

OFFICE OF THE ATTORNEY GENERAL  
COMMONWEALTH OF VIRGINIA  
900 EAST MAIN STREET  
RICHMOND, VIRGINIA 23219

CID NO. 2-MM

TO: The Rector and Visitors of the University of Virginia  
SERVE: John O. Wynne, Rector  
University of Virginia  
One Commercial Place, Suite 1420  
Norfolk, VA 23510

CIVIL INVESTIGATIVE DEMAND

The Attorney General of the Commonwealth of Virginia, pursuant to the authority conferred upon him by the Virginia Fraud Against Taxpayers Act (“FATA”), *Virginia Code* § 8.01-216.1, *et seq.*, hereby commands your production of the information and documentary materials described in the Attachment hereto at the Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219, on the 27<sup>th</sup> day of May, 2010 at 10:00 a.m.

This Civil Investigative Demand (CID) is issued in connection with an investigation by the Attorney General into possible violations by Dr. Michael Mann of §§ 8.01-216.3(A) (1), (2), and (3) of FATA. The investigation relates to data and other materials that Dr. Mann presented in seeking awards/grants funded, in whole or in part, by the Commonwealth of Virginia or any of its agencies as well as data, materials and communications that Dr. Mann created, presented or made in connection with or related to the following awards/grants (hereinafter the “Grants”):

(1) *Decadal Variability in the Tropical Indo-Pacific: Integrating Paleo & Coupled Model Results*, NOAA-Climate Change Data & Detection (CCDD) Program [Principal Investigators: M.E. Mann (U.Va), J. Cole (U. Arizona), V. Mehta (CRCES)] U.Va award (M.E. Mann): \$102,000;

(2) *Remote Observations of Ice Sheet Surface Temperature: Toward Multi-Proxy Reconstruction of Antarctic Climate Variability*, NSF-Office of Polar Programs, Antarctic Oceans and Climate System [Principal Investigators: M.E. Mann (U. Va), E. Steig (U. Wash.), D. Weinbrenner (U. Wash)] U.Va award (M.E. Mann): \$133,000;

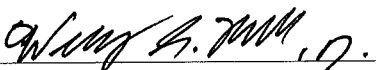
(3) *Paleoclimatic Reconstructions of the Arctic Oscillation*, NOAA-Cooperative Institute for Arctic Research (CIFAR) Program [Principal Investigators: Rosanne D'Arrigo, Ed Cook (Lamont/Columbia); Co-Investigator: M.E. Mann] U.Va subcontract (M.E. Mann): \$14,400;

(4) *Global Multidecadal-to-Century-Scale Oscillations During the Last 1000 Years*, NOAA-Climate Change Data & Detection (CCDD) Program [Principal Investigator: Malcolm Hughes (Univ. of Arizona); Co-Investigators: M.E. Mann; J. Park (Yale University)] U.Va subcontract (M.E. Mann): \$20,775; and

(5) *Resolving the Scale-wise Sensitivities in the Dynamical Coupling Between Climate and the Biosphere*, University of Virginia-Fund for Excellence in Science and Technology (FEST) [Principal Investigator: J.D. Albertson; Co-Investigators: H. Epstein, M.E. Mann] U.Va internal award: \$214,700.

Please refer any questions you may have about this CID to Wesley G. Russell, Jr., Deputy Attorney General, 900 East Main Street, Richmond, Virginia 23219, (804) 786-6731

This CID is issued at Richmond, Virginia, this 23<sup>rd</sup> day of April, 2010.

  
\_\_\_\_\_  
WESLEY G. RUSSELL, JR.  
DEPUTY ATTORNEY GENERAL

cc: **John O. Wynne, Rector**  
**University of Virginia**  
**One Commercial Place, Suite 1420**  
**Norfolk, VA 23510**

## ATTACHMENT

### INSTRUCTIONS

1. Unless otherwise indicated, each paragraph of this Civil Investigative Demand (CID) relates to the period from January 1, 1999 through the present date. Any documents prepared during this time period, or before this time period but which relate thereto, are also to be produced.

2. If any document requested was, but is no longer in your possession, subject to your control, or in existence, state for each such document:

- (a) the type of document;
- (b) whether it is missing, lost, has been destroyed, or has been transferred to the possession, custody, or control of other persons;
- (c) the circumstances surrounding, and the authorization for, the disposition described in (b) above;
- (d) the date or approximate date of the disposition described in (b) above;
- (e) the identity of all persons having knowledge of the circumstances described in (c) above; and
- (f) the identity of all persons having knowledge of the document's contents.

