



THE ROLE OF PUBLIC RELATIONS FIRMS IN PREVENTING ACTION ON CLIMATE CHANGE

HOUSE NATURAL RESOURCES COMMITTEE STAFF HEARING REPORT
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The oil and gas industry’s role in spreading climate misinformation to prevent action on climate change has been extensively studied, but less is known about the critical role of public relations (PR) firms in that process. The House Natural Resources Committee (Committee) has been investigating the sophisticated and varied ways in which some PR firms use their considerable public-influence expertise to help industry mislead the public and block climate change policy proposals. This report summarizes the investigative findings to date.

The Committee has jurisdiction over management of federal fossil fuel resources with the potential to drive climate change, and conservation of public lands, public waters, and species harmed by climate change. Public perception of climate change influences implementation of current federal policy and informs development of potential legislation within the Committee’s authority.

PUBLIC RELATIONS FIRMS’ DISINFORMATION AND OBSTRUCTION TACTICS

PR firms go far beyond typical marketing techniques to get results for the fossil fuel industry. These tactics are misleading or deceptive by design, often making it difficult for outsiders to discern the full breadth of a PR firm’s campaign.

The Committee’s ongoing investigation into the role of PR firms has uncovered new details about the inner workings of their campaigns. Documents obtained by the Committee (attached as appendices) detail a sampling of the strategies and techniques PR firms use to successfully sway public opinion and stymie climate action. The documents show in raw, clinical detail how the firms evaluate whether they were successful in helping oil and gas companies avoid having to take real action on the climate crisis, or stop others from doing so. Their strategies fall into three major categories: 1) corporate image promotion, 2) third-party mobilization, and 3) delegitimization of opposition.¹

1. Corporate Image Promotion

People are more likely to accept a corporation’s narratives if they believe the corporation is behaving in a socially responsible way.² By portraying themselves or their products as more environmentally friendly than they are, fossil fuel companies can maintain their social license to operate even in the face of strong political headwinds and scientific consensus about the need to reduce fossil fuel emissions.³

Two campaigns by PR firm Group SJR on behalf of ExxonMobil illustrate the kinds of tactics PR professionals use to remediate the fossil fuel industry’s image in the modern social media era. As stated in its own PR award application materials (**Appendix 1**), Group SJR developed a website called “the Energy Factor to share the untold stories of how the industry is developing safe and

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¹ These categories of PR firm strategies follow the categories defined in Brulle, R. J., & Werthman, C. (2021). *The role of public relations firms in climate change politics*. *Climatic Change*, 169(1), 1-21. <https://doi.org/10.1007/s10584-021-03244-4>.

² *Id.*

³ Roszkowska-Menkes, M. (2020). *Greenwashing*. *Encyclopedia of Sustainable Management*, 1-6.

reliable energy sources not only today, but for the future, while also mitigating the risks of climate change.”⁴ The ultimate goal of the Energy Factor is not to provide a factual counternarrative, but to drive “brand favorability.”⁵ Since 2016, Group SJR has created a wide variety of multimedia stories focusing on ExxonMobil’s research and development of “emissions-reducing technologies,” specifically tailored to reach “skeptics of the brand.”⁶ These messages are misleading about ExxonMobil’s role in climate change because they falsely depict ExxonMobil as making significant contributions to fighting the crisis; in truth, the company spends many times more on touting its climate solutions than actually developing them.^{7,8} Additionally, like other major oil and gas companies, ExxonMobil’s political activities are inconsistent with their declared commitment to renewable energy, by continuing to lobby predominantly for more oil and gas development and supporting industry associations that oppose global climate policy initiatives.⁹

Group SJR’s Energy Factor has been effective in its goal. As shown in its award application materials, the PR firm conducted a study that showed “site visitors who engaged with the content rated ExxonMobil higher on key messages that help improve brand reputation versus those that were not exposed to Energy Factor content.”¹⁰ The campaign’s reach has also been substantial: from 2016 – June 2020, the site had 30 million unique visitors, with 6.4 million unique visitors in 2019 alone.

⁴ ExxonMobil/Group SJR – Energy Factor Site: PR award application obtained by the Committee in the course of this investigation (Appendix 1). Campaign website at <https://energyfactor.exxonmobil.com/>.

⁵ *Id.*

⁶ *Id.*

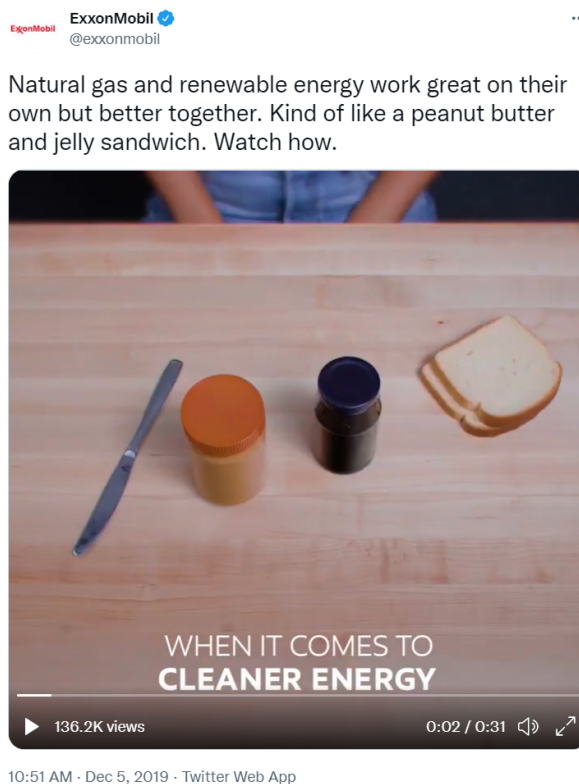
⁷ Li, M., Trencher, G., & Asuka, J. (2022). *The clean energy claims of BP, Chevron, ExxonMobil and Shell: A mismatch between discourse, actions and investments*. PloS one. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0263596>

⁸ *Big Oil’s Real Agenda on Climate Change 2022 (September 8, 2022)*. InfluenceMap. <https://influencemap.org/EN/report/Big-Oil-s-Agenda-on-Climate-Change-2022-19585>.

⁹ *Id.*

¹⁰ See ExxonMobil/Group SJR, note 4.

Figure 1: Social media videos targeting Gen Z by Group SJR for ExxonMobil



Source: Twitter

A second campaign by Group SJR for ExxonMobil specifically targeted Gen Z by mimicking popular online trends to sell narratives greenwashing the oil major’s work (**Appendix 2**). In 2019, the PR firm created videos for social media distribution in the style of BuzzFeed’s popular “Tasty” videos that compared “classic food pairings to natural gas and renewables – one cannot exist without the other.”¹¹ (See Figure 1.) The videos sought to show “how natural gas is a lower emission” fossil fuel with an essential role in “building America’s cleaner power grids.”¹² In truth, despite these depictions of natural gas as a clean energy alternative, natural gas extraction releases large amounts of methane—a potent greenhouse gas—into the atmosphere. A recent analysis of the U.S. oil and gas supply chain shows that methane released from natural gas extraction exceeded EPA estimates by around 60%.¹³ The study estimated that such leaks have nearly doubled the climate impact of natural gas, causing warming on par with coal plants.¹⁴

¹¹ ExxonMobil/Group SJR – Nat Gas PB&J Series: PR award application obtained by the Committee in the course of this investigation (Appendix 2). Example video at <https://twitter.com/exxonmobil/status/1202616524437180417>.

¹² *Id.*

¹³ Alvarez RA, Zavala-Araiza D, Lyon DR, Allen DT, Barkley ZR, Brandt AR, Davis KJ, Herndon SC, Jacob DJ, Karion A, Kort EA, Lamb BK, Lauvaux T, Maasackers JD, Marchese AJ, Omara M, Pacala SW, Peischl J, Robinson AL, Shepson PB, Sweeney C, Townsend-Small A, Wofsy SC, Hamburg SP. (2018, July 13) *Assessment of methane emissions from the U.S. oil and gas supply chain*. *Science*.

¹⁴ Warren, C. (2018, June 21). Natural gas could warm the planet as much as coal in the short term. *Science*. <https://www.science.org/content/article/natural-gas-could-warm-planet-much-coal-short-term>.

Group SJR released the videos on ExxonMobil’s social media platforms that had high proportions of Gen Z users. The videos worked. More people watched the videos all the way to the end than the platform average, both for videos released organically (without paid advertisement placements) and as advertisements targeted specifically at Gen Z. This indicates the videos were well received by Gen Z audiences, the demographic most concerned with and actively engaged with climate change activism in the United States.¹⁵

Another corporate image promotion tactic used by PR firms is to embed company messaging in sources trusted by target audiences to make their narratives appear more legitimate by association. One example of this is Universal McCann’s (UM) 12-week campaign for ExxonMobil in *The New York Times*, launching content across all *NYT* platforms simultaneously (**Appendix 3**).¹⁶ The campaign objectives were to “drive awareness of ExxonMobil’s commitment to the research and development of lower-emissions energy through next-gen biofuels,” “develop positive brand perception of ExxonMobil through their efforts as a forward thinking and responsible company,” and “increase favorability of primary audiences.”¹⁷

UM worked with *NYT*’s internal T Brand marketing group to create content in a “‘Timesian’ voice” that would feel “native to the publication,” and which “mirrored the award-winning journalism of the world-renowned publication [to ensure] authenticity, credibility and relevance, and [be] ultimately more impactful to the audience.” The sponsored content included “a first-ever consecutive ‘Science Times’ print takeover, an interactive long-form journalistic-style article, CGI print spreads, audio spots in top-rated ‘The Daily’ podcast, online ads, social posts, and, most notably, a pair of one-minute hero videos. This ensured the target audiences would be reached with the same messaging across multiple platforms in an array of creative formats.”¹⁸

These repeated messages tried to position ExxonMobil as a company committed to a “breadth and depth” of climate solutions. The messages included a stop-motion production showcasing “the innovation of ExxonMobil’s advanced biofuels agenda.” Despite ExxonMobil’s public statements in support of alternative energy, a recent analysis shows that its investments and activities do not align with that messaging.¹⁹ ExxonMobil has not disclosed the amounts it invested in low-carbon technologies, and the study shows ExxonMobil generated no clean energy for the last decade, instead stating an unwillingness to invest in solar and wind.²⁰ But UM’s PR messaging blitz worked: audience perception of ExxonMobil shifted towards thinking of the corporation as an

¹⁵ Tyson, A., Kennedy, B., Funk, C. (2011, May 26) *Gen Z, Millennials Stand Out for Climate Change Activism, Social Media Engagement With Issue*. Pew Research Center. <https://www.pewresearch.org/science/2021/05/26/gen-z-millennials-stand-out-for-climate-change-activism-social-media-engagement-with-issue/>

¹⁶ ExxonMobil/Universal McCann – Unexpected Energy: PR award application obtained by the Committee in the course of this investigation (Appendix 3).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See Li, M., Trencher, G., & Asuka, J., note 7; InfluenceMap, note 8.

²⁰ *Id.*

“energy” company rather than exclusively a gasoline company, and audience brand favorability increased more than 10%.²¹

A particularly egregious example of greenwashing is found in a commercial by American Petroleum Institute (API), a trade group that represents oil and gas companies. Oil and gas companies are a major driver of the climate crisis, which has caused an increase in the intensity and frequency of hurricanes. Instead of accepting the blame and responsibility for its members’ contributions to the destruction that is wrought by extreme hurricanes, API released a commercial that tried to turn hurricanes into a chance to boost its own image by featuring ostensible oil company employees volunteering to help with hurricane recovery.²²

In-depth case study: Industry-Run Local News Sites

Arguably the most comprehensive form of corporate image promotion is the top-to-bottom creation of entire news sites, designed and operated with the primary goal of improving the sponsor company’s reputation rather than delivering actual, independent journalistic content. A striking example of this is *The Richmond Standard*, a full-spectrum news site Chevron paid PR firm Singer Associates to build and run to improve the fossil fuel company’s image in the wake of its 2012 Richmond, California refinery fire.

The U.S. Chemical Safety and Hazard Investigation Board found that the accident was preventable and resulted from failure of Chevron to do its due diligence. Chevron had known the pipe that ruptured was at risk for failure. A different Chevron facility experienced a nearly identical rupture 10 years prior, which caused them to discover the Richmond pipe was corroding. But Chevron never replaced or even inspected the pipe afterward. The Board found that “In the weeks following the incident, approximately 15,000 people from the surrounding communities sought medical treatment at nearby medical facilities for ailments including breathing problems, chest pain, shortness of breath, sore throat, and headaches. Approximately 20 of these people were admitted to local hospitals as inpatients for treatment.”²³

Singer Associates’ application to receive a PR industry award for the Chevron news site shows, in candid language, the success *The Richmond Standard* has enjoyed in trying to disinform the community (**Appendix 4**). The website has achieved regional dominance, with a readership surpassing “the circulation of the two major daily newspapers in the area, the San Francisco Chronicle and the Contra Costa Times.”²⁴

While *The Richmond Standard* provides a wide variety of content, most of which does not overtly promote Chevron, this broader usefulness to the community is an expressly intended component

²¹ See ExxonMobil/Universal McCann, note 16.

²² American Petroleum Institute. *The Power Of*. Undated (metadata suggests it was created in 2017). <https://drive.google.com/file/d/1ePOEGixYWkBErNTuY3cfqVzYerX2CLn8/view?usp=sharing>

²³ FINAL INVESTIGATION REPORT: CHEVRON RICHMOND REFINERY PIPE RUPTURE AND FIRE, AUGUST 6, 2012, REPORT NO. 2012-03-I-CA (January 2015). U.S. Chemical Safety and Hazard Investigation Board. <https://www.csb.gov/file.aspx?DocumentId=5917>

²⁴ Chevron/Singer Associates – The Richmond Standard: PR award application obtained by the Committee in the course of this investigation (Appendix 4).

of the website's corporate image promotion purpose. In Singer Associates' own words, one of the platform's primary goals in delivering content of all kinds was to "[i]mprove and enhance Chevron's reputation as a dedicated community partner committed to contributing to Richmond's successes."²⁵

Peppered among the *The Richmond Standard's* "legitimate" news articles are pieces that more blatantly seek to portray the oil major as socially and environmentally responsible. In an interview, the website's main content creator, Mike Aldax, said that 10% of the published news stories on the site—100 stories at the time—mention Chevron. One of the main content categories listed at the top of the site is "Richmond Refinery Speaks," which contains articles such as "A community guide to understanding refinery flares"²⁶ and "Filipino culture celebrated at Richmond Refinery."²⁷ Committee staff were not able to find any articles on *The Richmond Standard* that were critical of Chevron. More insidiously, articles that are ostensibly news reporting (not just company statements) take a decidedly pro-industry slant, including smearing opposition politicians and activists.²⁸

Collectively, the content delivered on the Chevron platform has successfully rebuilt the company's reputation in the community with the greatest potential power over its operations in Richmond. Singer Associates' award application boastfully quotes the awarding organization's observations about the website:

One Donald Draper famously quipped, "If you don't like what's being said, change the conversation." In this week's case study in heavy-handed message management, Chevron took that one to heart. In fact, it created an entirely new conversation on its own terms.

