

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----	X
In re Application for a Judgment under Article 78 of	:
the Civil Practice Law and Rules by	:
	: Index No.: 606534/2020
CHARLES LANE,	:
	: RJI No.:
Petitioner,	:
	:
-against-	: <u>VERIFIED PETITION</u>
	:
HAMPTON BAYS UNION FREE SCHOOL DISTRICT	:
	:
Respondent.	:
-----	X

TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Petitioner Charles Lane, by and through his undersigned counsel, respectfully alleges as follows:

1. This proceeding is brought against Respondent Hampton Bays Union Free School District (“Respondent” or “HBSD”) pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”), New York Public Officers Law § 84 *et seq.* (the “Freedom of Information Law” or “FOIL”), and CPLR § 3001.

2. This proceeding arises out of Respondent’s failure to disclose to Petitioner certain digital photographs and the system metadata they contain, which reflect the Respondent’s surveillance of students of Latinx descent. As set forth below, Respondent’s refusal to disclose this information violates the disclosure mandate of FOIL, impedes Lane’s journalistic enterprise, and defeats the public interest.

PARTIES, JURISDICTION AND VENUE

3. Petitioner Charles Lane is a senior reporter at WSHU Public Radio. He is an award-winning journalist based in Long Island. He has worked for National Public Radio, Deutsche Welle, Radio Netherlands, Soundprint, Penthouse, the Religion News Service, and the Catholic World Report. His reporting on local issues in Long Island has won him three

Public Service Awards from the Society of Professional Journalists and a national Edward R. Murrow Award.

4. Respondent is an “agency” within the meaning of Public Officers Law § 86(3), with its place of business located at 86 East Argonne Road, Hampton Bays, New York 11946.

5. The actions of Respondent complained of herein are final in nature and cannot be reviewed adequately by another court, entity, or officer. This Court has jurisdiction over this matter pursuant to Public Officers Law § 89(4)(b), Article 78 of the CPLR and CPLR § 3001.

6. Pursuant to CPLR § 506(b) and CPLR § 7804(b), this proceeding is commenced in Suffolk County because Respondent is located in this County, and because this County is within the judicial district wherein Respondent made the determinations complained of and refused to perform duties specifically enjoined upon it by law.

FACTS

7. On November 13, 2019, Lane submitted the fourth in a series of FOIL requests he was making to the District Clerk/Records Access Officer at Hampton Bays Union Free School District (“Request 4”). Request 4 sought disclosure of “any and all photographs taken by John Moran,” the school district’s Director of School Safety and Transportation. (A true and correct copy of Request 4 is attached hereto as Exhibit A.)

8. Digital files of photographs typically contain system metadata, which includes such information as the date and time of the creation of the photograph. Lane understood and intended his FOIL request to seek the disclosure of electronic files of photographs and their metadata.

9. On December 5, 2019, Lane received an email from HBSD stating that Request 4 was denied because it was “too broad.” (A true and correct copy of Respondent’s December 5 denial of Request 4 is attached hereto as Exhibit B.)

10. Lane filed an administrative appeal of the denial of Request 4 on December 5, 2019.

11. On December 18, 2019, HBSD responded by revising its initial denial of Request 4. It provided 64 digital copies of some of the requested photographs, but invoked a student privacy exemption in the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g (2018), as authority to withhold the rest of the photographs. The digital files of those photographs provided to Lane were stripped of their original metadata. (A true and correct copy of Petitioner’s appeal and Respondent’s December 18, 2019 revised response is attached hereto as Exhibit C.)

12. Upon receiving the files stripped of their original metadata, Lane that same day submitted to HBSD a new FOIL request (“Request 7”) seeking disclosure of the original metadata of all photographs taken by Moran, including the metadata associated with the photographs Lane received and those that were withheld in response to Request 4. (A true and correct copy of Request 7 is attached hereto as Exhibit D.)