3. With respect to each document produced, identify the person producing the document and the paragraph number of the request in response to which such production is being made.

4. All uses of the conjunctive should be interpreted as including the disjunctive and vice versa in order to bring within the scope of this CID any information or documents that might otherwise be construed to be outside of its scope.

5. Words in the singular should be read to include the plural and vice versa.

6. Each document request contemplates production of the entire document without redaction, abbreviation or deletion.

7. If you have a document retention/destruction program, you are asked to suspend it immediately. Regardless of whether you have a document retention/destruction program, you should take precautions to ensure that no documents called for by this CID are inadvertently or intentionally destroyed.

8. To the extent that any of the documents or data are stored in an encrypted fashion, the documents and data should be produced in such a way that this Office can decrypt and read such documents or data.

9. The scope of this CID is intended to reach any of the described items which are stored for you by a third party organization, and/or stored at an offsite location.

10. The scope of this CID is to reach any and all data, documents and things in your possession, including those stored or residing on any computer, hard drive, desktop, laptop, file server, database server, email servers or other systems where data was transmitted or stored on purpose or as a result of transient use of a system or application in the course of day to day research or product processing work that is owned or contracted for by you or any of your officers, managers, employees, agents, board members, academic departments, divisions, programs, IT department, contractors and other representatives.

11. Optional methods of compliance.

A. This CID requires the personal appearance of a representative(s) of the Rector and Visitors of the University of Virginia when the documents herein described are produced. The purpose of the appearance is to testify under oath as to the fact and manner of compliance herewith. At your option, you may substitute the filing of an affidavit for the personal appearance. Such affidavit must set forth the matter contained in the form affidavit delivered herewith. Any alteration of the form except to complete it as indicated may be treated as a refusal to comply with this CID. **If you elect to exercise this option, please notify the Office of the Attorney General no later than seven (7) days prior to the time you are required to appear.**

B. This CID also requires generally the production of original documents. At your option, you may substitute a readable duplicate of an original writing or a printout of electronically stored material, if you identify it as a duplicate or as a printout of electronically stored material and if you agree without qualification that thereafter, at anytime during the course of this investigation or any litigation arising therefrom, the original document will be delivered for inspection by the Attorney General within five (5) days after receipt by you or your attorney of a demand therefor.

**DEFINITIONS**

1. As used herein, the words “The Rector and Visitors of the University of Virginia,” “you,” and “your” mean the entity to which this CID is addressed, the University of Virginia, and includes all of the officers, managers, employees, agents, board members, academic departments, divisions, programs, IT department, contractors and other representatives of the Rector and Visitors of the University of Virginia and/or the University of Virginia.

2. As used herein, the words “document” or “documents” mean the original and any copies of any written, printed, typed, electronic, or graphic matter of any kind or nature, however produced or reproduced, any book, pamphlet, brochure, periodical, newspaper, letter, correspondence, memoranda, notice, facsimile, e-mail, manual, press release, telegram, report, study, handwritten note, working paper, chart, paper, graph, index, tape, data sheet, data processing card, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter now in your possession, custody or control.

3. As used herein, the words “identify,” “identity,” or “identification” when used in reference to a natural person mean to state his or her full name, present or last known address, telephone number, last known position and business affiliation, and each of his or her positions during the relevant time period. When used in reference to any other type of person, these words mean to state the name of the entity, its present or last known address, and its telephone number.

4. When used in reference to a document kept or prepared in the course of business the words “identify” or “identification” mean to state its date, author, the type of document (e.g., letter, memorandum, telegram, chart, photograph, sound reproduction, etc.) or, if the above information is not available, some other means of identifying it; its present location; and the name of each of its present custodians.

5. As used herein, the words “person” or “persons” include any individual, firm, partnership, association, trust, joint venture, corporation, limited liability company, or other legal or commercial entity.

6. As used herein, the word “relating” means to make a statement about, discuss, describe, reflect, identify, deal with, consist of, establish, comprise, list, or in any way pertain, in whole or in part, to the subject.

