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October 10, 2017

Cobb County Sheriff's Office
185 Roswell Street NE
Marietta, Georgia 30090

Via Certified Mail

Re: Open Records Request concerning decision to remove Kennesaw State University cheerleaders from pregame activities

On Saturday, September 30, 2017, some Kennesaw State University ("KSU") cheerleaders knelt in protest during the national anthem prior to a football game between KSU and North Greenville University ("the Protest"). According to an October 6, 2017 news article in the Marietta Daily Journal, the Sheriff of Cobb County publicly expressed his disapproval of the cheerleaders' speech and had a conversation with KSU President Sam Olens where Olens "assured me that this will not happen again." One week later, on October 7, 2017, at the following football game, none of the cheerleaders were on the field prior to the game.

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Pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.), the American Civil Liberties Union Foundation of Georgia, Inc., respectfully requests access to inspect and copy the following public records prepared or received by anyone in the Cobb County Sheriff's Office:

All documents and email communications on or after September 30, 2017, received or drafted in response to the Protest or discussing or referencing it, including but not limited to discussions of any contemplated consequences (whether through the Sheriff's Office or through KSU) for the cheerleaders who participated in the Protest;

All documents and email communications concerning any complaint or report that any personnel from the Cobb County Sheriff's Office may have contacted anyone involved in the Protest; and

All documents and email communications on or after September 30, 2017, received or drafted in connection with any decision to not have any cheerleaders be on the field prior to the game on October 7, 2017.

Pursuant to the Open Records Act (O.C.G.A. § 50-18-74), we request that you make these records available for our inspection within a reasonable time not to exceed three business days of your receipt of this request. Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt, pursuant to O.C.G.A. § 50-18-72(g). In addition, if our request is denied in whole or in part, the law requires your agency to justify all deletions by reference to exemptions of the

Georgia Open Records Act, specifying code section, subsection, and paragraph. *See* O.C.G.A. § 50-18-72(h).

We request that you waive the copying fees. If your office does not maintain these public records, please let us know who does and include the proper custodian's name and address. To the extent that your office claims the right to withhold any record, or portion of any record, please describe each and every record or portion that is being withheld and the claimed reason for exemption, citing the exact language of the Open Records Act on which you rely.

Should your estimate of those fees exceed \$10, please advise us of the costs before they are incurred. We would prefer electronic copies of the records whenever possible. However, we also seek a waiver of any and all possible charges because the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the Cobb County Sheriff's Office's response to the cheerleaders' exercise of free speech rights. *See* O.C.G.A. s 50-18-71(c). This information is not being sought for commercial purposes.

If any records are unavailable within three business days of receipt of the request, and responsive records exist, we seek a description of such records and a timeline of when access to the records will be provided. If you have suggestions for tailoring this request so as to ensure a more expeditious but still meaningful response, we would be happy to consider them. We reserve the right to appeal any decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean J. Young". The signature is fluid and cursive, written in a professional style.

Sean J. Young
Legal Director
ACLU of Georgia