13. On December 20, 2019, HBSD sent Lane a letter denying Request 7 on the grounds that the photographs taken by Moran “were not extracted with meta-data” and HBSD did not “maintain a separate record responsive to [Request 7].” (A true and correct copy of Respondent’s December 20, 2019 denial is attached hereto as Exhibit E.)

14. On December 20, 2019, Lane filed an administrative appeal challenging the denial of Request 7. (A true and correct copy of Petitioner’s appeal is attached hereto as Exhibit F.)

15. On January 7, 2020, HBSD denied Lane's appeal of Request 7, stating that it "[did not] have this record or any report" of metadata in the form requested and that "the district is not required to create a record." In response, Lane requested for clarifications on the grounds for denying his appeal of Request 7 on January 23, 2020. (A true and correct copy of Respondent's January 7, 2020 denial of the appeal and Lane's January 23, 2020 request for clarifications is attached hereto as Exhibit G.)

16. In response to Lane's request, by letter dated February 24, 2020, HBSD stated that the original metadata "doesn't exist." Respondent said the digital photographs were transferred from Moran's district computer to a district network drive in December, and during this process, the original metadata was wiped from the digital file of each photograph. (A true and correct copy of Respondent's February 24 letter is attached hereto as Exhibit H.)

17. On March 13, Lane's counsel reached out to HBSD to clarify the status of the original metadata and clarify the metadata's chain of custody. They received no response. (A true and correct copy of counsel's March 13 letter is attached hereto as Exhibit I.)

CLAIM ONE:

UNLAWFUL FAILURE TO DISCLOSE PHOTOGRAPHS

18. Petitioner hereby repeats and re-alleges paragraphs 1 through 17 as if fully set forth herein.

19. Under FOIL, all documents in the possession of Respondent HBSD are presumed open and available for inspection by the public. Respondent may refuse to disclose documents only if expressly authorized to do so by one of FOIL's specific exemptions. The limited statutory exemptions are to be construed narrowly to carry out FOIL's broad disclosure mandate.

20. Respondent violated FOIL by denying Petitioner's request for Moran's photographs on the basis of an asserted statutory exemption that does not apply.

21. Under FERPA, Respondent is prohibited by federal law from disclosing personally identifiable information contained in an “education record.” To constitute an “education record” under FERPA, “information must relate to an individual student’s educational performance, and must be kept in the student’s individual file by a central registrar or custodian.” *Jacobson v. Ithaca City Sch. Dist.*, 39 N.Y.S.3d 904, 908 (N.Y. Sup. Ct. 2016).

22. On information and belief, all of the photographs requested by Lane depict the home residences of Latinx students attending HBSD, sometimes including an image of the student and/or other identifiable individuals. These photographs are not “education records” within FERPA because they are not related to the students’ educational performance and, on information and belief, are not attached to individual student files maintained by a central registrar or custodian.

23. FERPA imposes no obligation on HBSD to maintain the requested photographs as private.

24. Even if FERPA’s privacy mandate properly exempts from disclosure the images of specific students captured in photographs requested by Lane, Respondent is required to disclose reasonably segregable, non-exempt material. Respondent could reasonably have redacted images of identifiable students contained in the requested photographs and disclosed the remaining portion of each image, as to which no FERPA exemption would apply.

25. HBSD failed to provide a particularized and specific justification for its failure to redact from the requested photographs the material it contends to be exempt, and instead withheld photographs in their entirety.

26. By its actions, Respondent has refused to perform a duty to disclose enjoined upon it by FOIL and has erred as a matter of law in concluding that the requested photographs may be withheld in their entirety pursuant to FERPA's privacy mandate.

27. Respondent's failure has caused, and continues to cause, immediate and irreparable harm to the rights guaranteed to Petitioner and to the public at large under FOIL.

28. Petitioner has no adequate remedy other than this proceeding, and no previous application for the relief requested herein has been made.

