

**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

<p>IOWA ATHEISTS AND FREETHINKERS, INC.,  Plaintiff,  v.  KIM REYNOLDS, in her official capacity as Governor of the State of Iowa, et al.,  Defendants.</p>	<p>Case No. CVCV069066</p> <p><b>STATEMENT OF ADDITIONAL MATERIAL FACTS IN SUPPORT OF RESISTANCE TO MOTION FOR SUMMARY JUDGMENT</b></p>
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Plaintiff, Iowa Atheists and Freethinkers, Inc., by and through undersigned counsel and pursuant to Iowa Rule of Civil Procedure 1.981(3), respectfully submits this Statement of Additional Material Facts, as supplementation to the Response to Defendants’ Statement of Facts contemporaneously submitted.

1. Plaintiff and its membership are citizens entitled under Iowa Code chapter 22 to access public records. (Defendants’ Appendix of Exhibits in Support of Motion for Summary Judgment at 14 [hereinafter, “Def. App.”]).

2. Plaintiff submitted an open records request under Iowa Code chapter 22 on December 18, 2024, to Defendant Governor’s Office, for the following records:

- Any and all non-privileged documents, including but not limited to: electronic communications or records containing, related to, or concerning the cancellation, disposition, or discussion of the Satanic Temple of Iowa’s family event on December 14th, 2024.
- Copies of all other records requests made on or after December 1st, 2024 that were submitted pursuant to Iowa Code chapter 22, related to any of the above records, including but not limited to requests made by the Des Moines Register, The Satanic Temple of Iowa, the Freedom From Religion Foundation, [and] all responses, documents, and attachments thereto.

(Def. App. at 22-23).

3. Such records are relevant and necessary to the fulfillment of Plaintiff's organizational goals. (Def. App. at 15).

4. On January 9, 2025, Defendants, through Defendant Megan Hall, Records Custodian for the Iowa Governor's Office, provided Plaintiff with a data file containing what Defendants concluded were all responsive records. (Def. App. at 25-26).

5. Defendants' response included the statement, "There were records withheld or redacted based on confidentiality and/or privilege," and indicated one such privilege asserted was an "Executive privilege." (Def. App. at 25).

6. Defendants' document production in response to the open records request consisted of a single pdf attachment of 611 pages. (Plaintiff's Appendix in Support of Resistance to Motion for Summary Judgment at 118-728 [hereinafter, "Plf. App."]).

7. Around 85 percent—520 pages out of 611—of Defendants' open records response consisted of compilations of news clips prepared and circulated within the Governor's Office. (Plf. App. at 131-212, 232-324, 351-473, 478-611, 620-712).

8. These news bulletins are reproductions only and do not include independent analysis or commentary by individuals at the Governor's Office; an example of a single instance of this production consists of 81 pages of apparently copied and pasted news coverage. (Plf. App. at 131-212).

9. Removing the news clips from the response leaves 91 pages of responsive documents. (Plf. App. at 118-124, 125-130, 213-231, 325-350, 474-477, 612-619, 713-728).

10. Almost all of these responsive documents included redactions in whole or in part. (Plf. App. at 118-124, 125-130, 213-218, 230-231, 344-348, 612-615, 616-619, 725-727).

11. Defendants, through Defendant Steven Blankinship, General Counsel in the Iowa Governor's Office, later provided a privilege log revealing which documents were withheld based on executive privilege only. (Def. App. at 38).

### **The Executive Agency Reports**

12. First among these withheld documents are an email bearing the subject line "DAS Department Report – 11/20/2024" and including two attachments: "11.20.24 DAS Department Report.docx" and "Relevant Agency Data Metrics.pdf". (Plf. App. 121-124).

13. Defendants' privilege log described the subject of these documents as "DAS Executive Agency Report." (Def. App. at 38).

14. Defendants state an undisclosed individual at the Governor's Office made a request to an undisclosed individual at the Department of Administrative Services to prepare these "executive agency reports." (Plf. App. at 14).

15. Defendants state the Director of DAS at the time, Adam Steen, directed or authorized DAS employees Ryan West, Erin Reinders, Ben Keenan, Valerie Van Kooten, Paul Carlson, Nathan Reckman, Andrea Macy, Tami Wiencek, and Trisha Quijano to oversee, draft, and/or review these executive agency reports. (Plf. App. at 14).

16. Defendants state the purpose of the executive agency reports were to serve "as a mechanism to create an executive level report out to the Governor concerning matters related to the ongoing operation of the department." (Plf. App. at 14).

17. The executive agency reports do not include opinions, deliberations, guidance, or similar advisory commentary. (Plf. App. at 14-21).

18. The executive agency reports do not reflect an advisory opinion or recommendation as to a course of conduct relating to a particular decision or policy. (Plf. App. at 14-21).

19. The executive agency reports contain only facts. (Plf. App. at 15).

20. Adam Steen reviewed the reports on completion, after which Trisha Quijano, an Administrative Assistant 2 in DAS reporting to Nathan Reckman, emailed the reports to Taryn Frideres, Chief of Staff in the Iowa Governor’s Office, Jacob Nicholson, Chief Operating Officer in the Iowa Governor’s Office, and Kraig Paulsen, Director of Department of Management. (Plf. App. at 9-11, 14).

21. The Governor does not claim to have personally reviewed the reports or relied on any portion of them in connection with any decision of the Governor’s Office relating to the Department of Administrative Services. (Plf. App. at 6, 27-28).

