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January 21, 2021

BY ELECTRONIC MAIL (PublicRecords@azag.gov)

General Mark Brnovich
Attorney General
Office of the Arizona Attorney General
2005 N. Central Avenue
Phoenix, Arizona 85004

Re: Records Request

Dear General Brnovich:

Pursuant to A.R.S. §§ 39-121 *et seq.*, we request that you produce copies of the following records in your possession or in the possession of the Office of the Arizona Attorney General (“OAAG”), or its employees and agents:

All records, in whatever form, whether or not generated by the OAAG, including but not limited to letters, emails, text messages or other instant messages, memoranda, facsimiles, drafts, and notes, from January 2, 2015, through the date of this letter consisting of or relating to:

- (1) Communications to which General Brnovich and/or Zora Manjencich were a party about:
 - i. Backpage.com;
 - ii. James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or
 - iii. The criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* (Case No. 18-cr-00465), or *United States v. Carl Ferrer* (Case No. 18-cr-00464).
- (2) Communications with the United States Attorney’s Office for the District of Arizona, or its representatives, employees, or agents,

relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* (Case No. 18-cr-00465), or *United States v. Carl Ferrer* (Case No. 18-cr-00464);

- (3) Any involvement, participation, or cooperation of General Brnovich or the OAAG regarding or relating to any investigation or consideration of bringing charges or claims, criminal or civil, against Backpage.com (or its current or former affiliates), James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer including but not limited to any consideration of where claims or charges might be filed.
- (4) Any and all webpages on the www.azag.gov website (the “Website”), and all social media posts on accounts controlled by General Brnovich or the OAAG, including but not limited to Facebook (@GeneralBrnovich, @AZAGOutreach, etc.), Twitter (@ArizonaAG, @GeneralBrnovich, etc.), and Instagram (generalbrnovich, azag_outreach, etc.) (collectively, “Social Media”), that include or included references to “Backpage” or “backpage.com,” including all documents reflecting when each respective webpage or social media post appeared online;
- (5) Information concerning any steps considered or taken to either add or remove information relating to or references to “Backpage” or “backpage.com” from the Website, whether by editing text on the Website, replacing text on the Website, adding or deleting pages from the Website, adding, deleting, or editing documents on the Website, adding or deleting links to other Websites, or by other means;
- (6) Information concerning any steps considered or taken to remove information relating to or references to “Backpage” or “backpage.com” from any Social Media, by adding or deleting posts, editing posts, adding or deleting links, adding or deleting likes or retweets, or by any other means;
- (7) Coding, programming, or otherwise configuring the Website so its internal “search” function returns no results or “hits” for the terms “Backpage” or “backpage.com” in text, pages, or documents on the Website;”
- (8) Coding, programming, or otherwise configuring the Website, or the search engines that index it (e.g., Google, Bing, Yahoo, etc.), so those

search engines return no results or “hits” for the terms “Backpage” or “backpage.com” in text, pages, or documents on the Website;”

- (9) Consideration of and reasons for any actions taken as described in (4) – (8) above or evidencing when any such actions were taken;
- (10) Press releases mentioning “Backpage” or “backpage.com;”
- (11) The publication(s) entitled “Human Trafficking: Arizona’s not buying it,” including but not limited to all documents relating to the preparation of that publication and all revisions to the publication;
- (12) Communications with any federal law enforcement agencies, including but not limited to the U.S. Department of Justice, the Federal Bureau of Investigation, the Department of Homeland Security, the United States Postal Inspection Service, the Internal Revenue Service Criminal Investigation Division, or their representatives, employees, or agents, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (13) Communications with Senator John McCain, Cindy McCain, and/or the McCain Institute (mccaininstitute.org), or its representatives, employees, or agents, including, but not limited to, Meghan Latcovich, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (14) Communications with the Arizona Anti-Trafficking Network (“AATN”) (aatnaz.org), or its programs known as “Trust Arizona,” “TRUSTAZ,” or “TRUST” (trustaz.org), “SAFE Action Project” (safeactionproject.org), Cease Arizona (ceasearizona.org), CSI (csiaz.org), or Just.Men.Arizona. (justmenaz.org), or their representatives, employees, or agents, including but not limited to John Meza, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.*

Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);

- (15) Communications with the National Association of Attorneys General or its representatives, employees, or agents, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (16) Communications with the National Center for Missing and Exploited Children (“NCMEC”) (missingkids.org) or its representatives, employees, or agents, including but not limited to Ernie Allen, John Shehan, Staca Shehan, Sharon W. Cooper, or James E. Hardie, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (17) Communications with the Polaris Project (polarisproject.org) or its representatives, employees, or agents, including but not limited to Bradley Myles, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (18) Communications with the ASU Office of Sex Trafficking Intervention Research or its representatives, employees, or agents, including but not limited to Dominique E. Roe-Sepowitz, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (19) Communications with Shared Hope International (sharedhope.org) or its representatives, employees, or agents, including but not limited to