29. Petitioner has exhausted his administrative remedies.

CLAIM TWO

UNLAWFUL FAILURE TO DISCLOSE THE PHOTOGRAPHS' METADATA

30. Petitioner hereby repeats and re-alleges paragraphs 1 through 29 as if fully set forth herein.

31. For purposes of FOIL, system metadata is part of the record to which it is attached and is, therefore, subject to disclosure. Public Officers Law § 89(3)(a).

32. On information and belief, the metadata for the photographs requested by Petitioner contain no personally identifiable information about any HBSD student and is not exempt from disclosure by FERPA's privacy mandate.

33. In responding to Petitioner's Request 4, Respondent failed to segregate and disclose the metadata that is part of the electronic record for each of the requested photographs, as required by FOIL.

34. In responding to Petitioner's Request 7, separately asking for the metadata associated with the photographs, Respondent wrongly asserted that retrieving and disclosing the metadata would constitute the creation of a new record.

35. No lawful basis exists for HBSD's refusal to disclose the metadata sought by Request 7.

36. By its actions, Respondent has failed to perform a duty to disclose enjoined upon it by FOIL and has erred as a matter of law in concluding that it has no legal obligation to disclose the requested metadata.

37. Respondent's denial has caused, and continues to cause, immediate and irreparable harm to the rights guaranteed to Petitioner and to the public at large under FOIL.

38. Petitioner has no adequate remedy other than this proceeding, and no previous application for the relief requested herein has been made.

39. Petitioner has exhausted his administrative remedies.

WHEREFORE, Petitioner respectfully requests this Court to grant judgment:

- (a) Declaring that Respondent has acted unlawfully in failing to disclose the requested photographs and failing to segregate and disclose system metadata associated with the requested electronic files;
- (b) Enjoining Respondent to provide Petitioner with immediate access to all non-exempt records or portions of records he requested;
- (c) Awarding Petitioner his costs and attorneys' fees pursuant to Public Officers Law § 89(4)(c); and
- (d) Awarding Petitioner such other and further relief as the Court deems proper.

Dated: June 4, 2020

Respectfully submitted,

MEDIA FREEDOM &
INFORMATION ACCESS CLINIC

By: s/ David A. Schulz
David A. Schulz
Jennifer Pinsof
Ke "Katie" Ning (student intern)
Yale Law School
127 Wall Street
New Haven, CT 06511
Tel: (212) 850-6103
david.schulz@yale.edu

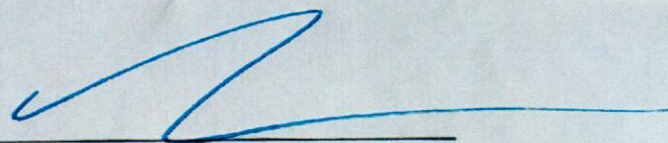
Counsel for Petitioner

VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

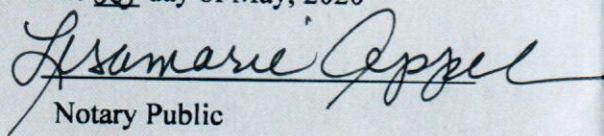
CHARLES LANE, being duly sworn, deposes and says:

That he is the plaintiff in the above-entitled action; that he has read the foregoing
Petition and knows the contents thereof; that the same is true to his knowledge, except as to
the matters therein stated to be alleged upon the information and belief, and that as to those
matters he believes them to be true.



CHARLES LANE

Sworn to and subscribed before me
this 28 day of May, 2020


Notary Public

LISAMARIE APPEL
Notary Public, State of New York
No. 01AP4869703
Qualified in Richmond County
Certificate Filed in New York County
Commission Expires Sept. 2, 2022

*Notarization made pursuant to
Executive Order 202.7*

Exhibit A

From: ["Pandolfo, Christine" <cpandolfo@hbschools.us>](mailto:cpandolfo@hbschools.us)**To:** ["Charles Lane" <clane@wshu.org>](mailto:clane@wshu.org)**Date:** 12/5/2019 10:43:22 AM**Subject:** RE: WSHU/HBSD FOIL #4**Attachments:** doc08289120191205114145.pdf

Please see attached.

