Virginia:

In the Circuit Court of the City of Richmond, John Marshall Courts Building

CHRISTOPHER HORNER, *et al.*,

Petitioners,

v. **Case No.: CL15-4712**

RECTOR AND VISITORS OF GEORGE MASON UNIVERSITY,

Respondent.

ORDER

In this proceeding brought by Petitioners under the Virginia Freedom of Information Act (FOIA), Va. Code Ann. §§ 2.2-3700 to -3714, the parties have submitted for *in camera* review selected exemplars from records concerning Petitioners' discovery request and the Respondent's response thereto and Petitioners' assertion that the records sought should be released under FOIA as records relating to the "transaction of public business" under Va. Code Ann. § 2.2-3701. *See* Pet's Mem. Ex. E. The *in camera* materials include portions of the depositions of Elizabeth Woodley, information officer of the Respondent, and Professor Edward Maibach, a faculty member and professor of George Mason University.

Upon consideration whereof, the Court **FINDS** that the search for documents requested here was not adequate and that the requested documents, including emails of Professor Maibach, are to be disclosed and provided pursuant to the Petition. With respect to the latter, the Court **FINDS** that the documents provided under seal and the excerpts provided for *in camera* review relate to climate change and advice provided in communications concerning the subject and that these were made as public business relating to the employment of Maibach as Professor of

Climate Change Communication and Director of the Climate Center of George Mason University, a public university of the Commonwealth of Virginia.

Lastly, the Court will award to Petitioners their costs and fees under Va. Code Ann. § 2.2-3713(D).

Exceptions are noted.

The Clerk is directed to forward a certified copy of this Order to all counsel of record.

IT IS SO ORDERED.

ENTER: 4/22/16

Melvin R. Hughes, Judge

A Copy
Teste: EDWARD F. JEWETT, CLERK
BY: _____ D.C.