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**From:** Staton, Jennifer A  
**Sent:** Monday, March 9, 2020 6:03 AM  
**To:** Windrunnerstables Info  
**Cc:** Foster, James H  
**Subject:** Re: Freedom of Information Act (FOIA) Request Form  
**Attachments:** DC. Invoice#14131.re.Moss\_Redacted.pdf; Invoice #7206(1).pdf; Invoice #7231(2).pdf

Mr. Cambria-

Please see the attached documents responsive to your request. Redactions have been made in accordance with S.C. Code Ann. 30-4-40(a)(7), the BCSD exempts from disclosure correspondence with legal counsel for a public body and any other material that would violate attorney-client relationships. Entries pertaining to your request have not been redacted, the redactions involve other matters.

Jennifer Staton, MS, CSP  
Risk Manager  
Beaufort County School District  
843-322-2355 | Fax: 843-322-2389

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**From:** JotForm <noreply@jotform.com>  
**Sent:** Monday, February 24, 2020 9:17 PM  
**To:** Foster, James H <James.Foster@beaufort.k12.sc.us>; Staton, Jennifer A <Jennifer.Staton@beaufort.k12.sc.us>  
**Subject:** Re: Freedom of Information Act (FOIA) Request Form

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### Freedom of Information Act (FOIA) Request Form

Enter your email address below to receive a confirmation email when you submit your data: (Optional)

[info@windrunnerstables.com](mailto:info@windrunnerstables.com)

Name:	Anthony Cambria
Address:	Street Address: 73 Concession Oak Dr. City: Bluffton State: South Carolina Zip Code: 29909 Country: United States
Home Phone Number:	(516) 9934035

E-mail Address: [info@windrunnerstables.com](mailto:info@windrunnerstables.com)

Public Records Requested (Description of Documents or Information Requested):

The South Carolina General Assembly, by the clear language of the statutes, believes FOIA should be broadly construed to allow the public to gain access to public records. The interest in confidentiality expressed through the attorney-client privilege should not trump the public's right to know.

Please consider my FOIA request for "any and all invoices between Attorney Firm Davis & Boykin; Attorney Firm Duff & Childs; Attorney Firm Childs & Halligan and the BCSD/Board of Education for legal Representations/Services for the following:  
(1)"Separation Agreement" between BCSD and/or the BCSD Board of Education and Jeff Moss, former School Superintendent that occurred in the Spring/Summer of 2018.  
(2) Employment/Contract Agreement between Herbert Berg, former Interim Superintendent and/or the BCSD Board of Education that occurred in the Spring/Summer of 2018.

When considering my request for such invoices, please keep in mind that many circuit courts view that attorney time records are created in the regular course of business and do not constitute protected attorney work product. Work-product is typically material "prepared in anticipation of litigation or for trial". This work can be reflected in "interviews, statements, memorandum, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways. United States Court of Appeals for the Fourth Circuit, has ruled that billing records may fall within the attorney-client and work-product exceptions to disclosure under VFOIA if they reveal confidential information, including the motive of the client in seeking representation, or if they reveal litigation strategy. Records indicating the specific nature of the services provided, such as researching particular areas of law, may also fall within these exceptions when the disclosure would compromise legal strategy. Accordingly only information that meets that criterion may be redacted.

As a threshold, a few examples are provided below;  
(1) "not all work undertaken by lawyers finds protection in the work-product privilege." (1)In re Sealed Case, 146 F.3d at 887 (quoting Linde Thomson Langworthy Kohn & Van Dyke, P.C. v. RTC, 5 F.3d 1508, 1515 (D.C. Cir. 1993)).

(2) "[because] [b]illing records are commonly created in the regular course of business, which removes them from [the attorney work product] doctrine's coverage. .

. . . [t]he invoices themselves are merely a byproduct of the fact of the representation.”). (2) Stonehenge/Fasa-Texas, JDC, L.P. v. Miller, No. 94-CV-0912, 1998 WL 826880, at \*2 (N.D. Tex. Nov. 23, 1998)

(3) See Brennan v. Western Nat. Mut. Ins. Co., 199 F.R.D. 660, 662 (D.S.D. 2001). Billing statements are only protected to the extent they “ ‘reveal the motive of the client seeking representation, litigation strategy, or the specific nature of the services performed, such as researching particular areas of the law. . . .’ ” Id. (quoting Clarke v. American Commerce Nat’l. Bank, 974 F.2d 127, 129 (9th Cir. 1992)). Entries contain information regarding 8:10-cv-00365-JMG-CRZ Doc # 276 Filed: 07/05/12 Page 1 of 3 - Page ID # 2 research or other matters where litigation strategy or client motive is not revealed, those entries will not be protected. See Brennan, 199 F.R.D. at 662. The party seeking to avoid production bears the burden of establishing a privilege applies. In re Grand Jury Proceedings, 791 F.2d 663, 666 (8th Cir. 1986). I’m hopeful that BCSD district will adhere to the FOIA laws.

Thank you.  
Sincerely,  
Tony Cambria

You can [edit this submission](#) and [view all your submissions](#) easily.