From: Charles Lane <clane@wshu.org>**Sent:** Wednesday, November 13, 2019 1:47 PM**To:** Pandolfo, Christine <cpandolfo@hbschools.us>**Subject:** WSHU/HBSD FOIL #4

Sorry, just thought of something.

By rights assigned under NY's FOIL, I request access to the following records:

1. Any and all photographs taken by John Moran

Thanks!

[Charles Lane](#)

203-365-0420

Confidentiality Notice: The information contained in this email message may be privileged and/or confidential. Distribution of the material contained in this email message may violate the Family Educational Rights and Privacy Act, the Freedom of Information Law, the Health Insurance Portability and Accountability Act of 1996, and/or other applicable state or federal law. If the reader of this message is not the intended recipient, you are hereby notified that you have received this message and any attached documents in error, and that any review, dissemination, distribution, or copying of the message and documents is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete the message and any accompanying documents.

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Exhibit B



HAMPTON BAYS

Union Free School District

Administrative Offices: 86 Argonne Road East, Hampton Bays, NY 11946 • Tel: (631) 723-2100 • Fax: (631) 723-2109

LARS CLEMENSEN
SUPERINTENDENT OF SCHOOLS

December 5, 2019

Mr. Charles Lane
clane@wshu.org

Dear Mr. Lane:

This letter is in response to your Freedom of Information Law request dated November 13, 2019 and received on November 13, 2019.

1. Any and all photographs taken by John Moran: your request is too broad. Please specify what you are looking for.

Sincerely,

Christine A. Pandolfo
District Clerk/Records Access Officer

Exhibit C

NYSCEF DOC. NO. 4

RECEIVED NYSCEF: 06/04/2020

From: Luce, Lawrence <llyce@hbschools.us>
Sent: Wednesday, December 18, 2019 2:54 PM
To: Charles Lane; Pandolfo, Christine; kristin.oneill@dos.ny.gov
Subject: RE: WSHU/HBSD FOIL #4

Mr. Lane,

This letter is in response to your appeal entitled, "WSHU/HBSD FOIL #4 APPEAL."

We have reviewed "any and all photographs taken by John Moran." A Google folder will be shared with you in the manner that past FOIL responses have been. The photographs have been reviewed and those photographs that violate federal law, notably the Family Educational Rights and Privacy Act (FERPA), the law that protects the identity of individual students, have been omitted. This response is being sent to the New York State Committee on Open Government (COOG) as required. Ms. O'Neill, Acting Executive Director of COOG has also been given access to the aforementioned photographs.

This completes my response to your appeal.

All the best!

Lawrence Luce

From: Charles Lane <clane@wshu.org>
Sent: Thursday, December 5, 2019 12:50 PM
To: Pandolfo, Christine <cpandolfo@hbschools.us>; Luce, Lawrence <llyce@hbschools.us>; kristin.oneill@dos.ny.gov
Subject: RE: WSHU/HBSD FOIL #4

Hi Larry, I hope your holidays have started well!

I'm writing to appeal the apparent denial of my November 13th records request. I believe my request reasonably describes what I'm looking for, "any and all photographs taken by John Moran". I invite you to explain what about the school's records retention practice makes this request "too broad".

All the best!

Charles Lane
203-365-0420

From: Pandolfo, Christine [mailto:cpandolfo@hbschools.us]
Sent: Thursday, December 5, 2019 11:43 AM
To: Charles Lane <clane@wshu.org>
Subject: RE: WSHU/HBSD FOIL #4

Please see attached.