Linda Smith, Ernie Allen, Christine Raino, Sarah Breyer, Sarah Bendtsen, and Mark Porter, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);

- (20) Communications with FAIR Girls (fairgirls.org) or its representatives, employees, or agents, including but not limited to Andrea Powell, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (21) Communications with Auburn Theological Seminary (auburnseminary.org) or its representatives, employees, or agents, including but not limited to Rev. Dr. Katharine Rhodes Henderson, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (22) Communications with B.H. Carroll Theological Institute (bhcarroll.edu) or its representatives, employees, or agents, including but not limited to Dr. Shannon Wolf, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (23) Communications with ChildSafe.ai (childsafef.ai) or its representatives, employees, or agents, including but not limited to Dr. Shannon Wolf, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et*

al. (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);

- (24) Communications with American Express (AMEX), MasterCard, and/or VISA, or their representatives, employees, or agents, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (25) Communications with any state law enforcement agencies, including but not limited to the California Attorney General, the California Attorney General’s Office, the Texas Attorney General, or the Texas Attorney General’s Office, or their representatives, employees, or agents, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464);
- (26) Communications with any members of Congress or Congressional committees, or their representatives, employees, or agents, relating to Backpage.com; James Larkin, Michael Lacey, Scott Spear, John “Jed” Brunst, Andrew Padilla, Joye Vaught, Dan Hyer, or Carl Ferrer; or the criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464); and
- (27) The criminal actions in the United States District Court for the District of Arizona now known as *United States v. Michael Lacey, et al.* (Case No. 18-cr-00422), *United States v. Backpage.com, LLC, et al.* Case No. 18-cr-00465), or *United States v Carl Ferrer* (Case No. 18-cr-00464).

This request is for a non-commercial purpose. *See Primary Consultants, L.L.C. v. Maricopa Cnty. Recorder*, 210 Ariz. 393, 399-400, 111 P.3d 435, 441-442 (Ct. App. 2005).

To avoid unnecessary delay in the release of the records, and to assist you with your prompt response to this request, please start at the top of the list of requested records and provide responsive records serially, as they are identified, rather than withholding responsive records until a complete set of all responsive records has been compiled.

If General Brnovich or the OAAG seeks to withhold any records or categories of records based on a claimed exception to the public records laws, please furnish, pursuant to A.R.S. § 39-121.01(D)(2), an index of all records or categories of records that have been withheld and the reasons the records were withheld. If portions of a record are exempt from release, please disclose the portions of the document that are not exempt from release and provide an explanation for withholding the remainder of the record.

For records that are maintained electronically, please provide a copy of the records in their native format (provided they would be accessible with commonly used software), with all embedded metadata. *See Lake v. City of Phoenix*, 222 Ariz. 547, 551, 218 P.3d 1004, 1008 (2009). To facilitate prompt disclosure, we have enclosed a check for \$100, which is sufficient to cover costs for production of up to ten CDs or DVDs of materials. We assume that few of these records will be available only in hardcopy, but, if that is the case for some records, please advise of any additional charges pursuant to A.R.S. § 39-121.01(D)(1), so that we can make arrangements for payment or to inspect the records before copying.

For records that can be transmitted by email, please send them to the following email address: bf@federlawpa.com. If any records are too large to transmit by email, please let Bruce Feder know and he will provide you with the credentials needed to upload them to a file sharing site.

Finally, pursuant to A.R.S. § 39-121.01(E):

- (1) please provide copies of all records responsive to requests 1, 2, and 3 promptly, but not later than February 3, 2021;
- (2) please provide copies of all records responsive to requests 4 – 11 promptly, but not later than February 15, 2021;
- (3) please provide copies of all records responsive to requests 12 - 27 promptly, but not later than February 25, 2021;

Your failure to deliver those records by the close of business on the specified dates will be deemed a refusal to provide the records.

For your convenience and in accordance with the form for public records requests to the OAAG provided at <https://www.azag.gov/media/public-records-request#:~:text=All%20Public%20Record%20Requests%20concerning,to%20PublicRecords%40azag.gov%20>, we provide the following information:

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January 21, 2021

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Should you have any questions, please contact Bruce Feder by telephone or email rather than by postal mail.

Thank you.

Sincerely,

David G. Eisenberg
Joy Bertrand
Thomas H. Bienert, Jr.
Paul J. Cambria, Jr.
Gary S. Lincenberg
Bruce Feder