The award application concludes by noting that *The Richmond Standard* "has become the **lynchpin for communication between a corporation and its community.**"²⁹

Singer Associates is now building on that success with its latest online "news" site for Chevron, named *Permian Proud* after the Permian Basin on which it is centered. Catering to an audience in west Texas, *Permian Proud* delivers a variety of seemingly benign content alongside pro-industry pieces in order to build community trust in the oil major, and to promote fossil fuel development in the region generally.³⁰ As with *The Richmond Standard*, a substantial amount of *Permian Proud's* content appears to be created by Singer Associates employee Mike Aldax.³¹

²⁵ *Id.*

²⁶ Richmond Standard. (2021, June 14). *A community guide to understanding refinery flares*. <https://richmondstandard.com/chevron-speaks/2021/06/14/understanding-refinery-flares/>

²⁷ Richmond Standard. (2019, June 28). *Filipino culture celebrated at Richmond Refinery*. <https://richmondstandard.com/chevron-speaks/2019/06/28/filipino-culture-celebrated-at-richmond-refinery/>

²⁸ Carroll, R. (2014, November 7). *Chevron's one-man newsroom defends his work: "They consider me Voldemort"*. The Guardian. <https://www.theguardian.com/us-news/2014/nov/07/chevron-richmond-standard-news-oil-california-refinery-election>

²⁹ See Chevron/Singer Associates, note 24.

³⁰ Taft, M. (2022, August 18) *Chevron Jumps Into Texas' News Desert With stories about Puppies, Football, and Oil*. Gizmodo. <https://gizmodo.com/chevron-local-news-texas-permian-proud-1849424317>

³¹ *Id.*

2. Third-Party Mobilization

The general public is less likely to be convinced by a narrative that appears only to serve a special interest, especially one with significant reputational liabilities, such as the oil and gas industry. PR firms consequently work to make the industry's positions seem widely supported by a range of ostensibly unrelated groups, manufacturing the appearance of representing the broader public interest.³² This tactic can take the form of third-party spokespersons, “generating favorable media coverage, attributing advertisements to [a] third-party group instead of to the organization, creating supportive social media, and mobilizing “astroturf” groups of public supporters.”³³ Oil and gas companies have also created and funded nonprofit entities, which they used to organize opposition to climate policies.³⁴ Through these front groups, the industry has funneled tens of millions of dollars to public relations firms to manage media campaigns.³⁵

A prominent example of such an approach is the successful defeat of a 2016 effort to put on the Colorado ballot two initiatives that would have altered Colorado's constitution to (1) give local municipalities the ability to ban fracking, and (2) prevent oil and gas development within a 2,500-foot buffer zone from occupied buildings and parks, waterways, playgrounds, and other “areas of special concern.”³⁶ Seeing an existential threat to its “license to operate,” Noble Energy, a major natural gas company operating in Colorado (later bought by Chevron), hired PR firm Story Partners to help it prevent these safeguards from becoming law.

The Committee has obtained documents that reveal, in the PR firm's own words, how Story Partners successfully designed and executed its multipronged plan to defeat the initiatives at the signature-gathering stage (**Appendix 5**). Story Partners achieved this through tactics including astroturfing and careful analysis of which kind of message was most likely to persuade people that the ballot measure would economically harm not only Noble Energy and “the industry at large,” but the general public as well.³⁷ This campaign and its techniques are discussed in greater detail in the final section of this memorandum.

Third-party mobilization can also directly reach policymakers and their staff. Following the Russian invasion of Ukraine, House Natural Resources Committee staff received a series of seven

³² Brulle, R. J., & Werthman, C. (2021). *The role of public relations firms in climate change politics*. *Climatic Change*, 169(1), 1-21. <https://doi.org/10.1007/s10584-021-03244-4>

³³ *Id.*

³⁴ See Money Trails. *Coloradans for Responsible Energy Development* (the fossil fuel industry's creation of Protect Colorado and Coloradans for Responsible Energy Development (CRED) to defeat Colorado anti-fracking initiatives). [https://moneytrails.org/coloradans-for-responsible-energy-development/#:~:text=Coloradans%20for%20Responsible%20Energy%20Development%20\(CRED\)%20is%20an%20oil%20and%202433.5%20million%20from%202014%2D2016](https://moneytrails.org/coloradans-for-responsible-energy-development/#:~:text=Coloradans%20for%20Responsible%20Energy%20Development%20(CRED)%20is%20an%20oil%20and%202433.5%20million%20from%202014%2D2016)

³⁵ According to committee analysis of the public IRS 990 filings, two primary nonprofit organizations opposing a Colorado ballot initiative to implement restrictions on fracking—Coloradans for Reliable Energy Development (CRED) and Protect Colorado—paid public relations firm Pac/West more than \$72.56 million from 2016 to 2018 for campaign management and marketing services. (Figure 4.)

³⁶ Colorado Public Radio. (2016, August 29.) *Anti-Fracking Measures Fail to Make Colorado Ballot*. <https://www.cpr.org/2016/08/29/anti-fracking-measures-fail-to-make-colorado-ballot/>

³⁷ Noble Energy/Story Partners – Working Together for Colorado: PR award application obtained by the Committee in the course of this investigation (Appendix 5).

emails from the Consumer Energy Alliance (CEA) advocating for increased domestic oil and gas extraction (**Appendix 6**).³⁸ The emails made misleading claims about the causes of high energy prices, proposed false solutions, and manufactured the appearance of widespread support for industry positions through CEA-sponsored polls.^{39,40,41} CEA has been accused of falsifying petitions to support pipelines and raise energy rates,^{42,43} which calls into question the accuracy of its polling results.

Figure 2: Fact checking misleading claims made in a single CEA email to Committee staff.

CEA Claim	Fact check
<p>“We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.”</p>	<p>CEA’s support for and from renewable energy sources is very limited, and it actively opposes policy measures that support increased renewable energy in the US energy mix.⁴⁴ The homepage for CEA lists the “Wind Energy Initiative,” “Hydro: the Power of Water,” and “Solar Energy Future” among their featured campaigns, and they</p>

³⁸ Staff from three Subcommittees with legislative jurisdiction over oil and gas leasing on public lands and waters received seven CEA emails over the course of three months. The emails came from three people from HBW Resources, all identifying themselves as representatives of Consumer Energy Alliance. (Appendix 6.)

³⁹ Lever, R. (2022, March 15). *Posts mislead on factors behind US energy price spike*. AFP Fact Check. <https://factcheck.afp.com/doc.afp.com.324Q7V7>

⁴⁰ Oversight: Remote Oversight EMR Hearing, U.S. House of Representatives Committee on Natural Resources, 117 Cong. (2022) (Testimony of Max Sarinsky). https://naturalresources.house.gov/hearings/remote-emr-oversight-hearing_january-20-2022. Subcommittee Hearing: Modernizing Energy Development Laws for the Benefit of Taxpayers, Communities, and the Environment, U.S. House of Representatives Committee on Natural Resources, 117 Cong. (2021) (Testimony of Brian Prest). <https://naturalresources.house.gov/hearings/modernizing-energy-development-laws-for-the-benefit-of-taxpayers-communities-and-the-environment>

⁴¹ See CEA emails to staff, note 38.

⁴² Coalition to Reroute Nexus (CORN), a group of property owners opposing an Ohio-based pipeline, filed a complaint asking the U.S. Postal Service and the Federal Energy Review Commission (FERC) to conduct a criminal review of CEA for falsifying public comment letters in support of the pipeline. “This is an extremely serious matter,” [CORN’s attorney] Mucklow said in the filing. ‘Submission of hundreds of bogus comment letters during the comment period is calculated to convey the false impression that there is widespread public support for construction and operation of the pipeline.’

[...] CEA President David Holt has said his company used computers to robocall 25,000 homes, mostly in Ohio, asking for support of the pipeline project. CEA then generated letters from questions asked by computers during the calls, attributing them the letters to owners of the telephone numbers dialed. Those letters were mailed to FERC with the residents' names but did not indicate CEA's involvement in the process.

A number of Ohio residents were angry after learning about the letters. Some say they don't even recall getting a robocall. The homeowners were not shown copies of the letters that went with their names on them, Holt said. No effort was made to determine who in the household took the survey. The name of long-deceased Glenn England of Risingsun, Ohio, near Toledo, was on one of the letters.” Sangiacomo, M. (2016, September 16). Nexus pipeline opponents urge U.S. postal service to investigate lobbying group (photos).

Cleveland.com. https://www.cleveland.com/metro/2016/09/nexus_pipeline_opponents_urge_us_postal_service_to_investigate_lobbying_group_photos.html

⁴³ Energy and Policy Institute. *Consumer Energy Alliance*. <https://www.energyandpolicy.org/consumer-energy-alliance/>

⁴⁴ LobbyMap. *Consumer Energy Alliance*. <https://lobbymap.org/influencer/Consumer-Energy-Alliance-cb542027480eca0498c8d091c84e9d51/projectlink/Consumer-Energy-Alliance-in-Climate-Change-616c45e52180915b964302409fb9ad11>

	occasionally support renewables on social media and in press releases. However, their positions officially supporting or opposing legislation, and media reports all oppose renewables or transitioning the energy mix. ⁴⁵ Out of the 80 energy providers and suppliers listed as members of CEA, which include major oil & gas industry players, only 3 are small renewable companies or organizations. ⁴⁶ One appears to be defunct. ⁴⁷
“These high energy prices are being driven by several factors, including the Russia/Ukraine conflict, inflation, and bad energy policies. ”	Agence France-Presse (AFP) fact checking found that “a surge in gasoline and crude oil prices” did not come from the Biden administration’s “decisions to limit drilling and to halt the Keystone XL pipeline project.” Instead, “sharp swings in energy prices in 2022 come from a variety of factors, including a rebound in economic activity following low demand and little investment during the Covid-19 pandemic, and the OPEC cartel’s reluctance to raise output.” “Biden’s moves to limit drilling on federal lands and offshore are likely to impact future prices, but his policies are not short-term price drivers. Similarly, the Keystone XL project [...] was not expected to be in service until 2023 at the earliest, and thus did not immediately affect prices.” ⁴⁸
“The Administration has announced a “pause” on leasing, both on and offshore, at the detriment of the American consumer. We encourage Congress to take action and help to remove the burden off of consumers by mandating federal oil and gas leasing. This is a move that would both lower greenhouse	AFP fact checking found that the leasing pause did not affect short-term energy prices. Increasing federal oil and gas leasing would increase greenhouse gas emissions globally; decreasing oil and gas extraction on federal lands would not be offset by increased extraction elsewhere. ⁴⁹ Increasing oil and gas

⁴⁵ *Id.*

⁴⁶ Consumer Energy Alliance. <https://consumerenergyalliance.org/about/our-members/>

⁴⁷ CEA lists “Reliable Renewables” as a member. An internet search for this company returned only a UK-based business, and two US-based companies with defunct websites. <http://www.reliable-renewables-usa.com/>, a MapQuest hit for a “Reliable Renewables Group” in Texas links to the broken web site: <http://www.worldsbestwindenergy.com/>

⁴⁸ Lever, R. (2022, March 15). *Posts mislead on factors behind US energy price spike.* AFP Fact Check. <https://factcheck.afp.com/doc.afp.com.324Q7V7>

⁴⁹ Oversight: Remote Oversight EMR Hearing, U.S. House of Representatives Committee on Natural Resources, 117 Cong. (2022) (Testimony of Max Sarinsky). https://naturalresources.house.gov/hearings/remote-emr-oversight-hearing_january-20-2022. Subcommittee Hearing: Modernizing Energy Development Laws for the Benefit of Taxpayers, Communities, and the Environment, U.S. House of Representatives Committee on Natural Resources, 117 Cong. (2021) (Testimony of Brian

gas emissions globally, and helping (sic) to ease the burden on consumer’s pocketbooks.”	development anywhere is not consistent with IPCC recommendations for limiting global warming to below 1.5°C. ⁵⁰
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Source: CEA emails to Committee staff (Appendix 6).

Staff from “HBW Resources” sent the emails and identified themselves as representatives of CEA, describing it as “a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies.” CEA claims to have more than 550,000 individual members and to represent “a broad list of organizations that include farmers, academia, conservation groups, truck drivers, laborers, trades-people, energy producers, manufacturers, business owners to so much more.”⁵¹

Watchdog organization Energy and Policy Institute calls CEA an industry front group, and its positions align closely with fossil fuel interests. CEA has been accused of engaging in astroturfing on behalf of the major extractive energy industries.⁵² The organization received a score of “E-” from LobbyMap (on an “A+” to “F” scale) on their climate policy’s alignment with the goals of the Paris Agreement, reflecting CEA’s work to obstruct climate policy and energy transition at the state and national level.⁵³

HBW Resources, a self-described “government affairs, advocacy, public relations, and communications firm,”⁵⁴ appears to run CEA. The organization is run out of HBW’s Houston-based office.⁵⁵ IRS forms indicate that CEA has no paid staff and its chief officers include HBW employees, such as CEA President and Director—David Holt—and Vice President—Michael Whatley.⁵⁶ Since 2010, HBW Resources has been CEA’s highest paid contract by far. Over this time, 53% of all of CEA’s expenses were paid to HBW, totaling nearly \$17 million.⁵⁷ Large sums were also paid to two PR firms currently under investigation by this Committee, FTI Consulting and Story Partners.⁵⁸

Prest). <https://naturalresources.house.gov/hearings/modernizing-energy-development-laws-for-the-benefit-of-taxpayers-communities-and-the-environment>

⁵⁰ IPCC. (2022) *Special Report: Global Warming of 1.5°C*. [https://www.ipcc.ch/sr15/#:~:text=Limiting%20warming%20to%201.5%C2%B0C%20implies%20reaching%20net%20zero,particularly%20methane%20\(high%20confidence\)](https://www.ipcc.ch/sr15/#:~:text=Limiting%20warming%20to%201.5%C2%B0C%20implies%20reaching%20net%20zero,particularly%20methane%20(high%20confidence))

⁵¹ Consumer Energy Alliance. <https://consumerenergyalliance.org/about/our-members/>

⁵² Dembicki, G. (2011, December 15). *Big Oil and Canada thwarted U.S. carbon standards*. Salon. https://www.salon.com/2011/12/15/big_oil_and_canada_thwarted_u_s_carbon_standards/

⁵³ LobbyMap. *Consumer Energy Alliance*. <https://lobbymap.org/influencer/Consumer-Energy-Alliance-cb542027480eca0498c8d091c84e9d51/projectlink/Consumer-Energy-Alliance-in-Climate-Change-616c45e52180915b964302409fb9ad11>

⁵⁴ HBW Resources. <https://hbwresources.com/>

⁵⁵ Energy and Policy Institute. *Consumer Energy Alliance*. <https://www.energyandpolicy.org/consumer-energy-alliance/>

⁵⁶ Committee analysis of Consumer Energy Alliance 2012-2020 IRS Form 990 filings compiled by ProPublica. <https://projects.propublica.org/nonprofits/organizations/261658339>

⁵⁷ *Id.*

⁵⁸ *Id.*

Figure 3: Consumer Energy Alliance paid public relations firm HBW Resources more than \$17 million—more than half of its total expenses—from 2010 to 2020

Consumer Energy Alliance Expenses and Payments to Public Relations Firm HBW Resources 2010-2020			
Year	Expenses	Paid to HBW	% of Rev
2010	\$718,937	\$ 392,130	55%
2011	\$3,407,013	\$ 1,347,500	40%
2012	\$3,210,515	\$ 1,240,000	39%
2013	\$3,233,890	\$ 1,327,500	41%
2014	\$2,218,994	\$ 1,051,384	47%
2015	\$2,264,731	\$ 1,206,529	53%
2016	\$2,230,214	\$ 1,152,000	52%
2017	\$2,697,449	\$ 1,468,371	54%
2018	\$4,779,351	\$ 2,815,629	59%
2019	\$4,549,981	\$ 2,653,348	58%
2020	\$3,662,401	\$ 2,712,014	74%
Total	\$ 32,973,476	\$ 17,366,405	53%

Data source: IRS 990 filings for the *Consumer Energy Alliance* (CEA)
 Propublica: <https://projects.propublica.org/nonprofits/organizations/261658339>

The source of CEA’s funding is unclear. Since 2010, CEA has reported revenues of over \$34.7 million made up almost entirely of contributions and grants.⁵⁹ As a registered 501(c)(4) organization, CEA is not required to disclose its donors.⁶⁰ However, CEA’s members include major oil corporations such as Chevron, ExxonMobil, and Shell USA.⁶¹

3. Delegitimization of Opposition

Delegitimizing competing narratives is the final major strategy PR firms use to shore up the fossil fuel industry’s messages.⁶² PR firms use a range of tactics to undermine other narratives and their messengers, from disputing the facts to attacking individuals and organizations’ “reliability and reputations.”⁶³ The following case study illustrates the extreme and unethical methods some PR firms use.