Exhibit D

From: **Pandolfo, Christine** <cpandolfo@hbschools.us>
To: **Charles Lane** <clane@wshu.org>
Subject: RE: WSHU/HBSD FOIL #7
Date: 20.12.2019 20:37:07 (+0000)
Attachments: Lane FOIL 7 Response.pdf (1 page)

Mr. Lane,
Please see my acknowledgement/response to FOIL request #7.

Christine A. Pandolfo

From: Charles Lane <clane@wshu.org>
Sent: Wednesday, December 18, 2019 3:23 PM
To: Pandolfo, Christine <cpandolfo@hbschools.us>
Subject: WSHU/HBSD FOIL #7

Hi Christine!

By rights assigned under NY's FOIL I request access to the metadata for any and all photographs taken by John Moran. This request includes the images from all cameras Moran used for work and images excluded in my fourth FOIL dated November 13th. I'm specifically asking for the original metadata, which will include the original file name, date, exposure time, name of the camera, etc.

[Charles Lane](#)
203-365-0420

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Exhibit E



HAMPTON BAYS

Union Free School District

Administrative Offices: 86 Argonne Road East, Hampton Bays, NY 11946 • Tel: (631) 723-2100 • Fax: (631) 723-2109

LARS CLEMENSEN
SUPERINTENDENT OF SCHOOLS

December 20, 2019

Mr. Charles Lane
clane@wshu.org

Dear Mr. Lane:

This letter is an acknowledgement and response to your Freedom of Information Law request #7 dated December 18, 2019 and received on December 18, 2019:

Request for access to the metadata for any and all photographs taken by John Moran. This request includes the images from all cameras Mr. Moran used for work and images excluded in your fourth FOIL dated November 13th; specifically, for the original metadata, which will include the original file name, date, exposure time, name of the camera, etc.: we have previously provided the photographs in their original format in your FOIL #4 request dated November 13, 2019. These photos were not extracted with meta-data and we do not maintain a separate record responsive to the request you are making.

This completes my response to your FOIL request #7.

Sincerely,

A handwritten signature in cursive script that reads "Christine A. Pandolfo".

Christine A. Pandolfo
District Clerk/Records Access Officer

Exhibit F

Have a great weekend!

[Charles Lane](#)
203-365-0420

From: Charles Lane

Sent: Friday, December 20, 2019 4:35 PM

To: Luce, Lawrence <lluce@hbschools.us>; kristin.oneill@dos.ny.gov; Pandolfo, Christine <cpandolfo@hbschools.us>

Subject: FW: WSHU/HBSD FOIL #7

Hi Larry,

I'm writing to appeal the attached denied records request, #7 dated December 18th.

Metadata includes file names and dates included with all digital files. I attached an example. I'm specifically interested in the files excluded from FOIL #4 that you partially fulfilled on December 18th.

You had mentioned that student privacy was an issue in providing access to these images. Again, without conceding that point, a workable compromise would to supply the file names, dates, and any other metadata.

Another solution would be to appeal FOIL #4, but I fear that would just be an unnecessary tax on Christine.

If you have other ideas, please let me know. Thanks!

[Charles Lane](#)
203-365-0420

From: Pandolfo, Christine [<mailto:cpandolfo@hbschools.us>]

Sent: Friday, December 20, 2019 3:37 PM

To: Charles Lane <clane@wshu.org>

Subject: RE: WSHU/HBSD FOIL #7

Mr. Lane,

Please see my acknowledgement/response to FOIL request #7.

Christine A. Pandolfo

From: Charles Lane <clane@wshu.org>

Sent: Wednesday, December 18, 2019 3:23 PM

To: Pandolfo, Christine <cpandolfo@hbschools.us>

Subject: WSHU/HBSD FOIL #7

Hi Christine!

By rights assigned under NY's FOIL I request access to the metadata for any and all photographs taken by John Moran. This request includes the images from all cameras Moran used for work and images excluded in my fourth FOIL dated November 13th. I'm specifically asking for the original metadata, which will include the original file name, date, exposure time, name of the camera, etc.

