David L. Kramer, OSB 802904
E-mail: David@KramerLaw.us
David L. Kramer, P.C.
3265 Liberty Road South
Salem, OR 97302
Tel. 503.364.1117
Fax. 503.391.4269
Attorney for Witness Sara Gelser Blouin

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

WYATT B. et. al., Plaintiffs, vs. KOTEK, *et. al.*, Defendants.	Civil No. 6:19-cv-00556-AA SENATOR SARA GELSER BLOUIN'S DECLARATION IN SUPPORT OF HER MOTION TO QUASH OR MODIFY DEFENDANTS' SUBPOENA *DUCES TECUM*

I, SARA GELSER BLOUIN, declare as follows:

1. I am Sara Gelser Blouin, the third-party witness who brings this Motion to Quash. I am an adult. I live in Benton, County Oregon with my spouse and our sons. I have been an elected member of the Oregon Legislature for 18 years. Currently I am an Oregon State Senator serving the 8th Senate District of Oregon.

2. Defendants personally served a Subpoena *duces tecum* on me at my home, at about 7:00 a.m., on April 25, 2024. That Subpoena is attached hereto as Exhibit 1. It commands me to gather, review, and produce potentially thousands of documents created over almost ten years.

3. I am not a party to this case, and I did not ask to be included as a witness. Plaintiffs' counsel named me as a fact witness for the upcoming trial, which is scheduled to begin

on May 13, 2024. To that end I provided a statement of my expected testimony which is wholly accurate to the best of my knowledge.

4. None of the parties previously sought to depose me, and no one compelled me to produce documents before the instant subpoena was served.

5. In Oregon, citizen legislators serve year-round. I am paid for my service in the Senate when the Legislature is in session and when the Legislature is out of session. In addition to my participation in hearings, Senate floor sessions and official workgroups, my official duties include assisting constituents, having information meetings with private citizens and public officials, visiting community organizations and events, and learning about issues in the community and how state policies impact the people I serve. I also carefully read materials provided by state agencies, advocacy organizations, and individuals, and follow developments in key policy areas in other states and at the federal level. In addition, as a community leader, I communicate with the public through a variety of means such as newsletters, social media, editorials, and interviews with reporters with print, radio, television and other media sources. As the Chair of the Senate Human Services committee, my duties include paying particular attention to issues related to the Department of Human Services and learning as much as possible about the experiences of the people who work at DHS, community partners to DHS and the people served by DHS. This is to inform my work as the Chair of the Senate Human Services Committee, my participation as a member of the budget subcommittee that specifically recommends budgetary allocations for the Department, and as a member of the full Ways and Means Committee that makes final budget

recommendations to the entire Legislature. Because I have served in the role of Chair of the Senate Human Services Committee for nearly 10 years, I have had the opportunity to interact with a vast number of individuals with different experiences and interests related to human services in general, and specifically to children and people with disabilities.

6. I have a legislative staff consisting of two persons who are paid by the Legislature to support me in my capacity as a Senator and with my official duties. They are not permitted to assist me with campaign or personal tasks during work hours.

7. Throughout my service as a state legislator, a focus of my work has been to improve services and advocate for the rights of children, youth and Oregonians with disabilities of all ages. I do this by listening to and communicating directly with these individuals, their representatives, their families, their advocates and the people and systems that seek to serve them. Sometimes I can help them solve problems by referring them to organizations that may either advocate for them or provide direct services to them. Sometimes I act as an intermediary between them and state agencies who provide them with services. Other times, I am able to assist by simply helping individuals understand how the process works and how to understand communications they are receiving from a state agency. I carefully consider these interactions with private individuals and public officials and try to recognize systemic issues that impact our collective success at serving people who need services or support. Some problems are genuinely "one off" issues, but others speak to larger systemic concerns. In those cases, I work with involved parties including the Oregon Department of Human Services to identify potential short-

term and long-term solutions that attempt to get to the root of issues and to make government more responsive to Oregonians. Often, this leads to sponsoring or otherwise supporting legislation that would accomplish these goals. This is most often true as it relates to legislation seeking to improve the circumstances of children and disabled Oregonians. The nature of human services is that it is constantly changing. As people, culture, and circumstances change services must shift to meet them where they are at. As a result, policies that worked in the past sometimes stop working or do not work as intended. These are the changes that are the hardest to make because identifying problems or recognizing systems that are not working can be taken personally. Policy is not about the people that implement it, but rather about those that are served and how to best equip systems and practices to meet the needs of those people.