Industry Defeat of Colorado Anti-Fracking Ballot Measures

⁵⁹ *Id.*

⁶⁰ Nossman LLP. (2020, May 28). *New IRS Rule Allows Many Nonprofits to Withhold Donor Information from IRS.* <https://www.nossaman.com/newsroom-insights-new-irs-rule-allows-many-nonprofits-to-withhold-donor-information-from-the-irs>

⁶¹ Consumer Energy Alliance. <https://consumerenergyalliance.org/about/our-members/>

⁶² Brulle, R. J., & Werthman, C. (2021). The role of public relations firms in climate change politics. *Climatic Change*, 169(1), 1-21. <https://doi.org/10.1007/s10584-021-03244-4>

⁶³ *Id.*

In 2016 and 2018, grassroots activists in Colorado attempted to pass ballot measures that would have limited fracking in the state.⁶⁴ Intense industry opposition ultimately defeated both proposed ballot measures through large-scale, multidimensional PR campaigns. Documents obtained by the Committee show how two of the PR firms paid to conduct these campaigns – Pac/West and Story Partners – used all three strategies described above to block these ballot propositions (**Appendices 5 and 7**).

The two 2016 proposed ballot measures, Measure 75 and 78, would have altered Colorado’s constitution to (1) give local municipalities the ability to ban fracking, and (2) prevent oil and gas development within a 2,500-foot buffer zone from occupied buildings and parks, waterways, playgrounds, and other “areas of special concern.”⁶⁵ Supporters of the measures needed to secure 98,492 signatures from Colorado voters to have the propositions added to the November 2016 ballot, but ultimately fell just short.⁶⁶

The oil and gas industry saw these measures as existential threats to their business in Colorado and mounted a large-scale PR offensive to defeat them. Documents obtained by the Committee detail the measures one PR firm, Story Partners, took on behalf of Noble Energy to “prevent the proposed measures from reaching the November ballot.”⁶⁷ In the PR firm’s own words, “If either of these measures had advanced to the ballot and passed, it would have meant lights out for Noble Energy’s business in Colorado.”⁶⁸

Over the course of six months, Story Partners conducted statewide market research and launched a campaign “to address this tremendous threat.”⁶⁹ Their preparatory research found that “favorability towards fracking was at a two-year low, and opposition was a two-year high.”⁷⁰ In testing messaging to dissuade voters from supporting the measures, Story Partners found the most persuasive messages focused on the “benefits of clean natural gas, devastating economic consequences [of the measures], and private property rights.”⁷¹ Two out of three of these messages were misleading or exaggerated: leaks from natural gas extraction cause warming on par with coal plants,⁷² and independent economic analysis found the economic consequences of the proposed restrictions would not have been as dire as industry had claimed.⁷³

Story Partners’ campaign focused on corporate image promotion and third-party mobilization. As stated in its award application materials, the PR firm’s “series of testimonial video advertisements

⁶⁴ Colorado Public Radio. (2016, August 29.) *Anti-Fracking Measures Fail to Make Colorado Ballot*. <https://www.cpr.org/2016/08/29/anti-fracking-measures-fail-to-make-colorado-ballot/>

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ See Noble Energy/Story Partners, note 37 (Appendix 5).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² See Warren, C., note 14.

⁷³ Colorado Rising (2018, October 29) *Leaked Report Confirms Industry is Inflating Economic Claims against I12*. <https://corising.org/2018/10/29/leaked-report-confirms-industry-is-inflating-economic-claims-against-112/>.

reaffirmed Noble Energy as a strong partner in the community.”⁷⁴ Meanwhile, print and digital advertisements “creatively told the story of the unintended consequences of the proposed ballot measures,” and “informed voters of the products and services dependent on oil and natural gas, both from a funding point of view and from a resources perspective.”⁷⁵ These narratives position Noble as a socially responsible member of the community, while eliding the full environmental and public health burden the fossil fuel industry creates in Colorado.

These advertisements against proposed fracking restrictions ran “under the brand of the South Metro Denver Chamber of Commerce (SMDC),” and “concurrently under the banner of the Consumer Energy Alliance (CEA),” creating the illusion of third-party mobilization.⁷⁶ Notably, “guerilla marketing teams attended dozens of Colorado events and engaged hundreds of thousands of citizens.”⁷⁷ Story Partners’ budget for this campaign is not public information, but CEA’s tax filings show that the organization paid the PR firm \$535,442 in 2016 for “communications,” presumably for this effort.⁷⁸

Story Partners called the campaign a “huge success,” and “an enormous, measurable achievement for Noble Energy.”⁷⁹ The PR firm noted that a survey, “after just two months of campaign activity, indicated that support for the specific ballot measures dropped to its lowest point in our research, and opposition to the measures had increased. For the first time, support for the measures was under 51 percent, and it was clear the campaign messages were working and recalled.”⁸⁰ The PR campaign had successfully stopped climate legislation.

Two years later, there was an effort to revive the buffer zone ballot measure. Proposition 112 (aka initiative 97) was a 2018 Colorado ballot initiative designed to mandate that new oil and gas development, including fracking, be sited a minimum distance of 2,500 feet from occupied buildings such as homes, schools, hospitals, and other areas designated as vulnerable. The measure was brought by grassroots environmental group Colorado Rising.⁸¹

Industry pushback was coordinated, sophisticated, and heavily funded. Oil and gas firms funneled millions of dollars into coordinated PR campaigns to defeat Proposition 112.⁸² Oil and gas industry

⁷⁴ See Noble Energy/Story Partners, note 3737.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ 2016 is the only year Story Partners is listed on CEA’s 990 forms. See: The Consumer Energy Alliance 2012-2020 IRS Form 990 filings compiled by ProPublica. <https://projects.propublica.org/nonprofits/organizations/261658339> The awards application obtained by the Committee explicitly states that Story Partners did work on this campaign through CEA in 2016. See Noble Energy/Story Partners, note 37.

⁷⁹ See Noble Energy/Story Partners, note 37.

⁸⁰ *Id.*

⁸¹ Ballot Initiative 97 submitted to the Secretary of State of Colorado January 5, 2018. <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2017-2018/97Final.pdf>

⁸² Ballotpedia. *Colorado Proposition 112, Minimum Distance Requirements for New Oil, Gas, and Fracking Projects Initiative (2018)*. [https://ballotpedia.org/Colorado_Proposition_112,_Minimum_Distance_Requirements_for_New_Oil,_Gas,_and_Fracking_Projects_Initiative_\(2018\)](https://ballotpedia.org/Colorado_Proposition_112,_Minimum_Distance_Requirements_for_New_Oil,_Gas,_and_Fracking_Projects_Initiative_(2018))

supported groups registered in opposition to the proposition publicly spent \$31.35 million to defeat the measure – nearly 17 times the amount spent in support.⁸³ Additionally, from 2016 to 2018 two nonprofit groups created and directed by oil and gas companies—“Protecting Colorado’s Environment, Economy and Energy Independence” (Protect Colorado) and “Coloradans for Responsible Energy Development” (CRED)—took in more than \$85.37 million in contributions and grants and paid \$72.56 million—84% of their expenses—to the public relations firm Pac/West for campaign management and marketing services.⁸⁴

Figure 4: Fossil fuel industry-backed nonprofits Coloradans for Responsible Energy Development (CRED) and Protect Colorado paid more than \$72 million—84% of their expenses—to public relations firm Pac/West from 2016 through 2018 to defeat ballot initiatives in Colorado

CRED and Protect Colorado Expenses Paid to Pac/West 2016-2018						
	Year	2016	2017	2018	Total	
CRED	Expenses	\$ 7,511,404	\$ 13,715,783	\$ 9,719,845	\$ 30,947,032	
	Paid to Pac/West	\$7,389,087	\$12,512,380	\$8,917,681	\$ 28,819,148	
	% Paid	98%	91%	92%	93%	
Protect Colorado	Expenses	\$ 15,627,705	\$ 83,309	\$ 40,327,373	\$ 56,038,387	
	Paid to Pac/West	\$12,489,358	-	\$31,248,341	\$ 43,737,699	
	% Paid	80%	-	77%	78%	
Combined	Expenses	\$22,608,684	\$13,715,808	\$49,887,450	\$86,211,942	
	Paid to Pac/West	\$19,878,445	\$12,512,380	\$40,166,022	\$72,556,847	
	% Paid	88%	91%	81%	84%	

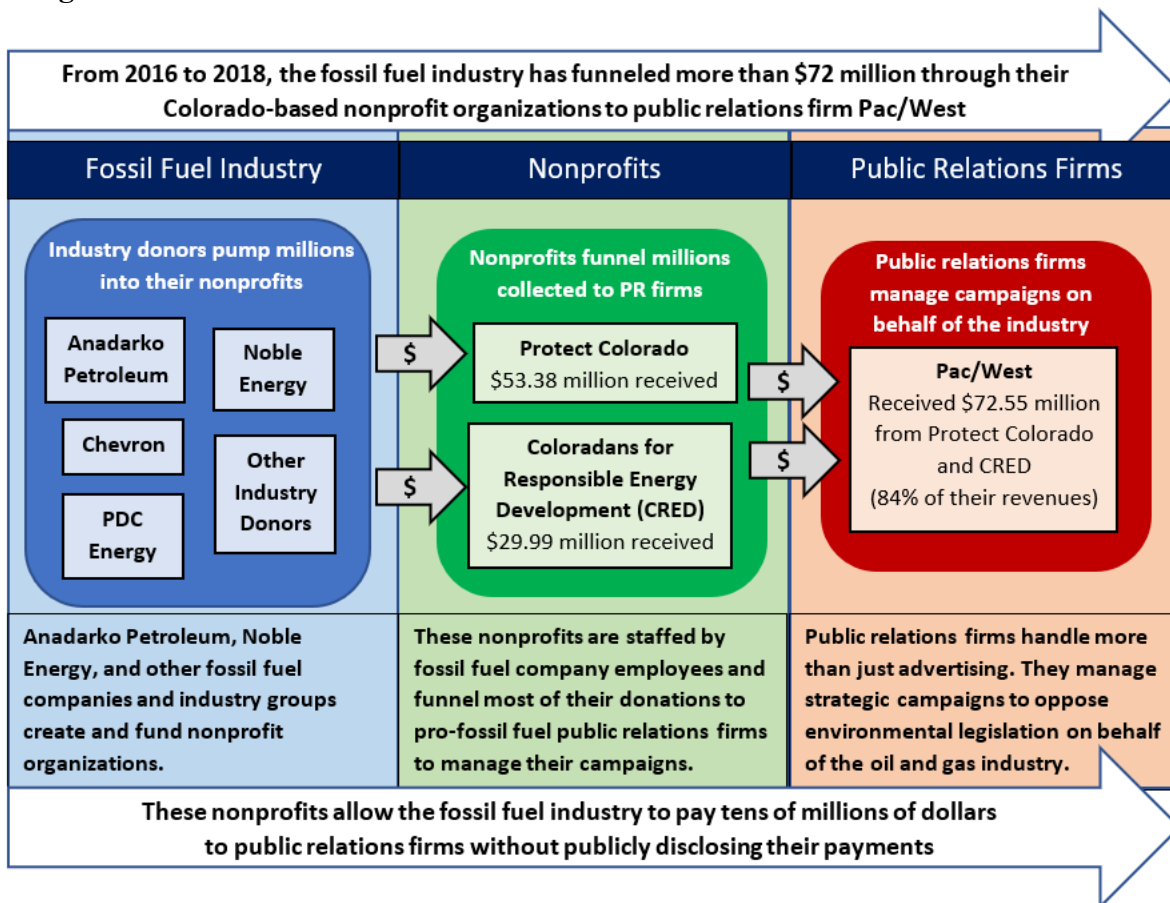
Data source: IRS 990 filings for *Coloradans for Responsible Energy Development* (CRED) and *Protect Colorado’s Environment, Economy, and Energy Independence* (Protect Colorado).

Oil and gas firms’ creation and use of these nonprofits allowed them to effectively purchase the services of high-profile public relations firms to push their agenda while creating a concealing buffer between the firms themselves and the public relations campaign.

⁸³ *Id.*

⁸⁴ Committee analysis of CRED and Protect Colorado IRS 990s. These filings show that the board of directors for both organizations included employees from both Anadarko Petroleum and Noble Energy. (Figure 4.)

Figure 5: The fossil fuel industry funneled tens of millions of dollars through its nonprofits to pay public relations firm Pac/West to manage the campaign opposing Colorado’s anti-fracking ballot measures.