## DOCUMENTS TO BE PRODUCED

1. All documents that constitute or are in any way related to correspondence, messages or e-mails sent to or received by Dr. Michael Mann from any of the following persons:

- a. Dr. Caspar Ammann,
- b. Dr. Raymond Bradley,
- c. Dr. Keith Briffa,
- d. Dr. John Christy,
- e. Dr. Edward Cook,
- f. Dr. Thomas Crowley,
- g. Dr. Roseanne D'Arrigo,
- h. Dr. Valerie Masson-Delmotte,
- i. Dr. David Douglass,
- j. Dr. Jan Esper,
- k. Dr. Melissa Free,
- l. Dr. Chris de Freitas,
- m. Dr. Vincent Grey,
- n. Dr. James Hack,
- o. Dr. Malcolm Hughes,
- p. Dr. Eystein Jansen,
- q. Dr. Phil Jones,
- r. Dr. Thomas Karl,
- s. Dr. Otto Kinne,
- t. Dr. A.T.J. de Laat,
- u. Dr. Murari Lal,
- v. Dr. Stephen Mackwell,
- w. Dr. Glenn McGregor,
- x. Stephen McIntyre,
- y. Dr. Ross McKittrick,
- z. Dr. Patrick Michaels,
- aa. Dr. Jonathan Overpeck,
- bb. Dr. Tim Osborn,
- cc. Dr. Roger Peilke, Jr.,
- dd. Dr. Benjamin Santer,
- ee. Dr. Gavin A. Schmidt,
- ff. Dr. Stephen Schneider,
- gg. Dr. Olga Solomina,
- hh. Dr. Susan Solomon,
- ii. Dr. Kevin Trenberth,
- jj. Dr. Eugene Wahl,
- kk. Dr. Edward Wegman,
- ll. Dr. Thomas Wigley,



- mm. Dr. Vincent Gray, and
- nn. All research assistants, secretaries or administrative staff with whom Dr. Mann worked while he was at the University of Virginia.

2. All documents that constitute or that are in any way related to correspondence, messages or e-mails sent from Dr. Michael Mann to any of the following persons:

- a. Dr. Caspar Ammann,
- b. Dr. Raymond Bradley,
- c. Dr. Keith Briffa,
- d. Dr. John Christy,
- e. Dr. Edward Cook,
- f. Dr. Thomas Crowley,
- g. Dr. Roseanne D'Arrigo,
- h. Dr. Valerie Masson-Delmotte,
- i. Dr. David Douglass,
- j. Dr. Jan Esper,
- k. Dr. Melissa Free,
- l. Dr. Chris de Freitas,
- m. Dr. Vincent Grey,
- n. Dr. James Hack,
- o. Dr. Malcolm Hughes,
- p. Dr. Eystein Jansen,
- q. Dr. Phil Jones,
- r. Dr. Thomas Karl,
- s. Dr. Otto Kinne,
- t. Dr. A.T.J. de Laat,
- u. Dr. Murari Lal,
- v. Dr. Stephen Mackwell,
- w. Dr. Glenn McGregor,
- x. Stephen McIntyre
- y. Dr. Ross McKittrick,
- z. Dr. Patrick Michaels,
- aa. Dr. Jonathan Overpeck,
- bb. Dr. Tim Osborn,
- cc. Dr. Roger Peilke, Jr.,
- dd. Dr. Benjamin Santer,
- ee. Dr. Gavin A. Schmidt,
- ff. Dr. Stephen Schneider,
- gg. Dr. Olga Solomina,
- hh. Dr. Susan Solomon,
- ii. Dr. Kevin Trenberth,

- jj. Dr. Eugene Wahl,
- kk. Dr. Edward Wegman,
- ll. Dr. Thomas Wigley,
- mm. Dr. Vincent Gray, and
- nn. All research assistants, secretaries or administrative staff with whom Dr. Mann worked while he was at the University of Virginia.

3. All documents that constitute or that are in any way related to correspondence, messages or e-mails sent to or from Dr. Michael Mann that reference the following people:

- a. Dr. Caspar Ammann,
- b. Dr. Raymond Bradley,
- c. Dr. Keith Briffa,
- d. Dr. John Christy,
- e. Dr. Edward Cook,
- f. Dr. Thomas Crowley,
- g. Dr. Roseanne D'Arrigo,
- h. Dr. Valerie Masson-Delmotte,
- i. Dr. David Douglass,
- j. Dr. Jan Esper,
- k. Dr. Melissa Free,
- l. Dr. Chris de Freitas,
- m. Dr. Vincent Grey,
- n. Dr. James Hack,
- o. Dr. Malcolm Hughes,
- p. Dr. Eystein Jansen,
- q. Dr. Phil Jones,
- r. Dr. Thomas Karl,
- s. Dr. Otto Kinne,
- t. Dr. A.T.J. de Laat,
- u. Dr. Murari Lal,
- v. Dr. Stephen Mackwell,
- w. Dr. Glenn McGregor,
- x. Stephen McIntyre
- y. Dr. Ross McKittrick,
- z. Dr. Patrick Michaels,
- aa. Dr. Jonathan Overpeck,
- bb. Dr. Tim Osborn,
- cc. Dr. Roger Peilke, Jr.,
- dd. Dr. Benjamin Santer,
- ee. Dr. Gavin A. Schmidt,
- ff. Dr. Stephen Schneider,