8. Because of my public service, I suppose I am a public figure. A simple Google search will bring up a lot of information about my work over the years including my public statements to the media and other forums relating to DHS and the needs of children and people with disabilities. In addition, I am mindful of the public record and endeavor to ensure that the online Oregon Legislative Information System includes as much information as possible about the issues discussed in the Senate Human Services Committee.

9. The Oregon Department of Human Services (DHS) is a stakeholder with whom I frequently confer about challenges relating to children and disabled persons. I regularly meet with DHS staff, including with the DHS director, leadership team and their staff, as well as advisors in the Governor's Office. During the Legislative Session, I have at

least one standing meeting each week with DHS to coordinate with the agency. These meetings typically last a minimum of one hour. In the interim, until recently, we met at least once every two weeks. I am also in regular communication via email, text and telephone calls with the Governor's office and DHS staff, including division directors and program staff. When I receive information of concern about DHS services or that may be of interest or concern to DHS, I immediately inform DHS. This includes providing information to DHS about concerns that I have or information that I have learned from third parties which may be impactful to the agency. With rare exception, I also provide DHS with proactive information when I have been interviewed for a media report that might significantly impact DHS. I try very hard not to surprise the agency.

10. DHS representatives, including its leadership, often appear at my legislative hearings to testify or attend the hearings to monitor the progress of proposed DHS-related legislation. Some of initiatives considered by the committee or that I introduce are intended to reform DHS practices, including those relating to child welfare, child protection, and services for disabled persons. Other initiatives considered by the committee or that I introduce are intended to forward policy ideas brought forward by DHS leadership that were not selected for introduction by the Governor. Other initiatives and requests are intended to advocate for additional resources or support to the agency consistent with or even in addition to what is put forward in the Governor's Recommended Budget. In my experience, DHS sometimes resists meaningful reform initiated particularly related to the safety and well-being of children and youth in its

care. It is the nature of a three-branch government that the legislative branch has an obligation to push reform. DHS is, after all, the State's largest bureaucracy and bureaucracies are not known for their ability to reform themselves. Sometimes resistance to these efforts feels personally directed to or about me rather than focused on the goal of improved services or the safety and well-being of children in the custody of DHS. Unfortunately, sometimes this focus on personalities or on controlling a narrative to ensure DHS is always painted in a flattering light comes at the expense of making real systemic progress on policies that impact the safety and well-being children and disabled persons. In some cases, this limits the Legislature's ability to truly understand the extent of the agency's fiscal or other needs and makes it challenging to provide the agency with the tools it needs to be successful. In any event, DHS leadership and policy makers know well the positions I take regarding the services DHS provides because there is regular communication. I strive to document those communications in writing and in the public record. My experiences and observations should not come as a surprise to DHS. I share those with DHS precisely because I wish for the agency to succeed and for the people the agency supports to receive the best possible services.

11. Responding to the Subpoena *duces tecum* will be extremely burdensome to me. It calls for me to gather and produce almost ten years of records. This specific request is for private records. Although the number of responsive records is likely small, I would need to review what would likely be thousands of records in order to identify those few communications that fall outside of my official capacity. The Subpoena gave me

fourteen (14) days to produce the documents to Defendants' counsel with a deadline of 9:00 a.m. on May 10, 2024. That is an impossibly short time given the circumstances described below.