Data source: IRS filings for *Coloradans for Responsible Energy Development (CRED)* and *Protect Colorado’s Environment, Economy, and Energy Independence*(Protect Colorado)

Pac/West has run CRED since its inception in 2013, after fracking bans passed in two Colorado cities in 2012 and 2013.^{85,86} A now-deleted portion of Pac/West’s website described how Pac/West was hired by Anadarko Petroleum and Noble Energy to “lead a statewide education campaign in concert with a political advocacy campaign” to “respond to industry challenges in an aggressive yet strategic manner.”⁸⁷ CRED was created to accomplish these goals.⁸⁸ In a speech to the Colorado Oil and Gas Conservation Commission, Pac/West Director Mark Traux described the

⁸⁵ Pac/West. (2018, Dec. 01). *Energy & Natural Resources*. Retrieved from internet archive WayBack Machine. <https://pacwestcom.com/portfolio/energy-natural-resources/>
<https://web.archive.org/web/20181201180329/https://pacwestcom.com/portfolio/energy-natural-resources/>

⁸⁶ Brasch, S. (2019, April 8). *Meet The Guy Who Helped Outlaw Fracking Bans in Colorado (By Banning Fracking)*. Colorado Public Radio News. <https://www.cpr.org/2019/04/08/meet-the-guy-who-helped-outlaw-fracking-bans-in-colorado-by-banning-fracking/#:~:text=In%201985%2C%20Crumb%20led%20a,like%20Longmont%20and%20Fort%20Collins.>

⁸⁷ See Pac/West, note 85.

⁸⁸ *Id.*

coordinated pro-fracking effort between Protect Colorado, CRED, Pac/West, and its oil and gas firm backers.⁸⁹

CRED and Protect Colorado are connected to efforts to delegitimize their opposition, the supporters of Proposition 112. Protect Colorado has been tied to accusations of harassing Proposition 112 signature gatherers, including hiring counter-protestors to track and follow signature gatherers.⁹⁰ When reporters asked Anadarko, a top funder of Protect Colorado,⁹¹ about their connection to the counter-protestors, a spokesperson for Protect Colorado responded instead. They neither confirmed nor denied any connections to the protestors but asserted they were “exercising our First Amendment rights, which includes asking people to think about and read what they are signing.”⁹² They candidly admitted to tracking signature gatherers, calling “monitoring opposition” a “standard practice in modern campaigns.”⁹³ An Anadarko employee sent an email from an Anadarko email account to undisclosed recipients on June 20, 2018 calling for the recipients to report signature collectors to them.

Also, we now have a text number to report signature gathering activity! The canvass@protectcolorado.com address will remain active so you can use the method with which you are most comfortable.

1. **Text CANVASS to 72345.** Will receive a note that says: Where did you see a canvasser in your area?

2. **Respond with specific location.** Upon response, will receive “Thank you for sending this in! Please reply with CANVASS if you see more.”⁹⁴

“Counter-protestors” would then show up at the location. Several “counter-protestors” admitted to being paid to protest the signature gathering, though they did not name who paid them.⁹⁵

The opposition also took more extreme and unethical actions to interfere with the campaign for Proposition 112. Colorado Rising, the grassroots group running the Proposition 112 campaign, encountered significant difficulties with the firm they hired to gather and validate signatures, Direct Action Partners (DAP). DAP improperly invalidated signatures, repeatedly raised their prices, and left the state with seven boxes of signatures and other documents when Colorado Rising

⁸⁹ Dyer, J. (2016, July 28) *Behind closed doors*. Boulder Weekly, <https://www.boulderweekly.com/news/behind-closed-doors-2/>.

⁹⁰ Brasch, S. (2018, July 26) *Protests To Slow Signature Efforts: Another Front In Colorado’s Oil And Gas Ballot Battle*. Colorado Public Radio, <https://www.cpr.org/2018/07/26/protests-to-slow-signature-efforts-another-front-in-colorados-oil-and-gas-ballot-battle/>.

⁹¹ See Ballotpedia, note 82.

⁹² See Brasch, S., note 90.

⁹³ *Id.*

⁹⁴ Email from Anadarko Petroleum to employees with information on how to report signature collectors’ locations. (Appendix 7(e).)

⁹⁵ Colorado Rising. (2018, July 24). “Big Oil is Paying to Intimidate Colorado Voters...” Facebook. <https://www.facebook.com/ColoradoRising/videos/1755861334503608>

attempted to end their contract while demanding additional payments.^{96,97} When Colorado Rising contracted with another signature-gathering firm, the firm broke the contract several days later. In a recorded conversation shared with the Committee, a subcontractor admitted to taking a bribe of “a lot” of money to stop working with Colorado Rising. He also stated the people who paid him off had asked him to give them the signatures he had gathered for Proposition 112, but he did not confirm or deny that the request came from Protect Colorado, the Pac/West front group. (Appendix 7(a))⁹⁸

Volunteers for Colorado Rising also experienced harassment in their volunteer and personal capacities. Members of the opposition attempted to infiltrate their campaign trainings, showed up repeatedly at their press conferences and outside their campaign office to monitor them, and monitored the campaign’s delivery of signatures to the Secretary of State’s office. In her personal life, the witness was followed around town by unidentified men – who also showed up to record Colorado Rising press conferences – and received unsolicited texts from one of the people who attempted to infiltrate their campaign (Appendix 7(b)).⁹⁹ Another lead volunteer received harassing mail at her home address (Appendix 7(c)).¹⁰⁰

CONCLUSION

For decades, the oil and gas industry denied or downplayed climate change and its role in causing it. Now that fossil fuel companies and trade groups can no longer get away with outright denial, they pay millions to PR firms to wage sophisticated and varied campaigns that go far beyond mere marketing. These efforts include falsely depicting industry as joining the fight against climate change, engineering astroturf “citizen” groups to advocate for industry interests and defeat legislative proposals, and using unscrupulous tactics to sabotage genuine policy solutions and attack community advocates. These modern techniques are arguably far more insidious than the denialism of the past, thanks to the pivotal involvement of PR firms.

⁹⁶ See *Selvaggio v. Spiegel, et. al*, Proposed Defendant's Motion for Summary Judgement, Case No. 2018CV33939, (Denver Dist. Ct.) (Aug. 23, 2019). (Appendix 7(d).)

⁹⁷ Turkewitz, J. (2018, July 26). *Colorado Group Says Thousands of Signatures for Anti-Fracking Measure Are Missing*. The New York Times. <https://www.nytimes.com/2018/07/26/us/colorado-anti-fracking-signatures.html>.

⁹⁸ Transcript of conversation between Colorado Rising volunteers and subcontractor admitting to being bribed to stop collecting signatures for Proposition 112, recorded by Colorado Rising volunteers (Appendix 7(a)).

⁹⁹ Text messages to Colorado Rising Director of Communications and Community Engagement from an unidentified member of the opposition. (Appendix 7(b)).

¹⁰⁰ Letter sent to a lead Colorado Rising volunteer’s home (Appendix 7(c)).

APPENDIX 1

ExxonMobil/Group SJR – Energy Factor Site

Entry: 28553

ExxonMobil/ Group SJR - Energy Factor site

Started at: 6/19/2020 03:39 PM - Finalized at: 6/19/2020 03:59 PM

Page: Entry Information

Entry Name

ExxonMobil/ Group SJR - Energy Factor site

Category

Publications > External Publication (print or online)

Entrant Information

The entrant is the person *submitting* the entry.

First Name

Last Name

Email Address

:@groupsjr.com

Company

Group SJR

Job Title

Account Manager

Work Phone

:

Organization Type

Company Address

200 Fifth Ave.
New York New York 10010 US

Second Point of Contact: First Name

.

Second Point of Contact: Last Name**Second Point of Contact: Job Title**

Account Manager

Second Point of Contact: Email Address

- @groupsjr.com

Second Point of Contact: Work Phone**Disclaimer**

Agree

Page: Platinum PR Awards**Please select the entry type that applies to you:**

I am entering a campaign for a partner or other organization

Organization Name

ExxonMobil

Organization Address

PO Box 4450
Spring Texas 77389 US

Contact Last Name**Contact Job Title**

Account Manager

Contact Email Address**Contact Phone Number****Entry Name**

ExxonMobil/ Group SJR

Entry Image

Download File (https://vo-general.s3.amazonaws.com/16b9adbc-679a-4446-a410-2470bf1e3826/5a6876d8-20f1-4348-84df-f3f4fa6ae26a?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1735485409&response-content-disposition=inline%3B%20filename%3D%2294085_50034.jpg%22&response-content-type=image%2Fjpeg&Signature=EjuiA%2FSSuRjCzGoCakaaCwHsjKc%3D)

Company Logo

Download File (<https://vo-general.s3.amazonaws.com/16b9adbc-679a-4446-a410-2470bf1e3826/073a29d6-1a41-4c95-bbdd-03abc3b03288?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1735485409&response-content-disposition=inline%3B%20filename%3D%22EM%20logo.png%22&response-content-type=image%2Fpng&Signature=IiVcBaPCg6l1oNzXIQmqKz3oXEg%3D>)

Objectives

The objective of the Energy Factor site is to highlight ExxonMobil's commitment to innovation, research, and emissions-reducing technologies. The articles decode the company's complex work and help improve transparency in communications, while ultimately driving brand favorability. The tone and style are tailored to an audience that seeks to learn more and share findings with their peers, even if they don't have a previous understanding of the energy industry.

Strategy

The challenge lies in distilling the work of ExxonMobil's award-winning researchers and labs, as well as the company's highly technical processes and breakthroughs, into friendly, relatable and colloquial language for a wider audience. ExxonMobil's work is complex by nature and can often be difficult to condense into digestible content for an audience not necessarily familiar with the industry, and particularly those opposed to the company entirely. To solve this challenge our creative team at SJR works closely with the scientists, engineers and other subject matter experts at ExxonMobil to go behind the scenes and immerse themselves in the company's work. Whether it's in the lab or out in the field, our team leverages their journalistic backgrounds to dive deep and extract a story that is salient with our core audience.

Tactics

ExxonMobil set out to create a best-in-class content experience that would reflect the company's vast scope and impact. The site's audience ranges from skeptics of the brand to industry experts to newcomers curious to learn more about energy. To capture this audience the site uses videos, photos, and graphics and animations to bring each topic to life. The Group SJR team captures original footage while traveling across the world to shoot at ExxonMobil's various facilities and locations.

Execution

Group SJR and ExxonMobil created the Energy Factor to share the untold stories of how the industry is developing safe and reliable energy sources not only for today, but for the future, while also mitigating the risks of climate change. Since the site's launch in 2016, we've continued to create and publish content on a weekly basis to help distill this complex subject matter. To support the articles, we send out weekly and monthly newsletters to reach a wider audience who might want to forward articles to their friends and colleagues.

Evaluation of Success/Results/ROI

A key measure of progress and success is the diversity of content and topics that Energy Factor has been able to spotlight. Over the course of a few weeks, the Energy Factor can discuss using fuel cells to capture carbon, the future of algae as a biofuel and the untapped natural gas reservoirs in Texas. In order to prove out the effectiveness of the content created more scientifically, we conducted a study that found that site visitors who engaged with the content rated ExxonMobil higher on key messages that help improve brand reputation versus those that were not exposed to Energy Factor content. On a more granular level, each measured across a variety of engagement metrics such as: number of unique and returning visitors, time spent on story page, shares on social channels and more. To date, the site has now seen over 30M total unique visitors and its newsletter reaches nearly 100K subscribers on a weekly and monthly cadence. In 2019, Energy Factor received over 6.4M unique visitors, almost 20% of whom will come back and revisit the site over time. In addition to increased traffic, we've honed the site over time to extend people's stay on site, now averaging 3:17 minutes. Measuring scroll depth has revealed users are viewing more pages, sharing to other platforms, and engaging with content on a deeper level.

Who worked on this campaign?

Page: Supporting Materials

Supporting Materials (optional, but recommended)

Supporting materials should show evidence of the success of the work. It can be any of the following: sales figures, brand media coverage, clippings, photos, web sites, research documents, and testimonials.

Supporting Documents

No File Uploaded

alias91e34127f2604f3b93cf53384408cc60

No File Uploaded

alias88ae7c3d68d2430abbc4db1c62b4f6ac

No File Uploaded

Supporting URLs

<https://energyfactor.exxonmobil.com/> (<https://energyfactor.exxonmobil.com/>)

APPENDIX 2

ExxonMobil/Group SJR – Nat Gas PB&J Series

Entry: 28555

ExxonMobil/ Group SJR

Started at: 6/19/2020 03:47 PM - Finalized at: 6/19/2020 03:59 PM

Page: Entry Information

Entry Name

ExxonMobil/ Group SJR

Category

Campaign, Best Use of a Channel > Social Media, Multi-Platform

Entrant Information

The entrant is the person *submitting* the entry.

First Name

Last Name

Email Address

@groupsjr.com

Company

Group SJR

Job Title

Account Manager

Work Phone

Organization Type

Agency

Company Address

200 Fifth Ave.
New York New York 10010 US

Second Point of Contact: First Name**Second Point of Contact: Last Name**

Dolan

Second Point of Contact: Job Title

Account Manager

Second Point of Contact: Email Address

@groupsjr.com

Second Point of Contact: Work Phone**Disclaimer**

Agree

Page: Platinum PR Awards**Please select the entry type that applies to you:**

I am entering a campaign for a partner or other organization

Organization Name

ExxonMobil

Organization Address

PO Box 4450
Spring Texas 77389 US

Contact Last Name**Contact Job Title**

Account Manager

Contact Email Address**Contact Phone Number****Entry Name**

ExxonMobil / Group SJR Nat Gas PB&J Series

Entry Image

Download File (<https://vo-general.s3.amazonaws.com/16b9adbc-679a-4446-a410-2470bf1e3826/b4a7d964-a2ca-47d8-9177-8283e4be8e14?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1735485485&response-content-disposition=inline%3B%20filename%3D%22Screen%20Shot%202020-06-12%20at%204.28.36%20PM.png%22&response-content-type=image%2Fpng&Signature=jTqOjZL6XIKPwMslUPaNsv92%2Fyo%3D>)

Company Logo

Download File (<https://vo-general.s3.amazonaws.com/16b9adbc-679a-4446-a410-2470bf1e3826/31629506-4434-4964-831a-131766503646?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1735485485&response-content-disposition=inline%3B%20filename%3D%22EM%20logo.png%22&response-content-type=image%2Fpng&Signature=KPqiPFzqiArYC3aZofzvLY2Rr4Y%3D>)

Objectives

The goal of the campaign was to get audiences who think ExxonMobil has no role in helping create a cleaner grid to understand the critical reliability natural gas provides for America's lower emission power grids by demonstrating that cleaner burning natural gas works alongside renewables; and, that ExxonMobil is a key provider of natural gas.

Strategy

Group SJR developed a suite of content to address the topics by tapping into social trends that appeal to Gen Z. These videos are a take on BuzzFeed's Tasty videos, making the comparison of classic food pairings to natural gas and renewables – one cannot exist without the other. Using a contemporary video style to convey hot-button topics, Group SJR and ExxonMobil aimed to reach Gen Z.

Tactics

Group SJR, on behalf of ExxonMobil, created video assets that use clever analogies to show how natural gas is a lower emission, abundant and affordable choice and explain its role in building America's cleaner power grids. The video assets conveyed how ExxonMobil is helping to keep emissions down as a leading supplier of cleaner-burning natural gas. The videos show that together, there is a synergy between natural gas and renewable energy sources, allowing ExxonMobil to help to provide a cleaner power grid.

