

Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

CHRISTOPHER HORNER &)
COMPETITIVE ENTERPRISE INSTITUTE)

Petitioners,)

v.)

Case No. CL18-5666

JASON MIYARES, ATTORNEY GENERAL)
OF VIRGINIA)

Respondent.)

ORDER

On March 16, 2022, this matter came before the Court on Christopher Horner and Competitive Enterprise Institute's ("Petitioners") Petition for Writ of Mandamus and Injunctive Relief pursuant to a Virginia Freedom of Information Act ("FOIA") request sent to the Office of the Attorney General ("OAG") on September 27, 2018 and October 17, 2018. Both parties appeared by Counsel. At the hearing, Petitioners presented evidence that OAG's responses to the requests were inadequate, and Petitioner had reason to believe that more documents existed and were being withheld. Respondent responded that the searches were done in good faith and in accordance with the language of the FOIA requests. Upon consideration of the parties' evidence and arguments offered at the hearing, the Court hereby **FINDS**:

1. The September 27, 2018 request was construed by the OAG too narrowly.

Specifically, the September 27, 2018 request asked for records from the timeframe of August 25, 2017 – March 31, 2018. These documents were not produced nor provided to Petitioners. The Court **FINDS** that the OAG did not adequately search for

records pertaining to that time frame. Accordingly, the Petition for Writ of Mandamus is **GRANTED** and the OAG is **ORDERED** to perform an additional search for the documents in the aforementioned time frame.

Pursuant to Rule 1:13 of the Supreme Court of Virginia, the Court dispenses with the parties' endorsement of this Order.

The Clerk is directed to forward a certified copy of this Order to all counsel of record.

IT IS SO ORDERED.

ENTER: 4/15/2022


C.N. Jenkins, Jr., Judge