22. The Governor does not claim to have personally reviewed the reports, determined they meet the qualifications of an executive privilege, and invoked such a privilege. (Plf. App. at 6, 27-28).

23. The executive agency reports are stored electronically in the Department of Administrative Services Google Drive, and therefore accessible to any employee of the Department with access to said Drive. (Plf. App. at 42).

24. Because the executive agency reports consist solely of factual material, do not include deliberations over a proposed decision or policy of DAS, and do not represent communications advising the Governor on a constitutionally mandated duty of office, their disclosure would not be harmful to Defendants’ ability to reach decisions and shape the policies of the Governor’s Office. (Plf. App. at 14-21, 27-28).

### **The Media Prep Documents**

25. The second set of withheld documents consist of an email bearing the subject line “Turkey pardon media prep doc” and including an attachment: “2024.11.26 Turkey Pardon Media

Prep Doc.docx”; an email bearing the subject line “Media Prep Doc for this week,” and including an attachment: “2024.12.17 Gov-LG Interviews Media Prep Doc.docx”; and an email bearing the subject line “2024.12.18 Additional Media prep doc” and including an attachment “2024.12.18 Additional Media prep doc.docx”. (Plf. App. at 125-130, 213-218, 344-348, 612-615, 616-619).

26. Defendants’ privilege log describes these documents as “Media Prep Docs.” (Def. App. at 38).

27. The Governor did not personally request the media prep documents; Mason Mauro, acting as Press Secretary for the Iowa Governor’s Office, created the media prep documents at his own initiative. (Plf. App. at 15-18).

28. Defendants state Mauro creates these documents by reviewing past news coverage and considering the questions that were or might be asked on various issues; accordingly, Defendants describe the media prep documents as containing factual summaries of recent events. (Plf. App. at 15-16).

29. The media prep documents do not include opinions, deliberations, guidance, or similar advisory commentary. (Plf. App. at 14-21).

30. The media prep documents do not reflect an advisory opinion or recommendation as to a course of conduct relating to a particular decision or policy. (Plf. App. at 14-21).

31. Defendants state the purpose of the media prep documents is to prepare the Governor “to communicate her message and to respond to the press” at press conferences, but do not disclose the message or messages for which these documents were meant to prepare or how the media prep documents facilitate this preparation. (Plf. App. at 32).

32. Defendants state Mauro worked on one media prep document with Molly Severn, Deputy Chief of Staff, and Lillie Brady, Agricultural Policy Advisor, and that the media prep

documents were shared variously among Annie Hayes, Jen Green, and Taryn Frideres. (Plf. App. at 18-19).

33. Defendants state the Governor personally reviewed some, but not all, of the media prep documents. (Plf. App. at 6, 19).

34. The Governor does not claim to have personally relied on the media prep documents in the formulation of any decision or policy of the Governor's Office. (Plf. App. at 6, 14-21).

35. The Governor does not claim to have personally reviewed the media prep documents, determined they meet the qualifications of an executive privilege, and invoked such a privilege. (Plf. App. at 6, 31-32).

36. The media prep documents are stored in a Sharepoint file accessible by the staff of the Iowa Governor's Office. (Plf. App. at 16-17).

37. Because the media prep documents consist of or include primarily purely factual material, do not include deliberations over a proposed decision or policy of the Governor's Office, and do not represent communications advising the Governor on a constitutionally mandated duty of office, their disclosure would not be harmful to Defendants' ability to reach decisions and shape the policies of the Governor's Office. (Plf. App. at 14-21, 23, 29-32).

### **The Text Messages**

38. The final document Defendants withheld are portions of a text message conversation. (Plf. App. at 725-728).

39. The text conversation was between Jacob Nicholson, the Chief Operating Officer in the Iowa Governor's Office, and Adam Steen, then Director of DAS. (Plf. App. at 9-10, 37).

40. The Governor was not a party to the text conversation. (Plf. App. at 37).

41. Defendants state the purpose of the redacted messages related to “a recent DAS agency report prepared by Steen [that] had been reviewed by Nicholson,” but do not state if this is one of those executive agency reports also withheld. (Plf. App. at 38-39).

42. Defendants state the redacted messages consisted of “high level information and guidance” but do not state the subject matter of such information, the decision or policy to which such guidance related, or delineate between the purely factual material in any information provided compared the advisory material in any guidance purportedly offered. (Plf. App. at 36, 38-39).

43. The Governor does not claim to have directed Nicholson to obtain whatever information and/or guidance may be within the text messages from Director Steen. (Plf. App. at 33-39).

44. The Governor does not claim to have ever been made aware of the text messages or their content. (Plf. App. at 6, 33-39).

45. Nicholson did not share the text messages with the Governor or anyone else in the Governor’s Office. (Plf. App. at 40-42).

46. The Governor does not claim to have personally relied on the content of the text messages in the formulation of any decision or policy of the Governor’s Office. (Plf. App. at 6, 36).

47. The Governor does not claim to have personally reviewed the text messages, determined they meet the qualifications of an executive privilege, and invoked such a privilege. (Plf. App. at 6, 33-36).

48. Because the text messages consist of or include primarily factual material, do not include deliberations over a proposed decision or policy of DAS or the Governor’s Office, and do not represent communications advising the Governor on a constitutionally mandated duty of office,

their disclosure would not be harmful to Defendants' ability to reach decisions and shape the policies of the Governor's Office. (Plf. App. at 33-39).

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties of record via EDMS on February 20, 2026.

/s/ Thomas D. Story  
Thomas D. Story