Execution

The energy business is vast and constantly iterating, with breakthrough technology developments striving to solve energy challenges as the need for energy is ever growing. In 2019, ExxonMobil was challenged with positioning themselves as providers of natural gas, within a world with a rising demand for renewable energy sources. Group SJR created video assets that use clever analogies to show how natural gas is a lower emission, abundant and affordable choice and explain its role in building America's cleaner power grids. The videos released organically across Instagram, Facebook, and Twitter.

Evaluation of Success/Results/ROI

The videos created by Group SJR, released organically across Instagram, Facebook, and Twitter drove strong numbers across platforms, outperforming on 2 of 3 platforms. It is particularly worth noting that the videos reached a 25.2% View Through Rate (VTR) on Twitter, compared to the platform average of 8.1% VTR. Additionally, the videos reached a 24.9% VTR on Facebook, compared to the platform average of 18.0% VTR. When the videos were posted as targeted ads in dark rotation, they were targeted primarily to Gen Z audiences, with a small allocation towards older audiences that tend to favor ExxonMobil and the energy industry. Within this, video content outperformed across 4 of 5 platforms. Each of the following platforms have a higher composition of Gen Z audiences, reinforcing that this content resonated well with Gen Z.

- Snapchat videos reached a 44.75% VTR, compared to the platform average of 30.18% VTR.
- Instagram in-feed videos reached a 28.25% VTR, compared to the platform average of 23.53% VTR.
- Instagram stories reached a 13.06% VTR, compared to the platform average of 12.56%.
- Twitter videos reached a 38.75% VTR, compared to the platform average of 35.76% VTR.

Overall, the Nat Gas campaign achieved strong video consumption across all platforms based on VTR. Positive performance indicates that natural gas content resonated well against Gen Z audiences.

Who worked on this campaign?

Page: Supporting Materials

Supporting Materials (optional, but recommended)

Supporting materials should show evidence of the success of the work. It can be any of the following: sales figures, brand media coverage, clippings, photos, web sites, research documents, and testimonials.

Supporting Documents

No File Uploaded

alias91e34127f2604f3b93cf53384408cc60

No File Uploaded

alias88ae7c3d68d2430abbc4db1c62b4f6ac

No File Uploaded

Supporting URLs

<https://twitter.com/exxonmobil/status/1202616524437180417>
(<https://twitter.com/exxonmobil/status/1202616524437180417>)

APPENDIX 3

ExxonMobil/Universal McCann – Unexpected Energy

Objectives (50 words – note scored by judges)

Objectives of the campaign included:

- Drive awareness of ExxonMobil’s commitment to the research and development of lower-emissions energy through next-gen biofuels
- Develop positive brand perception of ExxonMobil through their efforts as a forward thinking and responsible company
- Increase favorability of primary audiences

Insight (250 words)

To many people, ExxonMobil is just a company that makes gasoline, often with little understanding of key differences amongst its competitive set. A volatile news cycle often owns the share of voice, not always providing an accurate depiction of ExxonMobil. As a result, the general population has developed preconceived notions about ExxonMobil without truly understanding the breadth and depth of the company’s commitments to climate solutions.

We found that the core target audiences were interested in learning about the evolution of the energy industry, but were not proactively researching about the category. Rather, they consumed general news, sports and lifestyle content and encounter information regarding ExxonMobil along the way. Furthermore, as the target audiences aren’t experts in the category, the content needed to be written in non-technical terms and be produced in formats they like to consume to ensure that our messages best resonated with our audience.

Strategy (300 words)

Because of the knowledge gap that existed amongst the target audiences, ExxonMobil needed to engage people with information they didn’t know about ExxonMobil by leveraging placements that integrate the brand with what matters most to the audience. These placements needed to appear where the audiences were present, yet delivered in innovative and unexpected ways, similar to the way ExxonMobil is working to deliver new energy to the world. Unexpected Energy.

Enter the Unexpected Partner: The New York Times. Selecting a trustworthy publication opened the opportunity to reach our target audience where content would be in a “Timesian” voice, resonating with the targets, but also feeling native to the publication. Working with the NYT to create compelling and engaging content that mirrored the award-winning journalism of the world-renowned publication ensured authenticity, credibility and relevance, and was ultimately more impactful to the audience.

Commented [LCG1]: These are internal terms and would not use externally, nor do we define them.

Execution (250 words)

“Unexpected Energy” was brought to life in “Unexpected Places in Unexpected Ways.” The 12-week campaign, which launched concurrently in September across all NYT’s platforms, included a first-ever consecutive “Science Times” print takeover, an interactive long-form journalistic-style article, CGI print spreads, audio spots in top-rated “The Daily” podcast, online ads, social posts, and, most notably, a pair of one-minute hero videos. This ensured the target audiences would be reached with the same messaging across multiple platforms in an array of creative formats.

T Brand’s first-ever stop-motion production featured a futuristic world with 3D-printed objects and laser-cut acrylic backgrounds showcasing how algae and farm waste could one day fuel a sustainable energy future. The high-tech creative approach enacted across the multiplatform program mirrored the innovation of ExxonMobil’s advanced biofuels agenda and ensured that content would stand out in a crowded communications space.

Our innovative approach to creating the content was a key ingredient to the overall success of the program. We pushed the creativity, from CGI print ads to the animated videos, to be “unexpected” in look, feel and tone to match the overall theme of the program. For example, using 3D technology to create all the props for the videos; the limitations of stop motion allow for only 6-8 seconds of shooting a day, requiring us to produce animatics and storyboards to gain client alignment before shooting which took weeks to complete. 80+ people and partners – from sketch artists to stop-motion animators -- helped to execute the beautiful assets flawlessly.

Results (200 words)

The partnership proved to be a major success, surpassing goals and beating benchmarks.

Awareness and Reach:

- 401MM+ impressions that drove 862K views of content (40% above plan)
- 17MM+ downloads of “The Daily” podcast (85% above plan) featuring the ExxonMobil audio ad
- Print insertion distributed to 510k subscribers for 12 weeks

Brand Engagement and Perception:

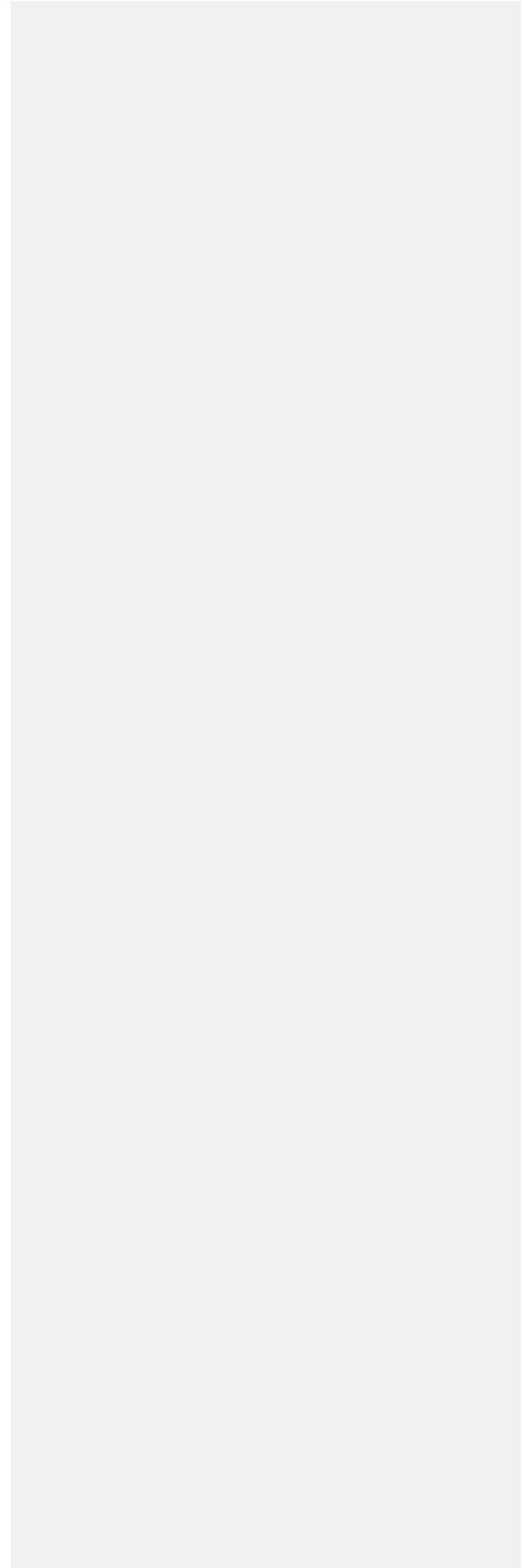
- The long-form article garnered a read time of over 2 mins – 77% above benchmark
- Biofuels videos also gained high volume of views - 585K views with ¾ at 75% completion, beating benchmark of 60%
- Shifted perception of ExxonMobil by owning “energy” content equity

Increased Favorability:

- Achieved our goal and exceeded 10% lift in brand favorability

Budget

\$5,000,000 [\(confidential information, if possible, not to be shared\) – included media placement and creative production](#)



APPENDIX 4

Chevron/Singer Associates – The Richmond Standard

Submission: 38153

Richmond Standard: The Community Fabric for the Richmond Community and Chevron Refinery

Page: Category specific questions
Category Campaign Awards > Best in Community Relations
Title of entry Richmond Standard: The Community Fabric for the Richmond Community and Chevron Refinery
Client name or suppliers Chevron Richmond Refinery
Budget (\$) REDACTED
Were any other contributing agencies or companies involved in the campaign? No

Situation analysis (including campaign objectives)

Richmond, California is a city of 103,000 residents on the east shore of San Francisco Bay, just north of Berkeley. It is an incredibly diverse community and has one of the most politically progressive city governments in California.

The city has a rich history dating back to its role to build the ships and jeeps that helped win World War II, led by the women who inspired the iconic character “Rosie the Riveter.” In the decades following the war, the once thriving city fell into decay and many of the industry jobs disappeared. Crime spread and the city, unfairly and unfortunately, became defined by a negative narrative.

Despite misperceptions, Richmond residents have immense pride in their community. The Richmond they knew was resilient and filled with good people doing amazing things. While a vital part of the local economy and community, Chevron, which operates a refinery in the community, developed a fractured relationship with many stakeholders including city government leaders.

Refinery officials wanted to reset the relationship with the community and embarked on a multi-pronged strategy designed to provide the company with greater freedom to operate by increasing awareness for the positive role it plays in Richmond.

One key plank of the company’s strategy was to create the Richmond Standard – a community-driven daily news website focused entirely on Richmond. This site would tell the stories other outlets had lost the resources to tell, creating a written history of the town, encouraging local residents and community groups to use the site as a reliable, free resource to share information with their neighbors, and establishing Chevron as a thought leader.

The daily website newspaper has 87,000 monthly users on average and has a following of about 31,700 predominantly local readers on Facebook. This readership exceeds the circulation of the two major daily newspapers in the area, the San Francisco Chronicle and the Contra Costa Times.

Research and insights (including how research was implemented in the campaign)

The Richmond Standard relies on a decade of public opinion research and key insights, which found that Richmond residents strongly desired validation for the decision they made to live in the community. When a typical Richmond resident meets someone from outside the community, they are usually greeted with the following response “Oh you’re from RICHMOND. What’s that like?” Based on our findings, Chevron created the Richmond Standard as a platform to help change the negative narrative about the community.

Our approach relies on the following research and insights:

Paid Surveys:

The Richmond Standard conducted an online survey to gauge reader (and potential reader) attitudes. The survey helped identify key content categories that the community found most interesting, specifically coverage of local events, businesses and job opportunities. The survey further identified that Spanish speakers were largely untapped; therefore, the Standard established significantly more coverage of Hispanic issues including in-language stories.

Google Analytics:

Google Analytics is deployed to track and analyze user data and to help streamline coverage. The data from Google Analytics found that more than 85% of readers were connecting to the Richmond Standard via a mobile or tablet device. Based on this finding, the team redesigned the Standard into a mobile-first, fully responsive daily news website.

Facebook Analytics:

Social media is a primary driver of traffic to the Standard -- with nearly 90% of readers being frequent Facebook users. We have developed a highly engaged Facebook page with more than 30,000 followers and readers use Facebook as a primary point of entry to Standard stories. As a result, the team has leveraged Facebook’s instant articles to optimize delivery of stories to readers. Facebook analytics provide the ability to adjust content, timing of story posts and other key points based on insights. Through Facebook, we are also able to track performance against other competitors in the ecosystem.

Strategy

The Richmond Standard's strategy is focused on three goals:

1. Establish the Richmond Standard as the go-to source for reliable, local and accurate news about Richmond.
2. Deliver Spanish language articles to meet the growing demand for content about this community, which is the city's largest population base.
3. Improve and enhance Chevron's reputation as a dedicated community partner committed to contributing to Richmond's successes.

Essential to this strategy is leveraging the Richmond Standard's Facebook page, as the primary touchpoint for readers and driver of site traffic. This provides a reliable voice through short social posts with a compelling call to action, not bogged down by corporate language. An article-driven advertising component and thoughtful editorial calendar furthered our hyperlocal audience outreach and increased their engagement with our content.

The Standard also added a new Spanish language page, which includes news aimed specifically toward the ever-growing Spanish speaking community. By providing articles and social posts in this second language, we increased engagement and furthered the reach of our content in the Spanish speaking community. Our campaign included targeted advertising to this potential readership on Facebook to optimize our results.

As the city's largest employer, taxpayer, and philanthropist, Chevron is an essential part of the community. From creating high-paying jobs to making investments for education, job training and social services, Chevron is dedicated to creating partnerships that make a difference. The Richmond Standard has created a platform for Chevron and its partners to highlight the countless individuals and organizations that make Richmond a special and unique place to live and work. By doing so, the Standard is helping positively change the narrative about what it means to be, to live, and to work in Richmond.

Execution and tactics (including relevant social media and digital elements)

Generating creative content that is interesting and that the community wants to read and share is essential to the Richmond Standard's success. To achieve this, the team has developed an exhaustive list of sources – from community volunteers to youth sports coaches – who are eager to share their stories with the community through the Standard.

Team member Mike Aldax frequently visits with city leaders and numerous community groups to build relationships and encourage them to use the Standard as a community bulletin board to publicize local information at no cost such as fundraisers, event listings, new business openings and even lost dog notices.

As a result, much of the Richmond Standard's content is truly community-driven due to residents snapping photos, providing eyewitness accounts and sharing other news that may be important to them. Our stories focus on what actually matters to the community.

The Richmond Standard, just like other more established news outlets, takes a true newsroom approach deploying tactics including daily editorial team members, community-based freelancers and a comprehensive editorial calendar to give readers a reason to come back again, and again.

Furthermore, the Standard is fully transparent and honest about Chevron's sponsorship of the site. This level of transparency builds trust between Chevron and the community. The corporate sponsorship and management of the news content is clearly marked on the homepage of new site.