12. The first task is locating the records, which is neither simple or practical in my circumstances. On or about the time I was served with the Subpoena, Defendants also served a public records request on the Oregon Legislature pursuant to the Oregon Public Records Law, ORS Chapter 192. That request was much narrower, encompassing about ten people and three law firms and covered only half the time period requested in my Subpoena. That request is now pending before the Oregon Legislative Counsel who says his review will involve thousands of records and that production will not be possible until late May or early June of this year due to the large number of redactions necessary to protect personally identifiable or otherwise privileged information. This is significant for two reasons. First, it shows that Defendants are capable of a more focused search for my records, and they know where to direct a request for such records. Second, the fact that Legislative Counsel, using full-time paid staff trained specifically to respond to public records requests, needs weeks to produce documents, suggests the work required of me as a single individual in my private capacity to comply with this Subpoena will exceed the work required of Legislative Counsel with its full time paid and trained staff efforts for a much narrower records request many times over. Legislative Counsel's estimate that it will take a month or longer to comply with the public records request demonstrates what is requested in the Subpoena is not just burdensome but literally impossible.

13. I have limited resources to comply with the Subpoena. Because this Subpoena is for records not involving communications in my official capacity, I am prohibited from having my paid legislative staff assist me. The Legislature does not provide its members with cell phones and does not reimburse members for dedicated cell phones. As a result, legislator private phones are used for both official business and personal business. Nearly all my routine communications are done using my personal cell phone. This includes both personal and official communications with colleagues, constituents, and others, including some of the people and organizations described in the Subpoena. Of course, I also use my cell phone to have private communications with my husband, family, medical providers, and friends. All told, I expect that there will be a vast number of records held within my private devices that will need to be searched in order to locate any potentially responsive records. I am currently working on this for the public records request and have spent many hours searching for communications with the individuals and entities named in the public records request. The Legislative Counsel will help to identify which communications were in my official capacity and will be released, with appropriate redaction, through public records request. Until that is complete, I will not be able to identify the full universe of responsive records for the Subpoena until this work is completed for the public records request.

14. In addition to the undue burden of time, I am incurring the burden of attorneys' fees and costs. I obviously need legal counsel to help with this project. It has been a challenging process to even find representation which is why I was not able to immediately respond with my objections. Because I did not have counsel, I did not

completely understand what was being asked of me in the Subpoena. I did not know how to object and had no person with appropriate credentials who could file an objection with the Court. Legislative Counsel advised me that neither his office nor the Oregon Department of Justice can represent me regarding this Subpoena because it was directed to me personally by the Oregon Department of Justice. With the Department of Justice's authorization, I hired David L. Kramer, P.C., a sole practitioner with part-time paralegal support, to help respond to the Subpoena including to file this objection. It took several days to sort through what assistance the Legislative Counsel could and could not provide, what process I would need to go through to get approval for outside counsel that would preserve at least the potential for some reimbursement of expenses and to then find an attorney that was available to assist me on this short timeline. It took me until late afternoon on Friday, May 10, 2024 to complete that process and retain Mr. Kramer. He then needed to review the Subpoena itself and confer with Defendants' counsel. That has now occurred, and this is why we can now finally file my objection.

15. DOJ emphasized to my lawyer that the Executive Branch would not be paying for my attorney's fees and costs, which is significant. Presently, I must pay for my legal fees, costs and expenses from my family's personal funds. The Office of the Senate President tells me that I can later "apply" for reimbursement. This makes me somewhat uncertain whether, at the end of the day, my family will end up paying for this entire exercise. As a Legislator, I am paid less than my staff and make barely more than minimum wage which makes such costs burdensome to my family.

