

Fw: FOI Request

Hennick, Thomas A <Thomas.Hennick@ct.gov>

Mon 6/29/2020 9:57 AM

To: Fasciano, Linda <Linda.Fasciano@ct.gov>

REC'D & FILED

JUN 29 2020

Freedom of Information Comm.
BY *JFT*

New complaint. Please process.

From: Jason Milligan <jason@milliganrealty.com>

Sent: Monday, June 29, 2020 9:28 AM

To: Hennick, Thomas A <Thomas.Hennick@ct.gov>

Cc: Jason Milligan <jason@milliganrealty.com>

Subject: Re: FOI Request

Thomas,

I Jason Milligan, 11 Belden Ave, Norwalk CT 06850 would like to file a formal Freedom of Information (FOIA) complaint against the Corporation Council Office or the Law Office of Norwalk CT, located at 125 East Ave, Norwalk CT 06854. Phone: 203-854-7750.

I filed a FOIA request with the City of Norwalk located at 125 East Ave, Norwalk CT 06851 on May 7th, 2020. Six weeks later after a mountain of excuses for the delay I received well over a hundred pages of completely redacted documents. My complaint is that the redactions in responsive documents are not exempt under the CGS sec.1-210(b)(4) and 1-200(8)(9). Specifically, CGS Sec.1-210(b)(4) exempts "records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party or until such litigation or claim has been finally adjudicated or otherwise settled."

I do not believe any of the redacted documents are exempt under the Freedom of Information laws.

Thank you,

Jason Milligan

My FOIA request from May 7th, 2020 is here:

Jason Milligan

Reply all |

Thu 5/7, 10:58 AM



Please consider this a FOIA request for any and all documentation and communication that has been sent and or received between anyone working at or for city hall and any working for or representing Citibank, Municipal Holdings, JHM Group. Include communication between any and all vendors or contractors, consultants, attorneys, engineers, etc representing Citibank or the City.

To narrow the scope of your search I am looking for any communication that has occurred from January 1, 2020 through and including the date of your search; today, tomorrow, next week...

Be sure to include any and all memos, emails, notes, phone messages, voicemails.

Please promptly reply to let me know you have received this and that you are working on fulfilling my request.

Thank you.

My note in the email below about seeing if "they" comply meant I may be filing an additional complaint against the Redevelopment Agency depending upon if they release the responsive documents. The law office redacted many many documents including exchanges between the Redevelopment Agency and 3rd parties. I have requested these documents that I now know exist directly from the Redevelopment Agency.

I absolutely want to pursue the complaint against the Law Department of Norwalk who has violated FOIA.

Thank you.

Jason Milligan
O 203-849-8100 ext 101
C 203-981-2300

From: Hennick, Thomas A <Thomas.Hennick@ct.gov>

Sent: Monday, June 29, 2020 8:35:12 AM

To: Jason Milligan

Subject: Re: FOI Request

Good morning Jason,

Based on your last e-mail (excerpted below), no complaint is yet on file. It remains unclear what the complaint is about. If you want to file a formal complaint, just spell out precisely what records you sought from which specific department in Norwalk, when you sought them and when you were denied access, either by over-redaction or non-response. Then the legal department can review and process it.

Tom Hennick

I have made a separate FOIA request directly to the Redevelopment Agency today. Let's see if they comply before I make any complaints against them.

From: Jason Milligan <jason@milliganrealty.com>
Sent: Friday, June 26, 2020 8:54 AM
To: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Subject: Re: FOI Request

Tom,

Is my complaint received and being looked into?

Is it against the law department?

Jason Milligan
203-981-2300

Sent from mobile device

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Freedom of Information Comm.
BY 

From: Jason Milligan <jason@milliganrealty.com>
Sent: Monday, June 22, 2020 12:18 PM
To: Hennick, Thomas A
Subject: RE: FOI Request

I am looking for communication that is between the corporation council and others. This corporation council is speaking to 3rd parties directly, not through attorneys.

The communication is primarily between corporation counsel Mario Coppola and others, and Redevelopment Agency director and others. Mario's office did the redacting. I believe the redacting was done without the knowledge or consent of the redevelopment agency or their counsel. They have separate in house counsel, and they have separate independent counsel when they are involved in litigation. The Redevelopment Agency is not involved with litigation with the 3rd parties that are in the FOIA request.

I have made a separate FOIA request directly to the Redevelopment Agency today. Let's see if they comply before I make any complaints against them.

The complaint I have is against the law office.

Jason Milligan
203-981-2300

From: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Sent: Monday, June 22, 2020 12:09 PM
To: Jason Milligan <jason@milliganrealty.com>
Subject: RE: FOI Request

No, the complaint is against the agency which had control of the records.