Effectiveness and results (“Real” results, not just impressions. Advertising Value Equivalency is not a valid measurement. Don’t forget to highlight how results were evaluated/measured)

The Richmond Standard has been a tremendous success, far exceeding the yearly traffic metrics set for the site. Through September 30, the Standard published 886 news stories, received 93,181 sessions and reached 1,341,414 page views. Of the site’s visitors, 50% are returning readers and approximately 65% are located in Richmond and the surrounding Bay Area.

Thus, the Standard successfully achieved a dedicated, local readership marking it as a recognized news resource its community by friends and foes alike, both of whom tweet, post and talk about our stories across various social media channels. In fact, our Facebook page alone receives approximately 87,000 engaged users monthly on average and has a following of about 31,700 predominantly local readers. This readership exceeds the circulation of the two major daily newspapers in the area, the San Francisco Chronicle and the Contra Costa Times.

The team is routinely the first to report breaking news, thanks to close contacts with police and fire departments, local officials and community members, who trust the Standard will get the information out quickly and accurately. Residents send community-grown news tips on a daily basis.

Notably, the Mayor of Richmond recognizes the Richmond Standard as a legitimate source of news, often contributing articles and linking to or referencing its content in his own community outreach. News outlets including Fortune, the Financial Times, KPIX and East Bay Times reference the Standard’s stories as sources for their own reporting. PR Newser said:

“One Donald Draper famously quipped, 'If you don’t like what’s being said, change the conversation.' In this week’s case study in heavy-handed message management, Chevron took that one to heart. In fact, it created an entirely new conversation on its own terms.”

It is clear the Richmond Standard is a valuable resource to integrate the Chevron name into the community’s media fabric and has become the lynchpin for communication between a corporation and its community.

Confidential Information (150 words):

Approved text for Best in Financial Communications and Best in a Crisis ONLY

As part of your entry you must upload two key images.

They must comply with the following:

- Color JPEG files or TIFF files
- No scanned images
- **Logos alone are not acceptable images**
- The image should be 300 dpi and 23.4 x 16.5 inches in size
- Should your entry reach the shortlist stage, these images may be used for publication in *PRWeek* and will be used on-screen during the awards night presentation

Image 1

Download File (https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/I3df3IFcRKOESBcelkA4_Feature%20Image%201.png?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732028482&response-content-disposition=inline%3B%20filename%3D%22Feature%20Image%201.png%22&response-content-type=image%2Fpng&Signature=v989kmvutTATVKa6srbuDWfVbY%3D)

Image 2

Download File (https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/A2H2kQyETZKGZyIm387F_Feature%20Image%202.png?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732028482&response-content-disposition=inline%3B%20filename%3D%22Feature%20Image%202.png%22&response-content-type=image%2Fpng&Signature=qsqiSepd735qFGMuH9UCelJ7za4%3D)

You have the option to submit one video to illustrate your entry.

It must comply with the following:

- Up to 2 minutes long
- MOV or MP4 format
- No larger than 350 MB

Please upload video here

No File Uploaded

.pdf (max 15 MB)

.mp3 audio file (max 350 MB)

Up to three Web or social media links

PDF (optional)

Download File (https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/oLQsCJzpTK66KP8LN8Em_Collateral%20-%20Richmond%20Standard%20FINAL.pdf?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732028482&response-content-disposition=inline%3B%20filename%3D%22Collateral%20-%20Richmond%20Standard%20FINAL.pdf%22&response-content-type=application%2Fpdf&Signature=ld2w%2FiZ32cXeBfK7U6CC2bRWZjE%3D)

.mp3 (optional)

No File Uploaded

URL 1

<https://www.youtube.com/watch?v=lvaKMT0OwJk> (<https://www.youtube.com/watch?v=lvaKMT0OwJk>)

Password**URL 2**

<https://www.youtube.com/watch?v=G6oZDFh8cds> (<https://www.youtube.com/watch?v=G6oZDFh8cds>)

Password

URL 3

<https://www.youtube.com/watch?v=EJ89T4G6qXo> (<https://www.youtube.com/watch?v=EJ89T4G6qXo>)

Password**Was the campaign submitted into another category?**

The Richmond Standard was developed by Singer Associates as Chevron's first, corporate-funded news site. Singer envisioned the site to serve as a vehicle for good, community-driven news in Richmond and tell the stories other outlets had lost the resources to tell.

Since its launch in January 2014, the Standard has established itself as a credible and trusted source of hyper-local news, proving that the creation of a news website is a worthwhile investment as part of a community involvement program. We have doubled our staff, bringing in Mike Kinney and Zach Chouteau, two community members, to amplify local coverage. The Richmond Standard has been a tremendous success, far exceeding the yearly traffic metrics set for the site. Through September 30, the Standard published 886 news stories, received 93,181 sessions and reached 1,341,414 page views. Of the site's visitors, 50% are returning readers and approximately 65% are located in Richmond and the surrounding Bay Area.

News outlets including Fortune, the Financial Times, KPIX and East Bay Times reference the Standard's stories as sources for their own reporting. The Richmond Standard is a valuable resource to integrate the Chevron name into the community's media fabric and has become the lynchpin for communication between a corporation and its community.

See what people have to say about the Richmond Standard:

"One Donald Draper famously quipped, 'If you don't like what's being said, change the conversation.' In this week's case study in heavy-handed message management, Chevron took that one to heart. In fact, it created an entirely new conversation on its own terms." – *PR Newser*

"The idea of the nation's second-largest oil company funding a local news site harkens back to an era of journalism when business magnates often owned newspapers to promote their personal financial or political agendas. Now that mainstream newspapers are struggling to survive, online news sites are testing ways to fund their operations," – *Edward Wasserman, dean of the UC Berkeley Graduate School of Journalism*

The website: www.RichmondStandard.com

The Richmond Standard – Local News, Corporately Sponsored

A working class community of 100,000 residents, Richmond, Calif. was long ago neglected by traditional media outlets. Eventually the media began to leave the community. Once home to competing daily newspapers, the community was left with a lone beat reporter from the regional Bay Area News Group, along with a college-run website and the occasional TV camera to share news of

this storied, sometimes challenged town. Residents became frustrated by the intermittent coverage of mostly negative stories in a city where a Councilman's (now Mayor) e-newsletter was the most reliable source for news.

A decade's worth of public opinion polls showed Richmond residents were conflicted. While they have immense pride in the community and in each other, due to negative media perceptions, they are very hesitant to tell other people they're "from Richmond" since it conjures a negative reputation around the Bay Area.

Residents have long been craving a news source to celebrate their own Richmond pride, highlight all of the culture, history, and community that is in Richmond, and also a source that could help shift outside public opinion about the city. Thus, the Richmond Standard was born to serve as a vehicle for hyper-local, positive, community-driven news about Richmond.

Richmond Standard home page


News Community Lifestyle Sports Jobs Chevron Speaks En Espanol Contact Us Subscribe

THE RICHMOND STANDARD


TRENDING NOW BART board approves policy aimed at preventing immigration arrests

RECENT NEWS


Recent Richmond Education Biz Boost




Your guide to Independence Day events in Richmond
June 27, 2017
The Richmond waterfront and surrounding communities are known for having some of the best Independence Day celebrations. They are anchored by a rare treat that...




Richmond wins grants funding new basketball courts, youth programs
June 27, 2017



Public hearing set for Miller/Knox Regional Shoreline proposals
June 27, 2017







Richmond's Soulful Softball Sunday brings its magic to prison
June 26, 2017



18-year-old Richmond man fatally shot Saturday, father arrested
June 26, 2017

PLEASE FOLLOW US




TOP STORIES

- Talk McGinley shares news at Richmond meet and greet**
- Hercules train stop proposal billed as I-80 congestion remedy**
- Your guide to summer events along Richmond Bay Trail**
- Grand opening celebration set for new Hilltop area coffee shop**
- Contra Costa County DA resigns, pleads no contest to perjury**

WATCH NOW


ROP grads prepare for bright futures



ROP grads prepare for bright futures

- ROP grads prepare for bright futures
- All sunshine and smiles at 2017 Juneteenth parade and festival
- Point Richmond summer concert series off to a dancing start
- Minnie Phan Inspires young minds at the RAC

FEATURED IMAGE



Beautiful places hide in plain sight all across Richmond by Camilo Vilaseca

UPCOMING EVENTS See all

Annual Third of July Celebration July 3 @ 5:30 pm - 9:30 pm at Marina Bay Park	Pt. Richmond Summer Music Festival July 14 @ 5:30 pm - 8:00 pm at Point Richmond	Music on the Main July 28 @ 5:00 pm - 7:30 pm at Marina Way & MacDonald
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THE RICHMOND STANDARD

This news website is brought to you by Chevron Richmond. We aim to provide Richmond residents with important information about what's going on in the community, and to provide a voice for Chevron Richmond on civic issues.

The Richmond Standard is run by a professional reporter, Mike Aldax, and publishes 4-6 stories on a daily basis covering community news and events. Year over year, the readership of the Richmond

Standard is growing: 2014 saw 500,008 page views, 2015 saw 1,572,812 page views, 2016 saw 2,337,407 and through September 2017, the page has reached 1,341,414 page views.

Richmond Standard Facebook Page-

The screenshot displays the Facebook page for 'THE RICHMOND STANDARD'. The page header includes the logo, name, and handle '@RichmondStandard'. A navigation menu on the left lists 'Home', 'About', 'Photos', 'Videos', 'Posts', 'Offers', and 'Community', with a 'Create a Page' button at the bottom. The main content area features a post from 'Richmond Standard' dated 2 hours ago. The post text reads: 'Meanwhile, WCCUSD officials said schools will remain open today despite reduced air quality due to the massive fires. "We have been in contact with Contra Costa County health officials and are continuously monitoring the air quality," officials said.' Below the text is a photograph of a wildfire at night. The post title is 'Richmond police, fire personnel to aid in North Bay wildfires | Richmond Standard'. The post has 88 reactions and 30 shares. On the right side, there is a 'Visitor Posts' section with three posts: one from Danetta Troisi about a stolen car, one from Jennelle Murdoc, and one from Casey DEws about a homeless camp fire. At the bottom right, there are language options and a footer with 'Privacy · Terms · Advertising · Ad Choices · Cookies · More · Facebook © 2017'.

Research has found that over 90% of the over 30K page followers come via mobile devices. The data analysis also identified Facebook as a popular destination for mobile users. The Richmond Standard cross publishes all content on Facebook to help ensure it reaches the maximum audience.

Driving Community-centered News

Home > Richmond > Alley near 23rd Street spruced up as part of revitalization

Richmond

Alley near 23rd Street spruced up as part of revitalization

October 9, 2017

78 0

Share on Facebook Tweet on Twitter G+ P



Home > Richmond > El Mercado de Agricultores de Richmond Ofrece una Muestra de lo Inesperado

Richmond

El Mercado de Agricultores de Richmond Ofrece una Muestra de lo Inesperado

October 5, 2017

245 0

Share on Facebook Tweet on Twitter G+ P



The Standard also added a new Spanish language page, which includes news aimed specifically toward the Spanish speaking community in Richmond. By providing articles and social posts in this second language, we increased engagement and furthered the reach of our content in the Spanish speaking community. Our campaign included targeted advertising to this potential readership on Facebook to optimize our results.

The Standard's Aldax is embedded 100% of the time in the Richmond community which allows him to be first to many community stories, including this one on the discovery of a mural inside a Richmond Post Office. The Standard beat its bigger counterpart to this story by three days.

Jobs and the Community

The most popular types of stories feature job announcements and community events. Our most popular story in 2016 (see right) received over 50,000 views.

In addition, the Standard's coverage of local businesses received the highest readership. This video of Blush, a new beauty and fashion store in Richmond, received over 11,720 views:

<https://www.youtube.com/watch?v=lvaKMT0OwJk>

Home > Chevron Richmond > Field Admin Assistant sought for Chevron Refinery Modernization Project

Chevron Richmond jobs Job Opportunities

Field Admin Assistant sought for Chevron Refinery Modernization Project

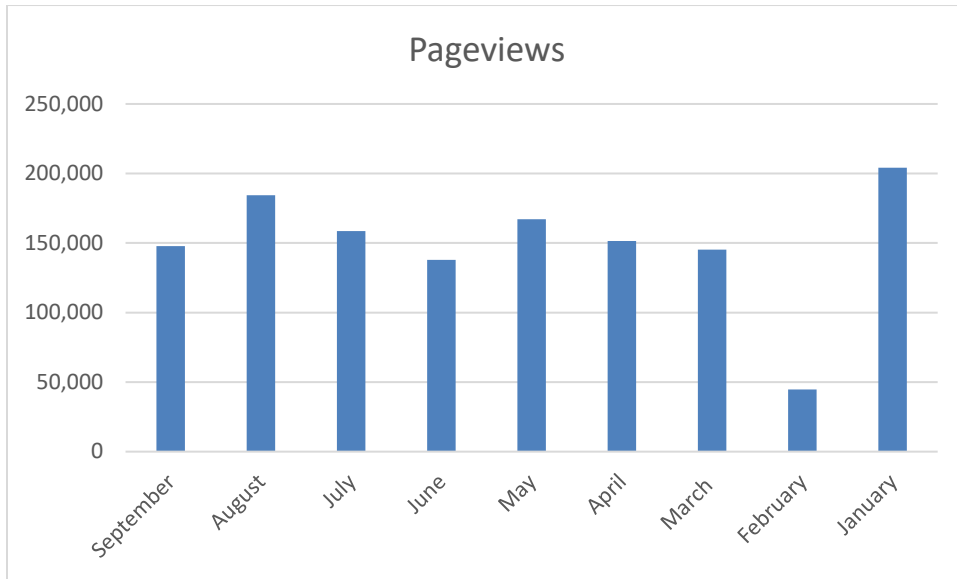
August 3, 2017

1107 0

Share on Facebook Tweet on Twitter G+ P



Analytics-



With an ambitious goal of reaching 2,000,000 views by years' end, the Richmond Standard has already far exceeded that goal with well over 1,800,000 views and counting. Since the site's inception, there have been a total of 5,816,132 views.