[Charles Lane](#)
203-365-0420

Exhibit G

From: **Charles Lane** <clane@ex.wshu.org>
To: **Luce, Lawrence** <lluce@hbschools.us>; **kristin.oneill@dos.ny.gov** <kristin.oneill@dos.ny.gov>; **Pandolfo, Christine** <cpandolfo@hbschools.us>
Subject: RE: WSHU/HBSD FOIL #7
Date: 05.02.2020 19:47:53 (+0100)

Hi Larry, I just wanted to follow up on the below. Knowing the answers will save us both time in the future. Many thanks!

[Charles Lane](#)
203-365-0420

From: Charles Lane
Sent: Thursday, January 23, 2020 8:33 PM
To: Luce, Lawrence <lluce@hbschools.us>; kristin.oneill@dos.ny.gov; Pandolfo, Christine <cpandolfo@hbschools.us>
Subject: RE: WSHU/HBSD FOIL #7

Hi Larry,

In order to advance my records request, can you please clarify the District's denial.

On December 18th, I requested access to the metadata for all photographs taken by John Moran. Christine's initial denial on December 20th stated "these photographs were not extracted with meta-data and we do not maintain a separate record responsive to the request. "

Slightly different, your denial to my appeal, dated January 7th, stated "we don 't have this record or any report like this, they do not currently exist. "

In apparent contradiction to both these statements, on December 18th, in response to FOIL #4, you stated "Ms. O 'Neill, Acting Executive Director of COOG has also been given access to the aforementioned photographs. "

Thus far, I've received three different responses as to the existence of metadata for these photographs:

- December 18th: They exist in digital form and COOG has been given access
- December 20th: the metadata was removed while moving the files
- January 7th: the metadata does not exist

Kindly, can you please explain the chain of custody of the files. On what media were they captured? Who has possession of that media? How have the files been stored and transferred since capture? At any point, was the metadata purposefully removed from the files?

Thanks in advance for your attention to this issue.

[Charles Lane](#)
203-365-0420

From: Luce, Lawrence [mailto:lluce@hbschools.us]
Sent: Tuesday, January 7, 2020 2:02 PM
To: Charles Lane <clane@wshu.org>; kristin.oneill@dos.ny.gov; Pandolfo, Christine <cpandolfo@hbschools.us>
Subject: RE: WSHU/HBSD FOIL #7

Mr. Lane,

Your email below, dated December 20, 2019, is a request that we prepare for you a record containing the "metadata for any and all photographs taken by John Moran. This request includes the images from all cameras Moran used for work and images excluded in my fourth FOIL dated November 13th. I'm specifically asking for the original metadata, which will include the original file name, date, exposure time, name of the camera, etc."

Since, we don't have this record or any report like this, they do not currently exist. According to the Freedom of Information Law (FOIL), the district is not required to create a record. Section 89(3)(a) of the Public Officers Law states, in part: "Nothing in this article shall be construed to require any entity to prepare any record not possessed or maintained by such entity ...".

Larry Luce
Assistant Superintendent for Finance & Operations

From: Charles Lane <clane@wshu.org>
Sent: Friday, December 20, 2019 4:35 PM
To: Luce, Lawrence <lluce@hbschools.us>; kristin.oneill@dos.ny.gov; Pandolfo, Christine <cpandolfo@hbschools.us>
Subject: FW: WSHU/HBSD FOIL #7

Hi Larry,

I'm writing to appeal the attached denied records request, #7 dated December 18th.

Metadata includes file names and dates included with all digital files. I attached an example. I'm specifically interested in the files excluded from FOIL #4 that you partially fulfilled on December 18th.

You had mentioned that student privacy was an issue in providing access to these images. Again, without conceding that point, a workable compromise would to supply the file names, dates, and any other metadata.

Another solution would be to appeal FOIL #4, but I fear that would just be an unnecessary tax on Christine.

If you have other ideas, please let me know. Thanks!

