



**Office of General Counsel**

107 Oakley Applied Science Building  
Murray, KY 42071-3345  
270-809-3399 • 270-809-3471 fax

November 4, 2022

**Via Email to:** [pboxx@wpsdlocal6.com](mailto:pboxx@wpsdlocal6.com)

Mr. Perry Boxx  
News Director  
WPSD Local 6  
100 Television Lane  
Paducah, KY 42003

RE: Open Records Request

Dear Mr. Boxx:

Please allow this as our supplementary response to that provided to you on October 27, 2022. At that time, we notified you that we were still in the process of reviewing your request “A” and that our response would be forthcoming by November 4, 2022. Pursuant to your request “A”, you have requested:

- A. Correspondence, including but not limited to emails and attachments, responses and threads, letters and other forms of communications from and/or to Dr. Robert Jackson, Tim Todd, David Eaton, Judge Jamie Jameson and Chad Lampe in any combination, the content of which regards a Kentucky Open Records Request filed by the news department of WKMS Radio News seeking courthouse security video showing Circuit Court Judge Jamie Jameson walking in the Marshall County Courthouse in his underwear.

As previously stated in response to Request “A,” please note that the Open Records Act requires a requester to precisely describe the record(s) being requested. Although your request fails to precisely describe the records as required by KRS 61.872(3)(b), and would require the University to guess as to the records you are seeking, the University will endeavor to collect and review documents that include all correspondence, including “other forms of communication,” with the exception noted in the paragraph immediately below. Because your request does not identify a specific or approximate date, nor does it identify a University record of correspondence between a specific sender and a recipient, additional time is needed to complete the collection and review of such records. The records are not readily available due to the aforementioned reasons. See KRS 61.872(5).

The aforementioned exception is that WKMS, as a member of the press, is entitled by the First Amendment to the U.S. Constitution to the free exercise of the press protections contained therein. The University understands, acknowledges and supports the policy statement in KRS 61.878 declaring that the “examination of public records is in the public interest...” In this case, there is a competing interest as to the freedom of the press. Permitting the public to engage in fishing expeditions by searching the files of journalists and/or an agency of the press, undermines and dissuades the press from fulfilling its Constitutionally protected freedom. For these reasons, your request “A” is denied to the extent documents contain exempt information – the disclosure of which would impinge or inhibit the freedom of the press – pursuant to KRS 61.878(1)(k).

[murraystate.edu](http://murraystate.edu)

With the above having been said, please find the following in regard to each referenced email:

- Email #1: Please note that we have redacted information that is not responsive to your request.
- Email #2: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege in accordance with KRS 61.878(1)(k).
- Email #3: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #4: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #5: Please find email dated April 4, 2022 Re: WKMS Public Radio – Open Records Request.
- Email #6: Please find email dated March 30, 2022 Re: WKMS Public Radio – Open Records Request, correspondence dated April 4, 2022 from the Administrative Office of the Courts, Supreme Court of Kentucky Order 2017-09, and correspondence dated March 30, 2022 from WKMS Public Radio. We have also redacted information of a personal nature wherein disclosure would constitute an unwarranted invasion of personal privacy, same being personal cell phone number. KRS 61.878(1)(a).
- Email #7: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #8: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #9: Please find email dated April 4, 2022 Re: WKMS Public Radio – Open Records Request.
- Email #10: Please find email dated March 30, 2022 Re: WKMS Public Radio – Open Records Request, correspondence dated March 30, 2022 from WKMS Public Radio, correspondence dated April 4, 2022 from the Administrative Office of the Courts, and Supreme Court of Kentucky Order 2017-09. We have also redacted information of a personal nature wherein disclosure would constitute an unwarranted invasion of personal privacy, same being personal cell phone number. KRS 61.878(1)(a).
- Email #11: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege in accordance with KRS 61.878(1)(k).
- Email #12: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #13: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #14: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.

- Email #15: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.
- Email #16: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.
- Email #17: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.
- Email #18: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended. Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #19: Please find email dated October 10, 2022 Re: media inquiry on deadline.
- Email #20: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended. Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.
- Email #21: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein. In addition, we have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.
- Email #22: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein. In addition, we have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.
- Email #23: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.

November 4, 2022

Page 4

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Email #24: Please note that we have redacted information provided to/from the General Counsel's office which were utilized in the formation of legal advice or in the anticipation of litigation based on the attorney-client privilege/attorney work product in accordance with KRS 61.878(1)(k). We have also redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended. Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.

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Email #27: Please note that in accordance with KRS 61.878(1)(k), we have redacted information that is protected from disclosure by the First Amendment to the U.S. Constitution, specifically the free exercise of the press contained therein.

Email #28: Please find email dated April 4, 2022 Re: WKMS Public Radio – Open Records Request.

Email #29: Please find email dated March 30, 2022 Re: WKMS Public Radio – Open Records Request, correspondence dated April 4, 2022 from the Administrative Office of the Courts, Supreme Court of Kentucky Order 2017-09, and correspondence dated March 30, 2022 from WKMS Public Radio. We have also redacted information of a personal nature wherein disclosure would constitute an unwarranted invasion of personal privacy, same being personal cell phone number. KRS 61.878(1)(a).

Email #30: Please note that we have redacted information that is not responsive to your request.

Email #31: Please note that we have redacted preliminary information in accordance with KRS 61.878(1)(j) in which opinions are expressed or policies formulated or recommended.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Robert Miller". The signature is written in a cursive, flowing style.

Robert Miller  
General Counsel

RM/llm

Attachment