FOI #14556

Monday, January 13, 2014

Attention: FOI Administrator
The Secretary -The Port Authority of New York and New Jersey
225 Park Avenue South, 17th Floor
New York, NY 10003
Fax: (212) 435-7555

To Whom It May Concern,

The following request is being made in accordance with the Port Authority's Freedom of Information Policy, the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.), and the New York Freedom of Information Law (Public Officers Law, Article 6, Section § 84-90).I am requesting copies of the following records:

Personal Email Correspondence of David Wildstein, William Schuber, and Bill Samson: I am requesting copies of specific incoming-and-outgoing electronic-correspondence of David Wildstein, William Schuber, and Bill Samson from their respective personal email accounts:david.wildstein@gmail.com, wpschuber@optonline.net, and dsamson@wolffsamson.com.

Specifically:

1) I request incoming-and-outgoing electronic-correspondence of David Wildstein from his personal email account (david.wildstein@gmail.com) with the following individuals from January 1, 2013 to present:

- Chris Christie
- Bill Stepien
- Robert Durando
- Kevin Roberts
- David Saenz
- Lou Goetting
- Bridget Ann Kelley
- Bill Baroni
- Maria Comella
- Karen Wolfe
- Rich Bagger
- Michele Brown
- Bill Samson
- Michael Drewniak
- Sean Conner
- Foster Morss
- Kevin O'Dowd
- William Schuber

2) I request incoming-and-outgoing electronic-correspondence of William Schuber from his personal (wpschuber@optonline.net) email account with the following individuals from January 1, 2013 to present:

- Chris Christie
- Bill Stepien
- Robert Durando
- Kevin Roberts
- David Saenz
- Bridget Ann Kelley
- Bill Baroni
- Maria Comella
- Karen Wolfe
- Rich Bagger
- David Wildstein
- Michael Drewniak
- Sean Conner
- Foster Morss
- Kevin O'Dowd

- Lou Goetting
- Michele Brown
- Bill Samson

3) I request incoming-and-outgoing electronic-correspondence of Bill Samson from his personal (dsamson@wolffsamson.com) email account with the following individuals from January 1, 2013 to present:

- Chris Christie
- Bill Stepien
- Robert Durando
- Kevin Roberts
- David Saenz
- Lou Goetting
- Bridget Ann Kelley
- Bill Baroni
- Maria Comella
- Karen Wolfe
- Rich Bagger
- Michele Brown
- David Wildstein
- Michael Drewniak
- Sean Conner
- Foster Morss
- Kevin O'Dowd
- William Schuber

In order to aid your search emails, here is a list of some (but not an exclusive list) email addresses that would be responsive to this FOI request:bbaroni@panynj.gov,b_stepien@yahoo.com,bridgetannekelly@yahoo.com, mpdrew42@gmail.com, and, rdurando@panynj.gov. Regardless of a known email address, a search for these individuals should be of relative ease using the search features of the respective email providers – simply input the subjects' surname listed above into the "search" input of either Yahoo or Gmail.

FOI Justification: I realize a request for an employee's personal email account records is highly unusual. Unfortunately, recent public events and the actions of these staff members warrant this request. Recent news reports revealed that Mr. Samson, Mr. Schuber, and Mr. Wildsteinconducted state business on personal email accounts.

- Specifically, Mrs. Bridget Ann Kelly emailed Mr. Wildstein staff to request the creation of "traffic problems in Fort Lee." (NYT, 1/8/14)
- Mr. Wildstein coordinated managerial and logistical activity withMr. Samson and Mr. Schuber using his personal email account. Mr. Samson and Mr. Schuber, in turn, also used their personal email accounts for the aforementioned activities. (NYT, 1/8/14)

The Port Authority of New York And New Jersey's Freedom of Information Code clearly states that "As recognized in its By-Laws, it is the goal and policy of the Port Authority to conduct its business and activities in the public interest and therefore the public should have access to the records of the Port Authority to the greatest extent possible."

Indeed, FOI Code defines a government record as "RESOLVED, that any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or imaged processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, generated, maintained, received in the course of transacting official business and kept on file (collectively, "Records")…" (FOI Code). It is clear from media reports that Mr. Samson, Mr. Schuber, and Mr. Wildstein's personal accounts contain emails where they conduct official government business, thereby constituting it as a public record.

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I also fully recognize that access to these email accounts may need to be acquired from Mr. Samson, Mr. Schuber, and Mr. Wildstein. As current and former government employees subject to the NJ, NY and FOI law, we believe they are obligated to provide you with such access, or that you must otherwise obtain it from their email service provider. In addition, we are concerned that the subjects in question may be deleting emails that may be responsive to this request. We ask that you pursue recovering any deleted emails from the subject's email provider.

Payment & Processing of FOI Request: I realize that certain costs may be applicable to this request. Please contact me when you can provide a payment amount for my requests. In the meantime, I authorize an initial expense cap of $500 to be accrued. To help assess my status for copying and mailing fees, please note that I am gathering information for research purposes and not for commercial activities.

I also request that you state the specific legal and factual grounds for withholding any documents or portions of documents, should you withhold any. Please identify each document that falls within the scope of this request but is withheld from release.

If requested documents are located in, or originated in, another installation or bureau, I would request that you please refer this request, or any relevant portion of this request, to the appropriated installation or bureau.

To the extent that the information is available in electronic format, I would prefer to receive that information via email or CD, particularly if providing the information reduces the time or expense involved. Otherwise, I request to receive the information in paper form.

You may fax your response to 202-315-0384 or email it to Abraham@AmericanBridge.org. If you wish to call, please do so between 9AM and 6PM (EST).

Thank you for your time and attention to this matter.

Sincerely,

Abraham Payton
American Bridge 21st Century
455 Massachusetts Avenue
Suite 280
Washington, DC 20001
Phone: 202-266-3339
Fax: 202-315-0384
Email: Abraham@AmericanBridge.org

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THE PORT AUTHORITY OF NY & NJ

FOI Administrator

January 24, 2014

Mr. Abraham Payton
American Bridge 21st Century
455 Massachusetts Avenue NW
Suite 280
Washington, DC 20001

Re: Freedom of Information Reference No. 14556

Dear Mr. Payton:

We are in receipt of your January 13, 2014 request for copies of personal email correspondence of David Wildstein, William Schuber and David Samson, and the individuals specifically identified in your request, from January 1, 2013 to the date of your request.

Please be advised that we do not have any personal email correspondence of these individuals.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,

Daniel Duffy
FOI Administrator

Enclosure

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New York, NY 10003
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