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Symmes, Brian <BrianSymmes@gov.sc.gov>

Date: 9/23/2013 10:32:04 AM

Subject: RE: FOIA Request by Nelson Mullin on behalf of HP - Electronic Records Search

25 pages

From: Patel, Swati

Sent: Wednesday, September 11, 2013 3:34 PM

To: Schimsa, Rebecca; Stirling, Bryan; Haltiwanger, Katherine; LeMoine, Leigh; Walls, Courtney; Soura, Christian; Pitts, Ted; Baker, Josh; Carroll, John; Veldran, Katherine; Robertson, Keke; Card, Rachel; Peters, Hal; Jones, Sheila; Mayer, Doug; Taillon, Jeff; Symmes, Brian; Patel, Swati

Subject: FOIA Request by Nelson Mullin on behalf of HP - Electronic Records Search

Importance: High

To Staff:

As you will recall our staff produced PAPER RECORDS for the HP FOIA last week. Those records were given to Nelson Mullins on Monday. This week we need to begin the process of searching for and producing any responsive ELECTRONIC RECORDS. Unfortunately, Nexsen Pruet (the State's counsel) has advised our office that David Dukes from Nelson Mullins will not accept an electronic records search using agreed-upon relevant search terms which would have made the process more efficient for our office. Instead, each person must thoroughly search all of your electronic files for emails, Word documents, spreadsheets and documents of any other electronic formats that are responsive to HP's FOIA request. I am again attaching the initial FOIA received from HP describing the types of records requested.

To make the process more efficient we ask you to follow these steps when you identify a responsive record:

1. If you locate responsive electronic records in your email (Outlook), then create a new folder titled "HP FOIA".
 - a. Select the files to be copied to the new folder by left-clicking on them. You can select multiple files by using the "Shift" or "Ctrl" keys to select ranges
 - b. Right-click on the files and select "Copy"
 - c. Right-click on the new "HP FOIA" file folder and select "Paste"

2. If you locate responsive electronic records anywhere else in your computer, then go to a new file folder we have created for this FOIA on the S: drive called "HP FOIA".
 - a. Create a new folder in this folder titling it with your last name
 - b. Copy and paste those records into your new file folder.
3. Keep a record of the amount of time you spend searching for the records.

Please begin the process of searching for the responsive records as soon as possible, and send me an email when you have completed your search.

Thanks for your cooperation and time,
Swati

From: Patel, Swati
Sent: Friday, August 30, 2013 12:55 PM
To: Schimsa, Rebecca; Stirling, Bryan; Haltiwanger, Katherine; LeMoine, Leigh; Walls, Courtney; Soura, Christian; Pitts, Ted; Baker, Josh; Carroll, John; Veldran, Katherine; Robertson, Keke; Card, Rachel; Peters, Hal; Jones, Sheila; Mayer, Doug; Taillon, Jeff; Symmes, Brian
Subject: RE: FOIA Request - Nelson Mullins on behalf of HP
Importance: High

To All:

Please send me an emailed response today as to whether you have any paper records as discussed in the below email. If you locate records, please provide them to me by COB today along with the amount of time you searched for the records. I will follow up with you at a later date to explain the process for retrieving electronic records.

Thank you.

Swati

From: Patel, Swati
Sent: Tuesday, August 27, 2013 2:22 PM
To: Schimsa, Rebecca; Stirling, Bryan; Haltiwanger, Katherine; LeMoine, Leigh; Walls, Courtney; Soura, Christian; Pitts, Ted; Baker, Josh; Carroll, John; Veldran, Katherine; Robertson, Keke; Card, Rachel; Peters, Hal; Jones, Sheila; Mayer, Doug; Taillon, Jeff; Symmes, Brian
Subject: FOIA Request - Nelson Mullins on behalf of HP
Importance: High

To All:

The e-mails below were sent to you earlier this month in response to a FOIA request received from Nelson Mullins, legal counsel for HP, regarding a contract controversy between the State and HP. Correspondence between Marc Manos of Nexsen Pruet, the State's legal counsel, and David Dukes, legal counsel at Nelson Mullins for HP, has resulted in Dukes denying our request for him to provide search terms for our office and DSS to better enable us to locate responsive records. As a result, I ask that you do the following:

