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**From:** Staton, Jennifer A  
**Sent:** Monday, March 23, 2020 1:38 PM  
**To:** info@windrunnerstables.com  
**Cc:** 'James Foster'  
**Subject:** FW: Freedom of Information Act (FOIA) Request Form  
**Attachments:** 913\_Redacted.pdf; 940\_Redacted.pdf; 970\_Redacted.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.

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

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**From:** Staton, Jennifer A  
**Sent:** Friday, February 21, 2020 12:20 PM  
**To:** [info@windrunnerstables.com](mailto:info@windrunnerstables.com)  
**Cc:** Foster, James H <[James.Foster@beaufort.k12.sc.us](mailto:James.Foster@beaufort.k12.sc.us)>  
**Subject:** RE: Freedom of Information Act (FOIA) Request Form

Mr. Cambria-

The White & Story invoices that the BCSD has received are already posted on the BCSD website. You can find them at beaufortschools.net. Go to DISTRICT » About Us » Public Information » Freedom of Information Act (FOIA) Request in the year 2019-20 in the months of August and October in the requests from the Island Packet. The District has requested that the attorney who submitted the invoices review the invoices and inform the District what entries constitute attorney work product and what entries are attorney-client privilege communications. We will get back to you within the time frame allotted by law.

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](mailto:noreply@jotform.com)>  
**Sent:** Monday, February 10, 2020 11:47 AM  
**To:** Foster, James H <[James.Foster@beaufort.k12.sc.us](mailto:James.Foster@beaufort.k12.sc.us)>; Staton, Jennifer A <[Jennifer.Staton@beaufort.k12.sc.us](mailto: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 White & Story LLC and/or Andrea White and the school district from June 1, 2019 to present."

The documents requested (invoices from Ms. White's Law firm pertaining to the alleged employees' grievances filed against Beaufort County Board of Education) are to be complete and without redactions that do not meet the threshold of 'attorney/client privilege and or 'protected work product'. My request is very specific and complies to and with legal standards and definition. There are many justifications to insure full compliance with this request with minimal if any redactions of the invoices/time billing documents as described: time records were not prepared in anticipation of litigation. The invoice/s were prepared and submitted for payment of service after settlement was announced.

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, memoranda, 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