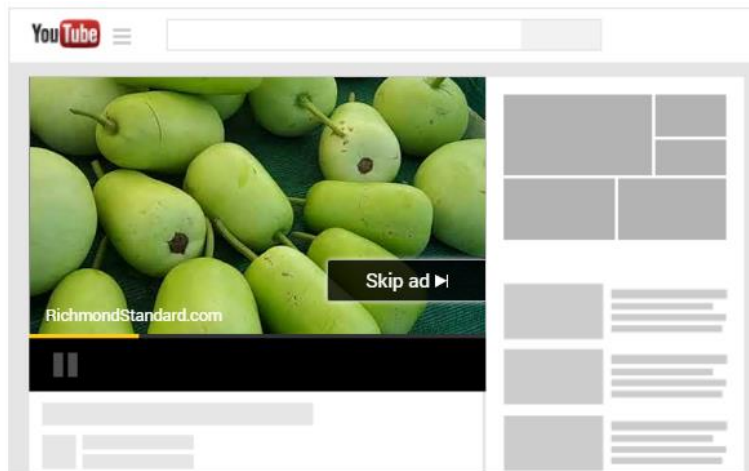
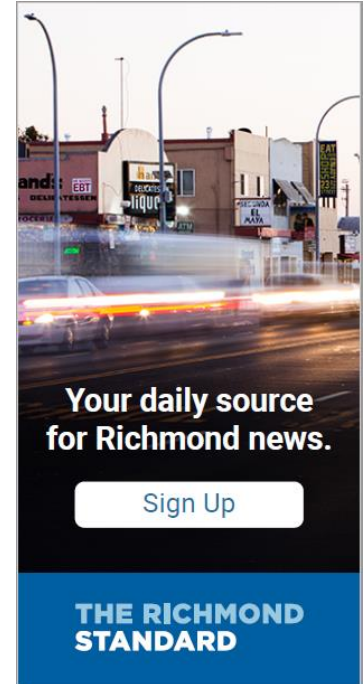


With the majority of the Richmond Standard's readers coming from mobile and tablet, Facebook has been a critical tool for gaining and retaining readership.

The year over year growth proves that the Richmond Standard is a reliable resource for the community.

Marketing the Standard

A robust marketing campaign, both online and in person, has helped generate awareness about the Standard. Thanks to advertising on Facebook and Google Adwords, the Standard now generates close to 60,000 unique visits per month.

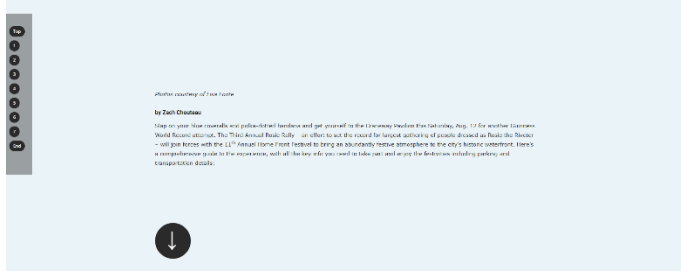
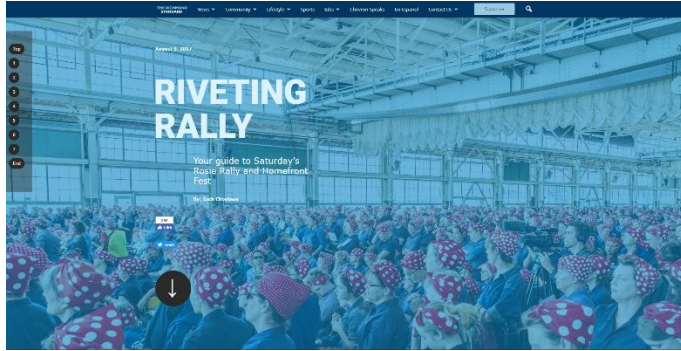


Clockwise from left to right:
Facebook ad in Spanish, Spanish and English Pandora banner ads, and YouTube video ad.

Multimedia Article

[Riveting Rally - Your guide to Saturday's Rosie Rally and Homefront Fest](#)

By Zach Chouteau, Richmond Standard – August 10, 2017



What to wear at Rosie Rally

Those wanting to participate in the rally are asked to arrive at the event, Rose Lane, and also to arrive at the Craneway Pavilion by 8.30 a.m., when you can be checked for authenticity and fitted as part of the official issue. Here's what to wear:

- A red bandana with white dots, worn in the traditional style;
- A dark blue cotton-all-AMC denim blue jumps or coveralls;
- Closed toe black or brown shoes; and
- Red socks.



Home Front Festival

Right after the Rosie Rally, a family procession will lead participants to the nearby harbor level (open at various locations throughout the day).



The festival starts at 11:30 a.m. and continues until 4 p.m., with the musical acts, plenty of food options, and various demos and activities for all ages. Weather cool-down: the 100 inmates will be checked at Home Front venue and open for free free-standing at 11:30 a.m.

Other fun activities include an art project display from the 100 inmates, and the Red Bay Historical Park. While everyone has had what to wear, we will provide a variety of hands-on activities for the children. Historical events will include a history of denim from Apple Island, life on the island "Victory Garden" from the UC Master Gardener program, and a Q&A session from the Pacific Bus Museum. History videos from the American Society Museum, including a replica of General George S. Patton's Command Car, will also be presented.



Food trucks will offer a variety of cuisines, and the program includes a breakfast of the day (served from the Rose Lane Pavilion) and other 100 inmates. The Entertainment at the festival has been coordinated by Red Bay Center for the Performing Arts, and will include The Whippersnappers, Trippy Aunts, Mexican folk and dance ensembles, San Joaquin State University's Vocal and West African Music and Dance. The 85 Red Oak Victory, owned by the Red Oak Victory Association, will be holding an event that will include WWII re-enactments, food, music, and show tours from 10 a.m. to 4 p.m.



Parking and Transportation

Free secure bike valet parking will be provided at Harbour Way South near the Craneway Pavilion, and there will be free shuttle buses between the Craneway and Pavilion and the Red Oak Victory venue starting at 8 a.m. The shuttle buses run on a regular schedule to the Bay Area, and will provide Grey service from San Francisco.

Complimentary shuttle service between the Craneway Pavilion and 85 Red Oak Victory will be provided from 11:15 a.m. to 4:15 p.m. There will also be public parking at the Craneway, at 1114 Harbour Way South in Richmond, as well as street parking.



Citywide Celebration

Those dressed to raise for the Rosie Rally will also become part of a host of events throughout Richmond on the day of the event, with numerous restaurants, shops, businesses, a variety of coffee shops and other local businesses or nearby shops discounted and beyond will offering free or discounted items or services to rally participants, or in support of participating establishments, spread all the way.



Original Rosies to take part

One of the most important aspects of the Rosie Rally procession is the presence of veterans "Original Rosies" who will participate and add their support. These Rosie legends are women who actually worked on the Rosie from October 1942, and they have remarkable memories to share. The Richmond Standard has some of the best photos to review about the rally and their presence, eye-opening stories. Rosie Davis, 75, told of her experience as a ship chandler's right out of high school following a short training course. Her two sisters and mother also served on the Rosie from...

More featured news

THE RICHMOND STANDARD

THE RICHMOND STANDARD

Home > Chevron Speaks

LATEST ▾

CHEVRON SPEAKS

This is a dedicated page for the Chevron Richmond Refinery to share its news and views on issues important to the company and the Richmond, CA community.

CHEVRON SPEAKS
 Chevron Speaks to La Tanya Hawkins, Program Executive of the Construction Resource Center
 October 10, 2017

CHEVRON SPEAKS
 Meet Matthew Payne – Business Manager for Oils Planning at the Richmond Refinery
 primary business manager of oils planning

CHEVRON SPEAKS
 Meet Kaleia Pree, Document Control Specialist
 document control specialist
 herne contracting corporation

CHEVRON SPEAKS
 Meet Terri Waller, Employer Partnership Coordinator with WCCUSD
 employer partnership coordinator
 west contra costa unified school district

CHEVRON SPEAKS
 Chevron Richmond largest user of reclaimed water in Bay Area
 May 26, 2017

CHEVRON SPEAKS
 Meet La Tanya Hawkins, Program Executive at the Construction Resource Center
 program executive of the construction resource center

CHEVRON SPEAKS
 Meet Georgianna Scheuerman, Manager at the Richmond Technology Center
 manager process research division

THE RICHMOND STANDARD

A working class community of 100,000 residents, Richmond, Calif. was long ago neglected by traditional media outlets. Eventually the media began to leave the community. Once home to competing daily newspapers, the community was left with a lone beat reporter from the regional Bay Area News Group, along with a college-run website and the occasional TV camera to share news of this storied, sometimes challenged town. Residents became frustrated by the intermittent coverage of mostly negative stories in a city where a Councilman's (now Mayor) e-newsletter was the most reliable source for news.

A decade's worth of public opinion polls showed Richmond residents were conflicted. While they have immense pride in the community and in each other, due to negative media perceptions, they are very hesitant to tell other people they're "from Richmond" since it conjures a negative reputation around the Bay Area.



Residents have long been craving a news source to celebrate their own Richmond pride, highlight all of the culture, history, and community that is in Richmond, and also a source that could help shift outside public opinion about the city. Thus, the Richmond Standard was born to serve as a vehicle for hyper-local, positive, community-driven news about Richmond.

Richmond Standard home page


The screenshot shows the homepage of 'THE RICHMOND STANDARD'. The top navigation bar includes links for NEWS, JOBS, ENTERTAINMENT & FOOD, SPORTS, CHEVRON BREAKS, and MORE. A main banner features a large headline: 'Credit rating downgrades increase Richmond's debt; council again warned about over-spending' with a sub-headline 'Recent News | Oct 7, 2015'. To the right of the banner is a mission statement: 'This news website is brought to you by Chevron Richmond. We aim to provide Richmond residents with important information about what's going on in the community, and to provide a voice for Chevron Richmond on civic issues.' Below the banner are three columns of featured stories: 'Most Recent' (repeating the main headline), 'Most Talked About' (with an image of a street scene), and 'Most Popular' (with an image of a man holding a football). A 'Subscribe to our newsletter' button is located at the bottom of the main banner.

The Richmond Standard is run by a professional reporter, Mike Aldax, and publishes 4-6 stories on a daily basis covering community news and events.

Richmond Standard Facebook Page


**Richmond Standard**
Published by WordPress [?] · 17 hrs · Edited · 




A new re-entry center that's about to open on Macdonald Avenue will serve about 300 formerly incarcerated persons and their families each year, according to county officials.



Re-entry services center to open on Macdonald Avenue
A new re-entry center that's about to open on Macdonald Avenue will serve about 300 formerly incarcerated persons each year, according to county officials. A ribbon-cutting event for the West County Reentry Success Center at 912...
RICHMONDSTANDARD.COM

3,206 people reached [Boost Post](#)

78 Likes 5 Comments 19 Shares 


 Like  Comment  Share

3,206 People Reached

133 Likes, Comments & Shares

107 Likes	78 On Post	29 On Shares
6 Comments	5 On Post	1 On Shares
20 Shares	19 On Post	1 On Shares

248 Post Clicks

0 Photo Views	114 Link Clicks	134 Other Clicks 
-------------------------	---------------------------	--

NEGATIVE FEEDBACK

0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

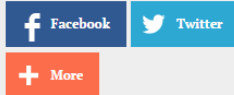
Research has found the two-thirds of Richmond Standard visitors come via mobile devices. The data analysis also identified Facebook as a popular destination for mobile users. The Richmond Standard cross publishes all content on Facebook to help ensure it reaches the maximum audience.

Recent News

Historic mural found in Richmond Main Post Office basement after nearly 40 years under wraps



Sep 30, 2015



1 comment

For decades, an historic mural capturing Richmond's pre-WWII days was thought to have been lost and possibly gone forever.

But earlier this month, the *Richmond: The Industrial City* mural (see below) created in 1941 by well-known artist Victor Arnautoff was re-discovered in the basement of the Richmond Main Post Office at 1025 Nevin Ave., where it was packed away in 1976 after being prominently displayed for decades.

Home > My Town > My Town: Richmond > Story



Richmond: Post office mural missing for decades rediscovered

By Karina Ioffe kioffee@bayareanewsgroup.com

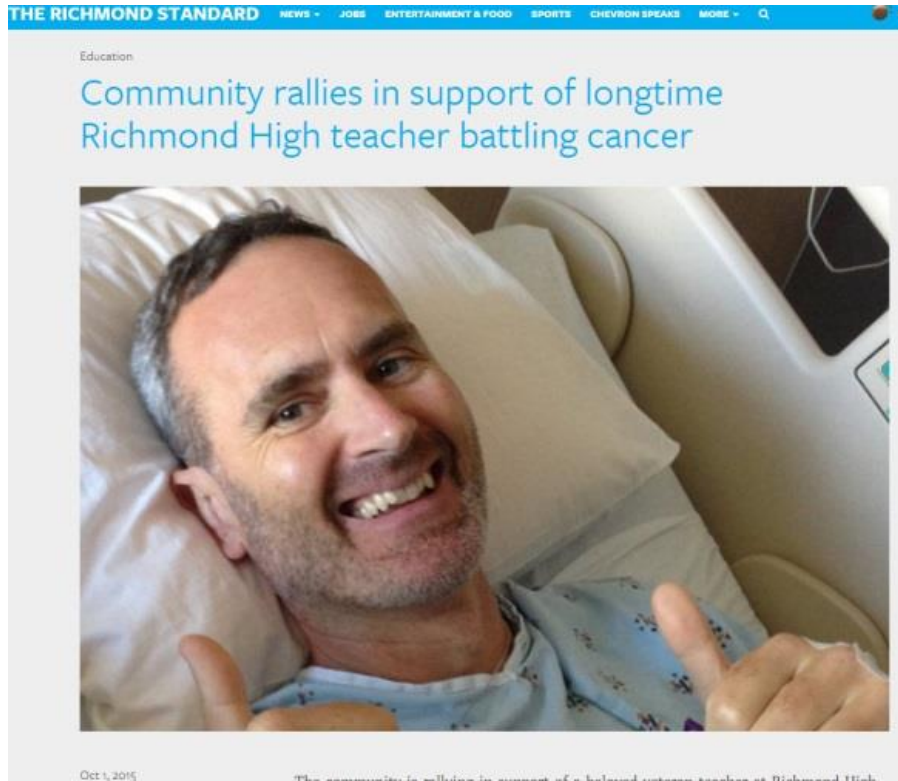
POSTED: 10/02/2015 02:55:31 PM PDT | UPDATED: 6 DAYS AGO

1 COMMENT



The Standard's Aldax is embedded 100% of the time in the Richmond community which allows him to be first to many community stories, including this one on the discovery of a mural inside a Richmond Post Office. The Standard beat its bigger counterpart to this story by three days.

Helping Community Causes



YOU CARING
Compassionate Crowdfunding

Create a Fundraiser Support a Fundraiser Learn More Search fundraisers

Home > Medical Expenses > Let's help Zach Shrieve Beat Cancer!



Let's help Zach Shrieve Beat Cancer!

For: Zachary Shrieve
El Cerrito, CA
Organizer: Jim Whitty

\$52,275
of \$50,000 goal 31 days left

DONATE NOW

Share This Fundraiser

Share on

2.9K SHARES

[VIEW GALLERY](#)

The Story

Zach Shrieve, our brother, son, nephew, uncle, cousin and friend went to the hospital for abdominal pain on August 23rd of this year. 4 days later Zach was given the news that he had cancer. The unimaginable became reality for Zach and his family and many, many friends. I say many friends because Zach is that type of guy- A genuinely kind, funny, giving caring, involved, loyal and dedicated person who puts others before himself. My brother-in-law Zach has the knack to make

Supporters (302)

Amount	Hidden	from
		Nai Saephan
		You got this Mr. Shrieve!
10/2/2015		

A story was posted about a beloved high school teacher, Zach Shrieve, and his long battle with cancer. The story promoted an online fundraiser to help the teacher with medical expenses. At the time of the story's publishing, \$25,000 of the \$50,000 goal had been raised. In the course of one day, the story reached 12,000 readers, garnered more than 200 likes and 100 shares on Facebook. The story has helped propel contributions to more than \$52,000.

