel Dewey, Esq.
Pro Hac admission pending

Chambers of Samuel Everett Dewey LLC
2200 12th Court North Apt. 609
Arlington, VA 22201
phone: (703) 261-4194
email: samueledewey@sedchambers.com

EXHIBIT A

The Oversight Project

Submitted Via Email: timothy.j.feeley@maine.gov

February 24, 2025

Timothy Feeley
Office of the Governor
210 State Street
Augusta, ME 04333

Dear Mr. Feeley:

Pursuant to 1 M.R.S.A. §§ 400–414, I respectfully request the following records from the Office of the Governor:

1. All records concerning Executive Order 14201—Keeping Men Out of Women’s Sports.

Custodians

The custodians for the request are Governor Janet Mills, Chief of Staff Jeremy Kennedy, Press Secretary Ben Goodman, and Director of Speechwriting Lindsay Crete.

Timeframe of Search

The time period for this request is February 5, 2025 through the present.

Search Instructions

To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment added by any party in the thread. For any responsive documents, please provide the entire communications chain, and all attachments.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals,

instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a "communication" (as that term is defined herein) is also a "record" if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms "and" and "or" should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms "all," "any," and "each" should each be construed as 'encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term "communication" means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

"Communications with," "communications from," and "communications between" means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

The term "person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term "employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

Please consider all members of a document "family" to be responsive to the request if any single "member" of that "family" is responsive, regardless of whether the "family member" in question is "parent" or "child."

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. Please confirm receipt of this request within five business days. 1 M.R.S.A. § 408-A(3) Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with Freedom of Access Act. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Access Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation's commercial interest. Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information

requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The requested information is in the public interest because of the media coverage of the exchange between Governor Mills and President Trump at the February 21, 2025 National Governors Association session at the White House and potential impacts of failure to comply with Executive Order 14201.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal⁴ (a major news outlet⁵), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts⁶ or articles. The Oversight Project's X account is the primary method of public communications because X.com allows the Oversight Project to communicate directly to the American people. I also post our distinct work on our Oversight Project social media page.⁷ By function, the Oversight Project is primarily engaged in disseminating information to the public. Staff members for the Oversight Project regularly appear in television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at state.foia@oversight-project.org.

¹ Heritage Foundation on X. [@Heritage] (Accessed: 2025, January 15). 727.1K Followers.

<https://twitter.com/Heritage>

² Fox News. (Accessed: 2025, January 15). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2025, January 15). Press. <https://www.heritage.org/press>.

⁴ Daily Signal. (Accessed: 2025, January 15). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

⁵ Daily Signal on X. [@DailySignal] (Accessed: 2025, January 15). 97.0.K Followers.

<https://twitter.com/DailySignal>

⁶ Apple. (Accessed: 2025, January 15). The Daily Signal Podcast.

<https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

⁷ Oversight Project on X. [@OversightPR] (Accessed: 2025, January 15). 105.2K Followers.

<https://twitter.com/oversightpr>

Sincerely,
Mike Howell
Executive Director and Investigative
Columnist at The Daily Signal
The Heritage Foundation
214 Massachusetts Ave, NE
Washington, D.C. 20002

EXHIBIT B

The Oversight Project

Submitted Via Email: timothy.j.feeley@maine.gov

February 24, 2025

Timothy Feeley
Office of the Governor
210 State Street
Augusta, ME 04333

Dear Mr. Feeley:

Pursuant to 1 M.R.S.A. §§ 400–414, I respectfully request the following records from the Office of the Governor:

1. All records related to the February 21, 2025 National Governors Association session at the White House;
2. All records concerning Mary Margaret Olohan’s request for comment following the February 21, 2025 National Governors Association session at the White House.

Custodians

The custodians for the request are Governor Janet Mills, Chief of Staff Jeremy Kennedy, Press Secretary Ben Goodman, and Director of Speechwriting Lindsay Crete.

Timeframe of Search

The time period for this request is February 21, 2025 through the present.

Search Instructions

To further narrow down the scope of the request, requester does not seek correspondence that merely forwards press clippings, such as news accounts or opinion pieces, newsletters, and published or docketed materials, if that correspondence has no comment added by any party in the thread. For any responsive documents, please provide the entire communications chain, and all attachments.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as 'encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to,

communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

The term "person" is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term "employee" means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.

A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

Please consider all members of a document "family" to be responsive to the request if any single "member" of that "family" is responsive, regardless of whether the "family member" in question is "parent" or "child."