- (1) **SEARCH FOR PAPER RECORDS:** Search your physical files, physical documents, and any papers in your possession for any paper records regarding or relating in any way to the 25 items requested. Please make sure you review the 25 items in the attached FOIA request from Nelson Mullins. Please provide me with copies of your responsive paper records as soon as possible. If you determine that no responsive paper documents exist in your custody, please send me an e-mail to that effect. Remember, you are asked to search for paper records only; do not search for any electronic records at this time. Nexsen Pruet is helping develop search terms and exploring other ways to facilitate the search for electronic records. We must provide the documents to Nexsen Pruet as soon as possible. Nexsen Pruet must review each document.
- (2) **TRACK YOUR SEARCH TIME:** Please track the amount of time spent searching for and producing the responsive paper records. We expect everyone to submit an amount of time regardless of whether responsive records are located. Please submit the amount of time to me in writing.
- (3) **ELECTRONIC RECORDS:** After Nexsen Pruet develops search terms, we plan to have staff conduct searches individually or have DSIT conduct searches on our behalf. We will let you know once a decision has been made.

Please let me know if you have any questions.

Swati

From: Schimsa, Rebecca
Sent: Friday, August 09, 2013 3:35 PM
To: Stirling, Bryan; Haltiwanger, Katherine; LeMoine, Leigh; Walls, Courtney; Soura, Christian; Pitts, Ted; Baker, Josh; Carroll, John; Veldran, Katherine; Robertson, Keke; Card, Rachel; Peters, Hal; Jones, Sheila; Mayer, Doug; Taillon, Jeff; Godfrey, Rob
Cc: Patel, Swati
Subject: RE: FOIA Request - Nelson Mullins on behalf of HP

Due to the broadness of this request, Nelson Mullins, on behalf of HP, will be providing our office with search terms for us to use to locate responsive records. Until we receive the specific queries, please hold all documents related to this issue.

Thank you.

From: Schimsa, Rebecca
Sent: Friday, August 02, 2013 11:56 AM
To: Stirling, Bryan; katherinehaltiwanger@gov.sc.gov; leighlemoine@gov.sc.gov; Walls, Courtney (courtneywalls@gov.sc.gov); christiansoura@gov.sc.gov; Pitts, Ted (tedpitts@gov.sc.gov); joshbaker@gov.sc.gov; Carroll, John; katherineveldran@gov.sc.gov; Robertson, Keke; Card, Rachel; Peters, Hal; Jones, Sheila; Mayer, Doug; jefftaillon@gov.sc.gov; robgodfrey@gov.sc.gov
Cc: Patel, Swati (swatipatel@gov.sc.gov)
Subject: FOIA Request - Nelson Mullins on behalf of HP

Our office received a FOIA request from Nelson Mullins on behalf of Hewlett Packard (HP) for records relating to ongoing litigation involving the State and HP. Please let me know if you have any records related to the following:

1. RFPs for the Child Support Enforcement System and Family Court Case Management System (hereinafter, "Systems");
2. The contract by the State with Hewlett Packard and Local Enterprise Services;
3. HP's performance under the contract;
4. SC's performance under the contract;
5. SC's collection or analysis of data under the contract;

6. Funding of the contract;
7. SC's reasons for terminating the contract;
8. Evaluations or discussions about whether and/or when to terminate the contract;
9. Payments made to HP under the contract;
10. HP's invoices under the contract;
11. DSS' participation requirements under the contract;
12. SC's pursuit to achieve federal certification of the Child Support Enforcement System;
13. SC's efforts to facilitate cooperative project administration under the contract;
14. SC's efforts to develop or maintain the Systems under the contract;
15. Communications between our office and the legislature or state agencies relating to the contract;
16. Communications between our office and the federal government relating to the contract;
17. Communications between our office and vendors or potential vendors relating to the Systems after 2007;
18. Communications between our office and consultants or potential consultants relating to the Systems after 2007;
19. SC's ability to complete aspects of the Systems;
20. Any timetable for SC to complete aspects of the Systems;
21. Meetings or calls between 5/1/13 and 7/10/13 involving USDHHS and our office or DSS relating to the contract;
22. SC's termination of Unisys Corporation under the contract;
23. Instructions or mandates by the federal government to SC to procure a vendor to implement Systems through a competitive process to qualify for federal funds;
24. Communications between our office or DSS and Protech Solutions, Inc. relating to the Systems;
25. Fees and expenses paid by the State to outside law firms or consultants in connection with the Systems under the contract.

I will follow up with each of you next week regarding this request. Thank you.

Rebecca S. Schimsa
Office of Governor Nikki R. Haley
Staff Attorney & Commerce Liaison
O: (803) 734-6068 | C: (803) 429-4561