16. With respect to the people named in Defendants' subpoena:

a) I was seated at the same table as Judge Anne Aiken at a fundraiser in 2016 but do not believe we exchanged more than pleasantries. In 2023 Judge Aiken provided testimony to the Senate Education Committee regarding education programs for adults in the custody of the Oregon Department of Corrections. I serve on that committee and listened to the presentation.

b) To my knowledge, I do not have ongoing contact with any of the named Plaintiffs, except for "Unique L". That contact is personal in nature and any communications we have which might be relevant to this proceeding will be produced in response to Defendants' public records request. In fact, my full interview of Unique L regarding her experiences in care can be found in its entirety on YouTube. Portions of that interview were played at a Senate Human Services Committee hearing, but the full interview was posted for the purpose of transparency. I believe links are available in OLIS.

c) I had brief contact with "Naomi" at a hearing in the Benton County Courthouse in the spring of 2019. I may have had contact with "Ruth" while visiting out of state placements in the summer of 2019, but I am uncertain of whether this is the case. I have had no direct written communications with either of these individuals, but cursory references to these potential brief contacts will be produced pursuant to Defendants' Public Records request.

d) I had brief communication with Paul Aubry regarding a client whose first name started with the letter "S" in 2019, but I am not certain whether that individual

is one of the named Plaintiffs. Regardless, the substance of that communication was shared with DHS at the time it occurred and will be produced in response to Defendants' public records request. Paul Aubry also appears to have made a contribution to my campaign for re-election in 2022 via an online donation platform.

e) I first met Annette Smith in 2019 when she testified to the Senate Human Services Committee about her client. At that time, I learned I had also spoken with her in late 2015 regarding another client. In the years since 2019, I have had frequent communication with Annette almost all of which will be produced as part of the public records request. The remaining records involve personal matters about our families or our health, logistical communications regarding in person, and virtual visits with Unique of an entirely personal nature, and communications of a personal (non-child welfare related) nature directly with Unique until she was no longer in the custody of Child Welfare. I do not believe it is appropriate to disclose these personal and non-official communications that are unrelated to the issues being litigated for the reasons described below.

f) I do significant work related to persons with disabilities, including several years serving as a Presidentially-appointed and U.S. Senate-confirmed member of the National Council on Disability. As a result, my communications with Disability Rights Oregon, the State's federally recognized protection and advocacy system for persons with disabilities, cover a broad scope of topics and people over the past ten years. Very little of that is personal, but I have sought

advice and assistance from Disability Rights Oregon on behalf of my son who is a disabled adult, as that is the resource designated for such assistance.

17. The children and youth with whom I interact, and their lawyers and social advocates, have a privacy interest in dealing with me on children's issues. That interest is protected with specific exemptions and appropriate redactions through the public records process. If that reasonable expectation of privacy is breached through a subpoena for all communications, including personal communications irrelevant to this litigation and without the expected redactions made through the appropriate public records process, I am deeply concerned it would interfere with my ability to be an effective Senator. It would make children, youth and knowledgeable persons more reluctant to come forward to me and other legislators and share their concerns regarding children and disabled persons. It would limit our knowledge of what is happening "on the ground" for those with lived experience. I would become less able to consider and promote appropriate legislation regarding DHS and my constituents because I would be limited to information provided by the agency, limited third-party anecdotes about how services are actually working or direct contact only with a curated set of individuals preselected by DHS. I would be less able to educate Oregonians about the challenges I would be less valuable in helping constituents with the problems they bring to me, and I would be significantly hampered in my ability to carry out the oversight duties invested in the Legislature.

18. Most importantly, over the course of my legislative work, I have developed significant personal relationships with a handful of the children and youth I have met, including

Unique, who is a class representative in this case. Though we first met in my official capacity, Unique and a handful of others now know me as a trusted, consistent and supportive adult in their lives. To be required to provide personal information about birthdays, sporting events, social milestones, and other truly personal communications would deliver nothing relevant to improving services to kids in Oregon; yet it would come at the cost of creating one more situation in which trust placed in adults by the most vulnerable youth would be betrayed. I take the obligation to honor the trust of young people, including Unique, very seriously. This is why I so vigorously object to providing personal communications with children and youth exchanged outside my official capacity. As stated before, communications in my official capacity are currently being processed as a part of the public records request. I do not object to that and am making every effort to assist the Legislative Counsel to complete that request as expeditiously as possible.