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. Please confirm receipt of this request within five business days. 1 M.R.S.A. § 408-A(3) Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with Freedom of Access Act. Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Access Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation's commercial interest. Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional

American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The requested information is in the public interest because of the media coverage of the exchange between Governor Mills and President Trump at the February 21, 2025 National Governors Association session at the White House.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal⁴ (a major news outlet⁵), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts⁶ or articles. The Oversight Project's X account is the primary method of public communications because X.com allows the Oversight Project to communicate directly to the American people. I also post our distinct work on our Oversight Project social media page.⁷ By function, the Oversight Project is primarily engaged in disseminating information to the public. Staff members for the Oversight Project regularly appear in television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at state.foia@oversight-project.org.

¹ Heritage Foundation on X. [@Heritage] (Accessed: 2025, January 15). 727.1K Followers. <https://twitter.com/Heritage>

² Fox News. (Accessed: 2025, January 15). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2025, January 15). Press. <https://www.heritage.org/press>.

⁴ Daily Signal. (Accessed: 2025, January 15). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

⁵ Daily Signal on X. [@DailySignal] (Accessed: 2025, January 15). 97.0K Followers. <https://twitter.com/DailySignal>

⁶ Apple. (Accessed: 2025, January 15). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

⁷ Oversight Project on X. [@OversightPR] (Accessed: 2025, January 15). 105.2K Followers. <https://twitter.com/oversightpr>

Sincerely,
Mike Howell
Executive Director and Investigative
Columnist at The Daily Signal
The Heritage Foundation
214 Massachusetts Ave, NE
Washington, D.C. 20002

EXHIBIT C



Oversight Project <state.foia@oversight-project.org>

FOAA Requests

Feeley, Timothy J <Timothy.J.Feeley@maine.gov>
To: Oversight Project <state.foia@oversight-project.org>

Fri, Feb 28, 2025 at 3:51 PM

Hello,

This email is to acknowledge your below FOAA requests, while simultaneously reserving the right to withhold, in part or in full, documents that are protected from disclosure by statute. Once we complete our review of the requested material we will provide you with an estimate of the time necessary to complete the process of responding to your request. We may also require the payment of costs as authorized by law. Should any of the requested documents be withheld, we will identify the reason for not disclosing them.

Thank you,

Tim Feeley
Deputy Legal Counsel
Office of the Governor

From: Oversight Project <state.foia@oversight-project.org>
Sent: Monday, February 24, 2025 8:50 PM
To: Feeley, Timothy J <Timothy.J.Feeley@maine.gov>
Subject: FOAA Requests

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

EXHIBIT D



Oversight Project <state.foia@oversight-project.org>

FOAA Requests

Oversight Project <state.foia@oversight-project.org>
To: "Feeley, Timothy J" <Timothy.J.Feeley@maine.gov>

Thu, Apr 3, 2025 at 2:57 PM

Mr. Feeley:

Could you please provide an update on my FOAA requests?

Thanks,
Mike

[Quoted text hidden]



Oversight Project <state.foia@oversight-project.org>

FOAA Requests

Oversight Project <state.foia@oversight-project.org>
To: "Feeley, Timothy J" <Timothy.J.Feeley@maine.gov>

Thu, Apr 10, 2025 at 1:43 PM

Mr. Feeley:

Following up on my prior email.

Thanks,
Mike

[Quoted text hidden]



Oversight Project <state.foia@oversight-project.org>

FOAA Requests

Oversight Project <state.foia@oversight-project.org>
To: "Feeley, Timothy J" <Timothy.J.Feeley@maine.gov>

Thu, Apr 24, 2025 at 1:17 PM

Mr. Feeley:

Just checking in on this request. If I can assist in your review, please let me know.

Thanks,
Mike

[Quoted text hidden]



Oversight Project <state.foia@oversight-project.org>

FOAA Requests

Oversight Project <state.foia@oversight-project.org>
To: "Feeley, Timothy J" <Timothy.J.Feeley@maine.gov>

Wed, May 14, 2025 at 12:17 PM

Mr. Feeley:

Would you please provide an update on the status of these requests?

-Mike

[Quoted text hidden]

STATE OF MAINE
Kennebec, SS

SUPERIOR COURT
DOCKET NO. _____

THE HERITAGE FOUNDATION and
MIKE HOWELL,

Plaintiffs,

v.

JANET MILLS, in her official capacity as the
Governor of Maine,

Defendant.