- gg. Dr. Olga Solomina,
- hh. Dr. Susan Solomon,
- ii. Dr. Kevin Trenberth,
- jj. Dr. Eugene Wahl,
- kk. Dr. Edward Wegman,
- ll. Dr. Thomas Wigley,
- mm. Dr. Vincent Gray, and
- nn. All research assistants, secretaries or administrative staff with whom Dr. Mann worked while he was at the University of Virginia.

4. Any and all documents, things or data that were submitted as part of the award/grant process for the Grants.
5. Any and all documents, drafts, things or data that were generated as a result of any activities conducted pursuant to the Grants.
6. Any checks, purchase orders, agreements, documents or other things that evidence any amounts paid under the Grants.
7. Any and all policies, procedures, manuals, documents or other things that describe or regulate the retention or destruction of any of the above-referenced documents/things from January 1, 1998 until the present day.
8. Any and all e-mails or pieces of correspondence from or to Dr. Michael Mann since he left the University of Virginia that are in your possession, including but not limited to, those stored on any computer, hard drive, floppy drive, tape drive, optical drive, desktop, laptop, file server, database server, email servers or any other systems, and all backup copies used for archive, continuity or disaster recovery purposes, where data was transmitted or stored on purpose, or captured as a result of transient use of a system or application in the course of day to day research or to produce any work product or result. Include messages that may have been kept by individuals who interacted on the Grants.

9. Any and all computer algorithms, programs, source code or the like created or edited by Dr. Michael Mann, in the time period from January 1, 1999, to the present that are in your possession, including but not limited to, those stored on any computer, hard drive, floppy drive, tape drive, optical drive, desktop, laptop, file server, database server, email servers or any other systems, and all backup copies used for archive, continuity or disaster recovery purposes, where data was transmitted or stored on purpose, or captured as a result of transient use of a system or application in the course of day to day research or to produce any work product or result. Include messages that may have been kept by individuals who interacted on the Grants.
10. Any data, information or databases, structured or unstructured information, source code and formulas that may be stored in any format or media type, including but not limited to, back up copies used for archive, continuity or disaster recovery purposes that was used in any way in connection with the application for or as a result of any of the Grants.

## INTERROGATORIES

1. To the extent that you are no longer in possession of any portion of the correspondence, messages, e-mails, documents or things referenced above, please identify when such of the correspondence, messages, e-mails documents or things referenced above were removed from University of Virginia servers or other systems, who removed said items and under what authority the removal was undertaken.
2. Identify any person who is currently employed at the University of Virginia or performing work for the University of Virginia as a contractor, grantee or agent who played any role in the applications for the Grants.
3. Identify any person who conducted any research or other work in support of the award of or as a result of the Grants.
4. Identify any person who played any role in awarding/making the Grants.
5. Identify all persons known to you who are familiar with the data, information or databases, structured or unstructured information, source code, raw or underlying data, and formulas that were used in any way in connection with the application for or as a result of any of the Grants.
6. For each person identified in response to the foregoing Interrogatories, specifically identify which of the Grants the person played any role in and a description of what role each such person played regarding each Grant so identified.

**FORM OF AFFIDAVIT OF COMPLIANCE  
WITH CIVIL INVESTIGATIVE DEMAND**

The undersigned, [insert name and job title of person responsible for producing documents on behalf of the Rector and Visitors of the University of Virginia], has [conducted or supervised, whichever is appropriate] a complete and comprehensive search of all files and records of the Rector and Visitors of the University of Virginia, at [state the location(s) where search was conducted]. All documents and things that are responsive to Civil Investigative Demand No. 2-MM are included in the return. All documents produced herewith are authentic and genuine.

The Rector and Visitors of the  
University of Virginia

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

Title: \_\_\_\_\_

STATE/COMMONWEALTH OF \_\_\_\_\_:

CITY/COUNTY OF \_\_\_\_\_:

Sworn to and subscribed before me, a notary public in and for the jurisdiction aforesaid, this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
/s/ Notary Public

My Commission expires:     /     /