19. Similarly, I work with members of the press, as do all senior public officials, including the named Defendants. Journalists have a privilege not to disclose unpublished information they share with sources inside and outside of government. If my communications with press regarding non-published information were made available to Defendants, the press would suffer a significant blow to their watchdog duties. Regardless, the Subpoena is for communications outside of my official capacity. Any such communications would be about minutiae such as pleasantries, birthday wishes, congratulations on the birth of new children, etc. Further, it would be humanly impossible to sort through nearly ten years of communications with organizations as

large as OPB and the Oregonian simply to locate any personal exchanges by this coming Friday, May 10, 2024

20. If I am ultimately called as a witness at trial, I will not be providing testimony "against" DHS. I want DHS to be successful. If called, I intend to answer questions about my observations and experiences truthfully, factually and within the appropriate limited scope that is helpful to the parties and/or the Court to effectively resolve the concerns raised in this case. Ideally, this situation will resolve such that it paves a way towards an appropriately resourced and equipped system that provides Oregon children and youth with improved services and supports they need --not just to be safe, but to actually thrive, experience well-being and happiness and to break generational cycles of abuse and poverty. If that were to occur, all parties would "win." The severe burden this Subpoena places on me to provide my purely personal communications on an impossibly short timeline would do nothing to secure that objective.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 8th day of May, 2024.

Sara Gelser Blouin

Senator Sara Gelser Blouin

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Oregon

Wyatt B., et al.

Plaintiff

v.

Tina Kotek, et al.

Defendant

Civil Action No. 6:19-cv-00556-AA

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Sara Gelser Blouin
900 Court Street NE, S-211, Salem, OR 97301

(Name of person to whom this subpoena is directed)

☑ *Production:* **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment A.

Place: Markowitz Herbold PC 1455 SW Broadway, Suite 1900 Portland, OR 97201	Date and Time: 05/10/2024 at 9:00 a.m.

☐ *Inspection of Premises:* **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Adele J. Ridenour

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Defendants Tina Kotek, et al., who issues or requests this subpoena, are:

Adele J. Ridenour, Markowitz Herbold PC, 1455 SW Broadway, Suite 1900, Portland, Oregon 97201; AdeleRidenour@MarkowitzHerbold.com; (503) 295-3085

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT 1
PAGE 1 OF 11

Civil Action No. 6:19-cv-00556-AA

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* Sara Gelser Blouin

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$ 102.65 .

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

EXHIBIT 1
PAGE 2 OF 11

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

EXHIBIT 1
PAGE 3 OF 11

Attachment A To Subpoena Duces Tecum to Sara Gelser Blouin

DEFINITIONS AND INSTRUCTIONS

1. As used in this request, the following terms are defined as follows:

a. "Action" refers to the lawsuit entitled *Wyatt B., et al. v. Kotek, et al.*, Case No. 6:19-cv-00556, U.S. District Court for the District of Oregon Eugene Division.

b. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside the scope.

c. "Any" shall be construed to include "all," and "all" shall be understood to include "any."

d. "Communications" includes without limitation oral conversations, text messages, written correspondence, memoranda, telephone conversations, voicemails, notes of oral conversations (including without limitation telephone and video conversations, including those conducted over Microsoft Teams and/or Zoom), and electronic mail, whether as a sender, recipient, carbon copied ("CC"), or blind carbon copied ("BCC"), and whether sent from a personal email address or an official state legislative email address.

e. "Documents" means all paper and electronic information of any kind, including Communications, originals, drafts, copies, and electronically stored information ("ESI"), as well as written notes, memoranda, or other records memorializing Communications.

f. "Related to" means concerning, referring to, pertaining to, consisting of, containing, describing, evidencing, constituting, reflecting, bearing upon or having any logical or factual connection with the subject matter dealt with or alluded to in the subparagraphs of these requests.

