

EXHIBIT A

Document Request to Subpoena

(1) Any and all documents (as defined below),¹ of any kind or data that form or show the factual foundation or evidence (in whole or in part), or otherwise show data, **supporting and/or providing a rational basis for Emergency Executive Order 20-96 (“EO 20- 96”) which was signed by Governor Tim Walz on November 10, 2020**, including and especially emails to and/or from and/or copied to any of the following persons at their official and/or a back channel email address: Chris L. Schmitter (Governor’s Office “GOV”) (Chris.Schmitter@state.mn.us), Nate Long (GOV) (Nate.Long@state.mn.us), Patrick Tanis (GOV) (Patrick.Tanis@state.mn.us), Jesse Held (GOV) (jessi.held@state.mn.us), Pete Bernardy (Minnesota Management and Budget “MMB”) (GOV) (peter.bernardy@state.mn.us), Kristen Ehresmann (Minnesota Department of Health “MDH”) (kristen.ehresmann@state.mn.us), Margaret Kelly (MDH) (Margaret.Kelly@state.mn.us), Jan Malcolm (MDH) (jan.malcolm@state.mn.us), and Richard Danila Deputy State Epidemiologist at Minnesota Department of Health, (MDH) [**See attached Emails attached discussing “small impacts that don’t justify the dial backs we propose...”**];”

(2) Any and all documents (as defined below), of any kind or data that discusses the basis for using a general LOCKDOWN of Bars and/or Restaurants for **Emergency Executive Order 20-96 (“EO 20- 96”)**, rather than using the QUARANTINE procedures set forth in the Minnesota Emergency Management Act of 1996, specifically the procedures found at Minn. Stat. § 12.39 (and the statutes cited therein), to require that Restaurants and Bars close pursuant to EO 20-96; and

(3) Any and all documents (as defined below), of any kind or data that the Governor and/or Governor’s Office used for the Governor Walz & Lieutenant Flanagan Media Briefing call to KARE 11 on November 17, 2021, streamed live and posted on YouTube wherein Gov. Tim Walz reacts to Minnesota’s spike in COVID-19 cases, and **debriefs his international trade mission to the U.K. and Finland on Nov 17, 2021**, which is found at the following link: [<https://www.youtube.com/watch?v=6NOQv4lDxe4&t=1638s>], where Governor Walz admits that his Emergency Powers did not save lives on a media call from Helsinki, Finland, stating as follows **between minute 27:4 and 27:50 on YouTube: “We all know... that there’s no correlation between me using Emergency Powers, that actually shows that it protected people, or made a difference...”**

¹ “Documents” refers to and includes the final form and all drafts and revisions of any type of Government Data or any written or graphic matter, original or reproduced, however produced or reproduced, of any kind and of every kind, and all copies thereof that are different in any way from the original. Without limiting the generality of the foregoing, “Documents” includes correspondence, records, tables, memoranda, notes, diaries, communications, letters, telegrams, minutes, messages, **especially email messages**, text messages, contracts, reports, studies, summaries, pamphlets, publications, inter-office and interest-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computerized files, computer printouts, electronic files, digital files, information stored on any type of electronic or digital media, interest-related materials, teletypes, telefax, facsimiles, invoices, work sheets, all drafts, oral records, or representations of any kind, and any electronic, mechanical, or electric records or representations of any kind (including without limitation, tapes, cassettes, discs, recordings, computer-generated documents, computer memories, and any information, posting, or message stored on or made through any form of social media or other Internet platform or service), or any other recorded information of any kind whatsoever, within the Witnesses knowledge, possession, custody, control, or subject to the Witnesses control, or accessible to the Witness.

From: Malcolm, Jan (MDH)

Sent: Thursday, October 22, 2020 10:15 AM

To: Ehresmann, Kristen (MDH) <kristen.ehresmann@state.mn.us>; Kelly, Margaret (MDH) <Margaret.Kelly@state.mn.us>

Subject: Data on what's driving the spread

Importance: High

COS has been asking for data to be given to the Governor regularly (I proposed weekly) on what is driving the case increases, building off of the chart you produce Kris. We need some way to estimate total impact from generations of transmission and not just the primary case, as people look at the primary case numbers and think those are small impacts that don't justify the dial backs we propose. See COS questions below. THX as always for creative thinking and fast turnaround.

Jan Malcolm

Commissioner

Minnesota Department of Health

Office: 651/201-5810 |

iconmdhmnemail



From: Schmitter, Chris L (GOV) <Chris.Schmitter@state.mn.us>

Sent: Thursday, October 22, 2020 6:21 AM

To: Malcolm, Jan (MDH) <jan.malcolm@state.mn.us>; Held, Jessi (GOV) <jessi.held@state.mn.us>

Cc: Bernardy, Pete (MMB) <peter.bernardy@state.mn.us>; Long, Nate (GOV) <Nate.Long@state.mn.us>;

Tanis, Patrick (GOV) <Patrick.Tanis@state.mn.us>

Subject: RE: Weekly Epi Report - 10/15/20

Thanks for this. This is helpful, though less useful than what I expected. Given these numbers are small in comparison to the overall case numbers, I assume the conclusion here is that we just don't know where most transmission is happening?

I'm thinking of something we gave Birx that allowed her to make a conclusion about the percentage of spread coming from social gatherings, weddings, funerals. Do we have something like that? Or not because we don't have enough data and there's too much community spread.

In other words, if you could say that 75% of case growth (as she did) was happening in social gatherings, weddings, funerals, you could target those areas most aggressively.

Chris Schmitter

He / him / his

Chief of Staff

Governor Tim Walz

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Jan Malcolm

Commissioner

Minnesota Department of Health

Office: 651/201-5810 |

From: Kate Brickman <katebrickman@gmail.com>

Sent: Wednesday, November 18, 2020 9:19 AM

To: Brian McClung <brian@parkstreetpublic.com>; Schommer, Michael (MDH) <michael.schommer@state.mn.us>

Cc: Campbell, Erin (ADM) <Erin.Campbell@state.mn.us>; Kimball, Nicholas (DOC) <Nicholas.Kimball@state.mn.us>

Subject: Prepping for LTC messaging

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Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Quick flag since I've have to drop out of these ongoing discussions, but want to make sure I'm sharing with Brian to be thinking about it:

Governor is wanting LTC to be thinking about being proactive and aggressive as LTC deaths going back up. Sounds like Commissioner and Erin are tracking some data to pull. But for some messaging notes as you think about coming days:

- How do we compare to other states with LTC deaths? Apples to apples comparison. This isn't a MN issue, it's happening everywhere. (Get CMS data) Gov wants to say "We're not satisfied with our numbers. There's no "acceptable number" of deaths in LTC. But we're doing better than any other state."

- As ppl push back on youth sports adn whether they really need to be ended --> we need to more explicitly tie youth sports to LTC. People are going to youth sports, sitting in bleachers, eating popcorn and talking with people around then, cheering, then maybe stopping at a restaurant or bar on way home, then going to jobs in LTC the following day. The spread and deaths in LTC can be traced back to youth sports and some of these social settings.