From: Jason Milligan <jason@milliganrealty.com>
Sent: Monday, June 22, 2020 12:06 PM
To: Hennick, Thomas A <Thomas.Hennick@ct.gov>
Subject: FW: FOI Request

Thomas,

I believe that my complaint is against the law department? They are the ones that did the redacting.

They are located at City Hall 125 East Ave, Norwalk CT 06851.

Jason Milligan
203-981-2300

From: Jason Milligan
Sent: Wednesday, June 10, 2020 4:24 PM
To: 'Spahr, Jeff' <JSPAHR@norwalkct.org>
Cc: Callahan, Darin L <dcallahan@norwalkct.org>; Coppola, Mario <mcoppola@norwalkct.org>
Subject: RE: FOI Request

Jeff,

You say that the staff have "generally" been working from home. Does that mean that nobody is ever in the office? I called the office the other day and a receptionist answered.

I also find it impossible that the attorneys working for the town do not have a way to share and print documents.

It feels like this FOIA request is deliberately being frustrated.

How many responsive emails and documents are there?

Why don't you send me any that do not require redaction?

The original FOIA request was made well over a month ago.

Please just find a way to fulfill the FOIA request as soon as possible. Enough of the run around!

REC'D & FILED

JUN 29 2020

Freedom of Information Comm.
BY JH

Jason Milligan
203-981-2300

From: Spahr, Jeff <JSPAHR@norwalkct.org>
Sent: Wednesday, June 3, 2020 2:16 PM
To: Jason Milligan <jason@milliganrealty.com>
Cc: Callahan, Darin L <dcallahan@norwalkct.org>; Coppola, Mario <mcoppola@norwalkct.org>; Spahr, Jeff <JSPAHR@norwalkct.org>
Subject: RE: FOI Request

Please note that our staff have generally been working from home and therefore do not have access to the City's printers. Further, since they are not physically present at the office, they are unable to print out the records and manually redact them. In addition, this involves additional steps that are time consuming. It will be more efficient to redact electronically. In order to do that we need to purchase a computer program. Since we are at the end of the fiscal year, we need authorization to transfer funds in order to purchase the necessary license to allow us to use this program. And finally, 'yes, the Law Department has been having trouble with our printers and we have had to have them served several times in the last few days in that we are involved in a massive project working with the Purchasing Department.

The timing of this request is particularly poor given our staffing, equipment and financial considerations at this time. Your continued understanding and patience are appreciated.

From: Jason Milligan [mailto:jason@milliganrealty.com]
Sent: Wednesday, June 3, 2020 2:05 PM
To: Spahr, Jeff <JSPAHR@norwalkct.org>
Cc: Callahan, Darin L <dcallahan@norwalkct.org>; Coppola, Mario <mcoppola@norwalkct.org>
Subject: RE: FOI Request

CAUTION: EXTERNAL Email: Don't open links or attachments from untrusted senders

Are there so many responsive emails, or rather redactions that Darin could not possibly print and manually redact the contents he feels warrant it?

Couldn't Darin review the emails. Flag any that he feels warrant redaction. Print only those & manually redact?

Is the law office operating without printers?

Jason Milligan
203-981-2300

From: Spahr, Jeff <JSPAHR@norwalkct.org>
Sent: Wednesday, June 3, 2020 1:45 PM
To: Jason Milligan <jason@milliganrealty.com>
Cc: Callahan, Darin L <dcallahan@norwalkct.org>; Spahr, Jeff <JSPAHR@norwalkct.org>; Coppola, Mario <mcoppola@norwalkct.org>
Subject: FOI Request

This is an update on your FOI request. Attorney Callahan, who is knowledgeable about the ongoing litigation, will be reviewing the identified emails to determine if there is exempt content. Rather than just withholding the entire email, we have decided on a more conservative plan and will redact those portions of the email, if any, that can be exempt from disclosure under the FOI Act.

At this point, we are waiting to have an appropriate computer program installed that is designed to accomplish this. We will continue to keep us posted on our progress in this regard.

I know that you take the position that any communication between a public agency and a private person or entity is not exempt and must necessarily be turned over. This interpretation is incorrect. There are any number of exemptions that apply where one of the parties is a private entity.

We appreciate your continued understanding and patience.

M. Jeffry Spahr
Deputy Corporation Counsel
City of Norwalk

6/29/2020

Mail - Fasciano, Linda - Outlook

125 East Avenue
Norwalk, Conn. 06851
(203)854-7750
(203)854-7901 (f)



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