EXHIBIT 1
PAGE 6 OF 11

g. "Responsive Time Period" means or refers to January 1, 2015 to present.

h. "You" or "Your" refers to the person to whom this subpoena duces tecum is directed, Sara Gelser Blouin, and her legislative staff, employees, and agents. The term "You" or "Your" does not refer to Sara Gelser Blouin, her legislative staff, employees, and agents in circumstances related to her duties in conducting the public's business as an Oregon state senator.

2. This request requires production of documents or things that are in Your possession, custody, or control, and documents or things that are in the possession, custody, or control of Your agents, attorneys, employers, representatives, or other persons who have documents deemed to be in Your possession, custody, or control.

3. If documents existed that were responsive to any of these requests, but You contend that such documents no longer exist or are not within your possession, custody, or control, then do the following with respect to each and every document:

a. Describe the nature of the document, in sufficient particularity to identify it and to enable You to identify or disclose it in response to an order of the court, including the date and subject matter of such document;

b. Identify the person(s) who prepared the document;

c. Identify the person(s) who sent and received the original and a copy of the document, or to whom the document was circulated, or its contents communicated or disclosed; and

d. State the circumstances which prevent production of the document.

4. File folders, complete with tabs or labels, are to be produced for each file folder in your files from which documents are produced in response to this discovery request. The file folders shall be produced intact with the documents produced therefrom.

EXHIBIT 1
PAGE 5 OF 11

5. Words in the singular include their plural meaning, and vice versa. The past tense includes the present tense where the clear meaning is not distorted by a change of tense, and words used in the masculine gender shall include the feminine gender and vice versa.

6. References to persons and other entities include their agents, employees, officers, directors, affiliated entities and companies, predecessors, successors, accountants, attorneys, and representatives.

7. Unless otherwise specifically stated, all requests call for production of documents prepared, received, or dated at any time prior to and including the date of production.

8. If a document is withheld or redacted due to privilege, include a privilege log that (1) states the reason(s) You are refusing to produce the document, and (2) describes the author(s), recipient(s), date, and subject matter of the document in enough detail so that a determination can be made about the applicability of the claim of privilege or other reason for refusing to produce the document.

Defendants reserve the right to request additional documents in native format if it is determined the document is not readable or usable in a .tiff format.

DOCUMENT REQUESTS

REQUEST NO. 1: All Communications between you and the named plaintiffs in this Action (a copy of which is attached here as Exhibit A) within the Responsive Time Period, including all Documents evidencing communications between you and the named plaintiffs in this Action.

RESPONSE:

REQUEST NO. 2: All Documents exchanged between you and the named plaintiffs in this Action within the Responsive Time Period.

RESPONSE:

EXHIBIT 1
PAGE 6 OF 11

REQUEST NO. 3: All Communications between you and the Next Friends as named in this Action, Michelle McAllister, Kathleen Megill Strek, Annette Smith, Paul Aubry, Michelle Bartov, Ksen Murry, and Tracy Gregg within the Responsive Time Period, including all Documents evidencing communications between you and the named Next Friends in this Action.

RESPONSE:

REQUEST NO. 4: All Documents exchanged between you and the Next Friends as named in this Action, Michelle McAllister, Kathleen Megill Strek, Annette Smith, Paul Aubry, Michelle Bartov, Ksen Murry, and Tracy Gregg, within the Responsive Time Period.