[Charles Lane](mailto:clane@wshu.org)
203-365-0420

From: Pandolfo, Christine [<mailto:cpandolfo@hbschools.us>]
Sent: Friday, December 20, 2019 3:37 PM
To: Charles Lane <clane@wshu.org>
Subject: RE: WSHU/HBSD FOIL #7

Mr. Lane,
Please see my acknowledgement/response to FOIL request #7.

Christine A. Pandolfo

From: Charles Lane <clane@wshu.org>
Sent: Wednesday, December 18, 2019 3:23 PM
To: Pandolfo, Christine <cpandolfo@hbschools.us>
Subject: WSHU/HBSD FOIL #7

Hi Christine!

Exhibit H



HAMPTON BAYS

Union Free School District

Administrative Offices: 86 Argonne Road East, Hampton Bays, NY 11946 • Tel: (631) 723-2100 • Fax: (631) 723-2109

MICHAEL T. CARLSON

ASSISTANT SUPERINTENDENT OF CURRICULUM AND INSTRUCTION

February 24, 2020

Mr. Charles Lane
clane@wshu.org

Dear Mr. Lane:

Please note that I am now the Records Appeal Officer for the Hampton Bays School District. Despite this not being a requirement under FOIL, the District did want to provide answers to your questions below. In short, the answers differ slightly on each date because the scope of your question had changed as well. First, metadata was not purposely removed from any file.

- “December 18th: They exist in digital form and COOG has been given access”
 - **Response: You were provided with access to the metadata for pictures the district had that do not violate FERPA.**
- “December 20th: the metadata was removed while moving the files”
 - **Response: The original metadata updated during the moving of the photo files. The metadata for all the pictures, those provided and those held back, is the same date that the pictures were moved.**
- “January 7th: the metadata does not exist”
 - **Response: The original metadata doesn’t exist, only as the newly saved files.**

Regarding chain of custody, as is custom, district pictures are moved from phone to computer. In preparation for the replacement of the computers in the district office in December, all local files on Mr. Moran’s computer were moved to a network drive accessible to the Network Administrator. After his computer was replaced, and in accordance with standard procedure, his hard drive was reformatted and all files were erased. From the network folder, Mr. Moran’s picture files were then moved to another network folder accessible to the District Clerk. At some point of this process, the date stamp on the files is changed to the current date. If you were to right-click on a file and select “Properties,” a details tab will display the metadata. We believe that this should be the only difference from the original (the date stamp). The District does not possess any other metadata than that.

Thank you for your attention to this clarification.

Michael T. Carlson
Records Appeal Office

Exhibit I

From: Lorand Laskai lorand.laskai@ylsclinics.org
Subject: Scheduling a call to discuss Charles Lane's FOIL Request
Date: March 13, 2020 at 10:52 PM
To: mtcarlson@hbschools.us
Cc: David Schulz david.schulz@ylsclinics.org, Jennifer Pinsof jennifer.pinsof@YLSClinics.org

LL

Dear Mr. Carlson,

I am an intern at the Media Freedom and Information Access (MFIA) Clinic at Yale Law School—a legal clinic that is representing Charles Lane in connection with his FOIL requests for John Moran's photographs and their metadata.

Thank you for your clarification letter on February 24, which Mr. Lane has forwarded to us. It answers some of our questions about why certain metadata has not been produced in response to Mr. Lane's FOIL requests. We have no interest in litigating over the non-disclosure of the metadata if we simply misunderstand what transpired, and so would appreciate the opportunity to speak with you about our continuing uncertainty about what material was provided to the School District by the photographer, and what happened to it subsequently.

We would greatly appreciate it if you would be willing to schedule a call to discuss further the issues addressed in your February 24 letter. If this is possible, we are available to talk during the week of March 16. I look forward to hearing from you.

Sincerely,
Lorand Laskai

--
Lorand Laskai
J.D. Candidate at Yale Law School
(857) 413-6040 | lorand.laskai@ylsclinic.org