Motion for Admission of Visiting
Counsel *Pro Hac Vice*
Samuel Dewey, Esq.
(M.R. Civ. P. 89(b); 4 M.R.S. § 802)

NOW COME Plaintiffs The Heritage Foundation and Mike Howell (hereafter, "Plaintiffs"), by and through undersigned counsel, and move for the admission of visiting counsel Samuel Dewey, pursuant to Maine rule of Civil Procedure 89(b) and 4 M.R.S. § 802, as follows:

1. Samuel Dewey went to Brandeis University, and he received his law degree from Harvard Law School in 2009.
2. Samuel Dewey practices law out of his office in Arlington, Virginia.
3. Samuel Dewey is an attorney admitted to the District of Columbia bar and is currently a member in good standing of the District of Columbia bar (Bar No. 999979). See Exhibit A.

4. Plaintiffs are based in Washington, D.C., and Attorney Dewey does much legal work on behalf of the Heritage Foundation and Mike Howell as President for the Oversight Project.
5. Plaintiffs have filed an action in Kennebec County Superior Court.
6. It is beneficial to have Attorney Dewey, counsel from another jurisdiction, continue to represent the Plaintiffs and to participate in this process as he is well acquainted with Plaintiffs and the underlying issues.
7. Plaintiffs have also retained undersigned counsel Bruce Hepler and his team at the Law Offices of Bruce W. Hepler, LLC, including Attorney Matthew Bowen. Attorneys Hepler and Bowen are attorneys admitted to the Maine bar in good standing.
8. Attorneys Hepler and Bowen are actively associated with Samuel Dewey.
9. Samuel Dewey's *pro hac vice* admission is for all hearings and proceedings in the above-captioned matter.
10. Undersigned counsel respectfully moves for the admission of Samuel Dewey as a visiting attorney to work in association with the undersigned counsel in this matter.

Dated: May 29, 2025



Bruce W. Hepler, Bar No. 8007
Matthew H. Bowen, Bar No. 6364
Attorneys for the Heritage Foundation
and Mike Howell

Law Offices of Bruce W. Hepler, LLC
75 Pearl Street
Portland, Maine 04101
tele: (207) 772-2525
fax: (207) 772-2111

NOTICE

ALL MATTERS IN OPPOSITION TO THIS MOTION MUST BE FILED NO LATER THAN 21 DAYS AFTER THE FILING OF THIS MOTION UNLESS ANOTHER TIME IS PROVIDED BY THE MAINE RULES OF CIVIL PROCEDURE OR SET BY THE COURT. FURTHER, FAILURE TO FILE A TIMELY OPPOSITION WILL BE DEEMED A WAIVER OF ALL OBJECTIONS TO THIS MOTION, AND THIS MOTION MAY THEN BE GRANTED WITHOUT FURTHER HEARING OR NOTICE.

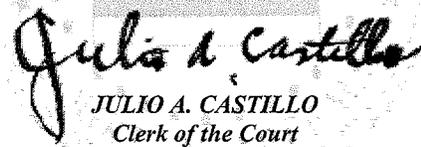


*On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that*

Samuel Everett Dewey

*was duly qualified and admitted on March 18, 2011 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, an Active member in good
standing of this Bar.*

*In Testimony Whereof,
I have hereunto subscribed my
name and affixed the seal of this
Court at the City of
Washington, D.C., on May 28, 2025.*


JULIO A. CASTILLO
Clerk of the Court

Issued By:



David Chu - Director, Membership
District of Columbia Bar Membership

*For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbar.org.*

STATE OF MAINE
KENNEBEC, ss.

SUPERIOR COURT
Docket No: _____

The Heritage Foundation

and

Mike Howell,

Plaintiffs

v.

Janet Mills, in her official
capacity as Governor of the
State of Maine,

Defendant

ORDER
ADMITTING VISITING COUNSEL
PRO HAC VICE
SAMUEL E. DEWEY, ESQ.
M.R. Civ. P. 89(b); 4 M.R.S. § 802)

After consideration of Plaintiff's **MOTION FOR ADMISSION OF VISITING COUNSEL, *PRO HAC VICE***, the court hereby admits **Samuel E. Dewey, Esq.** as a visiting attorney to work in association with Bruce W. Hepler, Esq. and Matthew H. Bowen, Esq. in this matter. The Motion is hereby **GRANTED**.

Dated: _____

Justice, Maine Superior Court