RESPONSE:

REQUEST NO. 5: All Communications between you and counsel for plaintiffs in this Action, including all Documents evidencing Communications between you and counsel for Plaintiffs in this Action within the Responsive Time Period. For purposes of clarity, "counsel for plaintiffs" includes any person working for or with the following firms, organizations, and individuals:

- Attorneys, paralegals, and/or legal support staff of A Better Childhood, including but not limited to Marcia Robinson Lowry, Anastasia Benedetto, and/or Dawn Post;
- Attorneys, paralegals, and/or legal support staff of Davis Wright Tremaine, LLC, including but not limited to Gregory Chaimov, P. Andrew McStay, Jr., William ("Bill") D. Miner, and/or Paul Southwick;
- Attorneys, paralegals, and/or legal support staff of Disability Rights Oregon, including but not limited to Thomas ("Tom") Stenson and/or Emily Cooper;

- Attorneys, paralegals, and/or legal support staff of Rizzo Bosworth Eraut, PC, including but not limited to Steven Rizzo and/or Mary D. Skjelset; and/or
- Attorneys, paralegals, and/or legal support staff of Paul Southwick Law, LLC

RESPONSE:

REQUEST NO. 6: All Communications between you and any of the following individuals regarding this Action or Oregon Department of Human Services, Child Welfare Division within the Responsive Time Period:

- Anna Abraham, Citizens Review Board Field Manager
- Paul Aubry, Attorney at Law
- Dr. Angelique Day, MSW,
- Dr. Roxanne Edwinson, Mindsights,
- Dr. Anna Farina MSW, LICSW,
- Tracy Frazier, Macke Frazier Law,
- Holly Hampton,
- K.H.,
- Dr. Albyn Jones,
- Resa Kee, Court Appointed Special Advocate,
- Judah Largent, Riddell & Largent, PC,
- Caroline Moore, Law Office of Caroline Moore,
- Kari Pinard, Executive Director of CASA-Voices for Children,
- S.S.,
- Annette Smith, Public Defender Services of Lane County
- Tahra Sinks, JD,

EXHIBIT 1
PAGE 8 OF 11

- Lindsay Soto, JD,
- Dr. Sue D. Steib, LCSW,
- Gina Stewart, Arneson Stewart & Styarfyr PC
- Hon. Daniel J. Wren, Marion County Circuit Court (and formerly in private practice)
- Patricia Rideout

RESPONSE:

REQUEST NO. 7: All Communications between you and plaintiffs' counsel in the litigation entitled *A.R. et al. v. DHS et al.*, Oregon District Court Case No. 3:16-cv-01895-YY (hereafter "A.R. Lawsuit") about such lawsuit or the allegations made therein within the Responsive Time Period: For purposes of clarity, "counsel for plaintiffs" includes any person working for or with the following firms, organizations, and individuals:

- Attorneys, paralegals, and/or legal support staff of The Oregon Law Center;
- Attorneys, paralegals, and/or legal support staff of Youth Rights & Justice.

RESPONSE:

REQUEST NO. 8: All Communications between you and the named plaintiffs in the A.R. Lawsuit including but not limited to CASA for Children, Inc. within the Responsive Time Period.

RESPONSE:

REQUEST NO. 9: All Communications between you and plaintiffs' counsel in the litigation entitled *J.M., et al. v. Karla Major, et al.,* Oregon District Court Case No. 6:18-cv-00739-YY (hereafter "J.M. Lawsuit") about such lawsuit or the allegations made

EXHIBIT 1
PAGE 9 OF 11

therein within the Responsive Time Period: For purposes of clarity, "counsel for plaintiffs" includes any person working for or with the following firms, organizations, and individuals:

- Attorneys, paralegals, and/or legal support staff of Rizzo Bosworth Eraut, PC, including but not limited to Steven Rizzo and/or Mary D. Skjelset.

RESPONSE:

REQUEST NO. 10: All Communications and Documents exchanged between you and Lauren Dake or any other employees of Oregon Public Broadcasting regarding this Action, the A.R. Lawsuit, and/or the J.M. Lawsuit, including all Communications and Documents exchanged between you and such parties regarding any allegations made within each such case, made or exchanged within the Responsive Time Period.

RESPONSE:

REQUEST NO. 11: All Communications and Documents exchanged between you and any reporter, employee, or other staff member of The Oregonian regarding this Action, the A.R. Lawsuit, and/or the J.M. Lawsuit, including all Communications and Documents exchanged between you and such parties regarding any allegations made within each such case, made or exchanged within the Responsive Time Period.

RESPONSE:

REQUEST NO. 12: All Communications between you and Paris Hilton regarding child welfare systems, policies, placements, or any other matter associated with or otherwise relating to Oregon's child welfare agency or systems, made or exchanged within the Responsive Time Period.

RESPONSE:

REQUEST NO. 13: All drafts of proposed witness statements, declarations, affidavits, and/or summaries of proposed testimony which you reviewed, edited, and/or approved as it relates to this Action and regardless of whether or not you are the original drafter of such Document.

RESPONSE:

REQUEST NO. 14: All notes, drafts, written memoranda or other Documents summarizing the testimony you are offering at trial in this Action, regardless of the preparer.

RESPONSE:

REQUEST NO. 15: All Documents you reviewed to prepare your testimony or otherwise refresh your recollection to testify at trial in this Action.

RESPONSE:

REQUEST NO. 16: All Documents supporting the testimony you are offering at trial in this Action.

RESPONSE:

REQUEST NO. 17: All Communications between you and the Honorable Ann Aiken made or exchanged within the Responsive Time Period regarding this Action or any other pending action in the U.S. District Court for the District of Oregon, Eugene Division.

RESPONSE:

EXHIBIT 1
PAGE 11 OF 11

MEDIA RELEASE

Secretary of State
SHEMIA FAGAN
The State of Oregon

CONTACT: 503-302-0056 | Carla.L.Axtman@sos.oregon.gov

Secretary of State Shemia Fagan announces national award for Senator Sara Gelser Blouin for her oversight of Oregon's foster care program

Salem, OR - Oregon Secretary of State Shemia Fagan announced today that Oregon State Senator Sara Gelser Blouin (D-Corvallis/Albany) has been selected to receive the 2021 Carl Levin Award for Effective Oversight. Secretary Fagan put forth Senator Gelser Blouin's name for consideration with the Levin Center at Wayne Law in Michigan for her extensive and meaningful work on the Oregon foster care program, including returning Oregon children who'd been placed in for profit out-of-state programs. Senator Gelser Blouin's commitment to fact-based, bipartisan oversight and her role in leading colleagues in Oregon and other states were key reasons for her selection.

"Senator Gelser Blouin protected Oregon's most vulnerable kids. Period. Her courage and strength to stand up for those who can't stand up for themselves deserves recognition," said Oregon Secretary of State Shemia Fagan. "I'd like to congratulate Senator Gelser Blouin and thank her for her courage and commitment to kids in foster care."

The Carl Levin Award is a national award established to promote bipartisan, fact-based oversight and to recognize those legislators who conduct it. Past award recipients include North Carolina Republican Senator Richard Burr and Virginia Democratic Senator Mark Warner who were recognized for their leadership in the investigation of Russian interference in the 2016 elections. South Carolina Republican State Representative Weston J. Newton has also been recognized.

"It's an honor to receive the Carl Levin Award for Effective Oversight. I'm grateful to Secretary of State Shemia Fagan for the nomination and for many colleagues on both sides of the aisle for working together on this critical work for kids," said Senator Gelser Blouin. "Investigating challenges within our child welfare system and uncovering abuse and exploitation across multiple states from for profit residential programs has become life passion for me. Our work in Oregon has driven policy change across several states and helped shut down some dangerous facilities. Yet, there is so much work left to do and so many kids' voices to lift up."

"I would also like to thank the Levin Center at Wayne Law for this award and for their leadership in improving the oversight role of the legislative branch," said Gelser Blouin. "Used properly, effective oversight can drive even more meaningful change than legislation. The team at the Levin Center honors Congressman Levin's legacy by empowering more legislators and members of Congress to exercise this role."

Senator Gelser Blouin will officially receive the Carl Levin Award at a virtual ceremony to be held on Friday, December 3.

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EXHIBIT 2
PAGE 1 OF 1