Richmond city government won't face state audit

By Victoria Colliver Updated 4:34 pm, Friday, October 2, 2015

✉️ [f](#) [t](#) [p](#) [r](#) [g+](#) [📄](#) [💬](#) 10



“While the city of Richmond faces continuing fiscal challenges, it is in many ways no more challenged than most municipal governments, but is more complex,” Richmond Mayor Tom Butt wrote in an opinion piece published online Thursday.

Mayor Butt: State controller cancels threat of Richmond audit

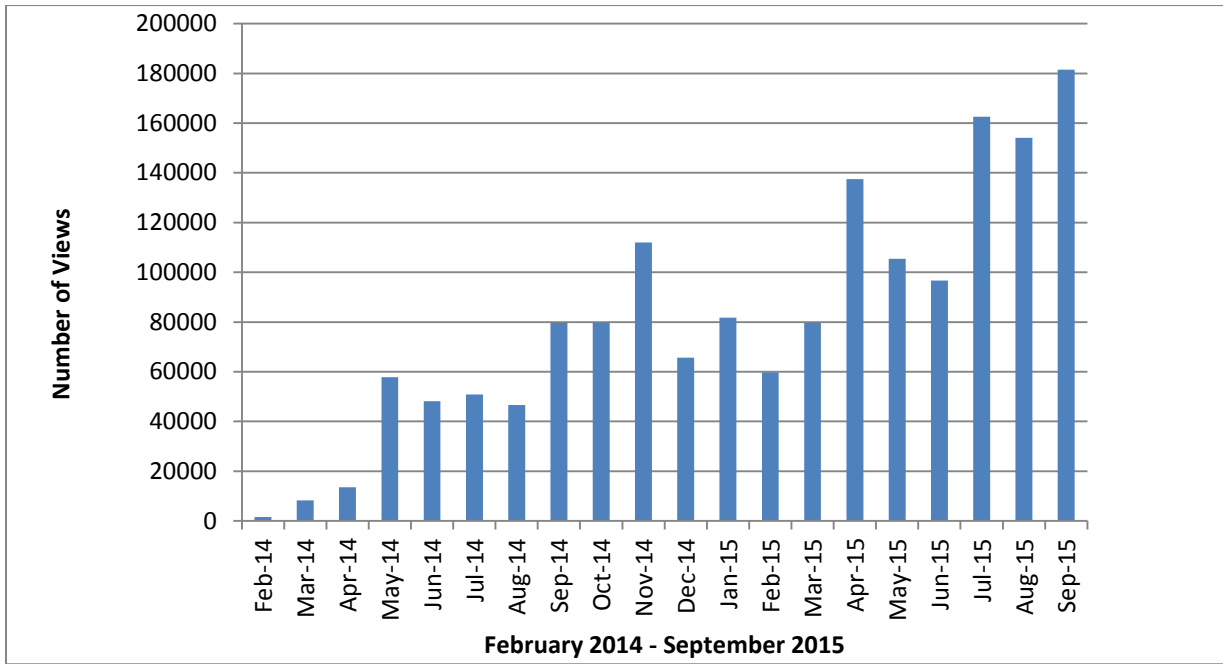


by Mayor Tom Butt,

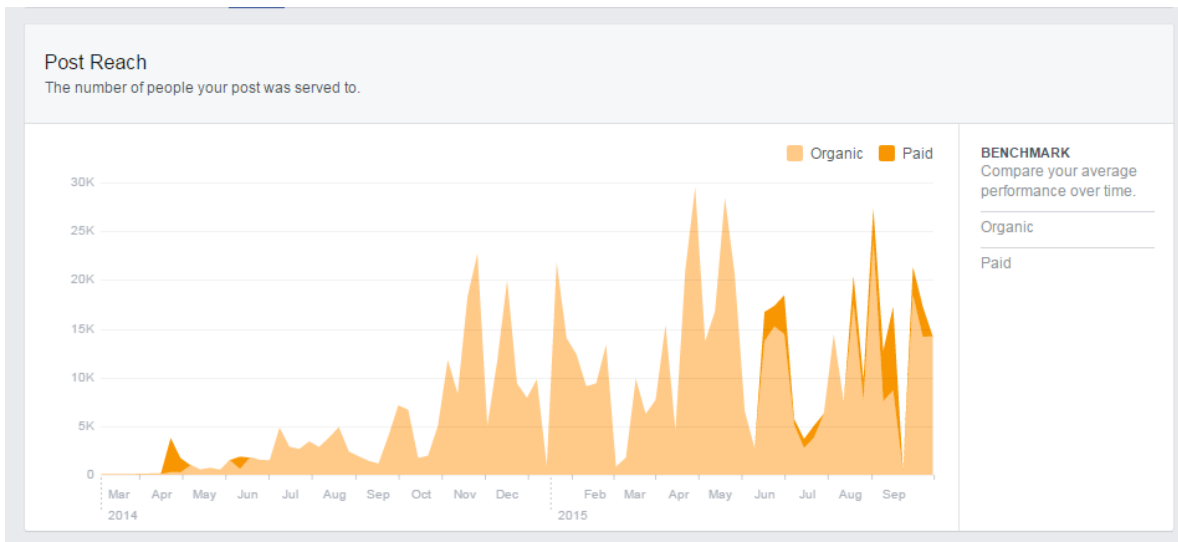
After starting a media frenzy by peremptorily writing a letter to the City of Richmond questioning its ability to “provide accurate and reliable information regarding required financial reports (see full letter [here](#)),” the State Controller’s Office (SCO) has reversed itself.

The Standard is now cited by other publications, including this October 2, 2015 story from the San Francisco Chronicle that refers to an opinion column written by Richmond’s Mayor.

Analytics



With an ambitious goal of reaching 500,000 views by years end, the Richmond Standard has already far exceeded that goal with well over 700,000 views and counting. Since the site’s inception, there have been a total of 1,653,224 views.



With the majority of the Richmond Standard’s readers coming from mobile and tablet, Facebook has been a critical tool for gaining and retaining readership.

The year over year growth proves that the Richmond Standard is a reliable resource for the community.

APPENDIX 5

Noble Energy/Story Partners – Working Together for
Colorado

Submission: 26474

Working Together for Colorado

Page: Category specific questions
Category Campaign Awards > Best in Public Affairs
Title of entry Working Together for Colorado
Agency or company submitting Story Partners
Client name or suppliers Noble Energy
Budget (\$) REDACTED
Were any other vendors involved in the campaign? Yes
Please list vendors. Proof, Mellman Research

Situation analysis (including campaign objectives)

The energy industry in Colorado provides hundreds of thousands of jobs, billions of dollars in tax revenue for schools and infrastructure, and is an economic backbone for business in the state. In early 2016, when a proposed ballot measure campaign funded by national environmental groups and activists surfaced to derail Colorado's energy industry, Noble Energy – along with the industry at large – had their backs against the ropes. Their license to operate in Colorado was in jeopardy.

Opponents of energy development in Colorado led a charge to advance two anti-energy ballot measures onto the November ballot for a public vote. Both ballot measures sought to amend Colorado's Constitution.

- One proposed ballot measure would have delegated regulatory control to localities, creating a regulatory environment with such uncertainty it would prevent any future development in the state.
- The second ballot measure proposed a 2,500-foot setback, or "no drill zone," away from any public space or private home. If you draw a 2,500-foot circle around public use spaces and homes, it covers the entirety of the counties most active in the industry.

If either of these measures had advanced to the ballot and passed, it would have meant lights out for Noble Energy's business in Colorado.

The opposition needed to gather nearly 100,000 validated signatures from registered voters in Colorado by August 8, 2016, for each proposed ballot measure to advance to the November ballot.

Noble Energy turned to Story Partners to address this tremendous threat and explain to Colorado voters the impact of the proposed measures, dissuade them from signing a petition to amend Colorado's Constitution, and prevent the proposed measures from reaching the November ballot. After three months of preparation, the campaign launched officially at the end of May and ran until August 8, 2016 – the day the signatures were due to Colorado's Secretary of State.

Research and insights (including how research was implemented in the campaign)

In partnership with Mellman Research, we conducted multiple statewide surveys in Colorado of 1,500 voters representing the likely 2016 electorate. We learned that favorability towards fracking was at a two-year low, and opposition was at a two-year high.

Our goals for the research were to examine the following:

- What people understood about the proposed ballot measures, and
- What information could we share that would dissuade people from signing a petition to amend Colorado's Constitution.

We tested messages in the survey that would educate people about the realities and consequences of the proposed measures. The most effective messages centered on the following issues:

- Benefits of clean natural gas,
- Devastating economic consequences, and
- Private property rights.

A key insight from the research results was that when the consequences of the proposed measures were explained, support for the ballot measures weakened. We knew then that in order to move the needle, we must educate Coloradans of the "devastating consequences" of the measures, more so than just explain it is an effective ban on the industry. Coloradans, specifically our target persuadable audience of independents, millennials, and inconsistent voters, needed to understand what the measures would mean for their lives to be dissuaded from supporting the proposed measures.

Strategy

Our goal was simple: to prevent the opposition from gathering enough signatures from Coloradans to advance the proposed measures to the ballot. Over the past several years, Story Partners has worked with Noble Energy on an expansive reputation and community engagement campaign that provided the groundwork and base of support for this battle.

This campaign was different. We needed to communicate the public policy agenda of the energy industry in Colorado and ensure Noble Energy's license to operate remained intact.

To accomplish that goal, we launched two consumer campaigns aimed at educating Colorado voters about the devastating implications of adding their signature to a ballot initiative that would amend Colorado's Constitution and showing, in a consumer-friendly way, the value of the oil and gas industry to Colorado and its residents.

Read Before You Sign and Know the Value of Colorado Energy were created based solidly on our research findings that when voters knew the devastating consequences of the proposed ballot initiatives, support for them dropped. Specifically, we needed Coloradans to know that the propositions would dramatically restrict drilling in the state, resulting in job loss and harm to the local economy and communities.

Execution and tactics (including relevant social media and digital elements)

Noble in the Community.

A series of testimonial video advertisements reaffirmed Noble Energy as a strong partner in the community.

- Six 30-second ads highlighted members of the community explaining the important role Noble plays in their success.
- One ad included a land owner who discussed how the ballot measures would directly impact him and his family.

Read Before You Sign, under the brand of the South Metro Denver Chamber of Commerce (SMDC), was the first of its kind in Colorado with a public service approach to educating voters to "think before you ink." The campaign was designed to give registered voters pause before signing any petition, asking them to learn the facts.

- Campaign Website and 'Take the Pledge' Call to Action focused on the message that you wouldn't sign a contract before reading it, just as it doesn't make sense to sign a petition to amend Colorado's Constitution without understanding the implications.
- Guerilla Marketing teams attended dozens of Colorado events and engaged hundreds of thousands of citizens to make the case to read before they sign.
- Earned Media Placement of bylined articles or letters to the editor in newspapers across the state.
- Print and Digital Advertising efforts included a series of ads targeted at registered voters that creatively told the story of unintended consequences of the proposed ballot measures.

Know the Value of Colorado Energy campaign ran concurrently under the banner of the Consumer Energy Alliance (CEA). The campaign informed voters of the products and services dependent on oil and natural gas, both from a funding point of view and from a resources perspective.

- Campaign Website included videos that demonstrated the value of oil and gas.
- Earned Media Placement included op-ed placement across Colorado.
- Digital Advertising targeted persuadable audiences in Colorado to learn more about how the industry touches their life including Internet radio ads on both Pandora and Spotify.

Effectiveness and results (“Real” results, not just impressions. Advertising Value Equivalency is not a valid measurement. Don’t forget to highlight how results were evaluated/measured)

The campaign was a huge success. Those in support were unsuccessful in obtaining the necessary signatures by the August 8 deadline. This success was an enormous, measurable achievement for Noble Energy, and proponents of progressive energy policy.

As The Wall Street Journal noted in their coverage of the failed ballot initiative, this was “the most high-profile defeat to date for groups aiming to curtail the drilling practice” with proponents of the measure stating the “industry-led opposition campaign hurt their effort.”

A July survey, after just two months of campaign activity, indicated that support for the specific ballot measures dropped to its lowest point in our research, and opposition to the measures had increased. For the first time, support for the measures was under 51 percent, and it was clear the campaign messages were working and recalled.

Read Before You Sign

- Guerilla Marketing teams at dozens of Colorado events distributed 15,000 branded magnifying glasses and 2,000 pens. Additionally, digital advertising to attendees delivered nearly 3 million, with over 3,400 clicks to the landing page.
- Earned Media Placement with 13 bylined articles or letters to the editor for newspapers across the state.
- Print Advertising efforts included a series of print ads creatively telling the story of unintended consequences on Colorado communities of the proposed ballot measures.
- Campaign Website and ‘Take the Pledge’ Call to Action received 34,463 total visits and 28,803 unique visitors to the site, with 15,710 pledges taken.
- Digital Advertising campaign resulted in 21.4 million impressions, with 7,154 clicks to the website.

Know the Value of Colorado Energy

- Campaign Website secured more than 33,000 visits and more than 30,000 unique visits. Two campaign videos received 5.5 million video views.
- Digital Advertising received 13.8 million impressions and 36,000 clicks to the website.
- Internet Radio ads placed on Pandora and Spotify had 2.9 million impressions and more than 6,500 clicks to the landing page.

Confidential Information (150 words):

As part of your entry you must upload two key images.

They must comply with the following:

- Color JPEG files
- No scanned images
- **Logos alone are not acceptable images**
- The image should be 300 dpi and 16.5 x 23.4 inches in size
- Should your entry reach the shortlist stage, these images may be used for publication in *PRWeek* and will be used on-screen during the awards night presentation

Image 1

Download File ([https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/oF09TIZITM21rBeSMgEf_Read-awardSubmission%20\(1\).jpg?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732029026&response-content-disposition=inline%3B%20filename%3D%22Read-awardSubmission%20%281%29.jpg%22&response-content-type=image%2Fjpeg&Signature=SJpWXjaZWPyFVtkOmelAhboihsk%3D](https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/oF09TIZITM21rBeSMgEf_Read-awardSubmission%20(1).jpg?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732029026&response-content-disposition=inline%3B%20filename%3D%22Read-awardSubmission%20%281%29.jpg%22&response-content-type=image%2Fjpeg&Signature=SJpWXjaZWPyFVtkOmelAhboihsk%3D))

Image 2

Download File (https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/ZXkHU7JSC6H31VQyoo24_Value-awardSubmission.jpg?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732029026&response-content-disposition=inline%3B%20filename%3D%22Value-awardSubmission.jpg%22&response-content-type=image%2Fjpeg&Signature=d%2Ft4R3tdvWQs%2Bx6upi3qCsZik1M%3D)

You have the option to submit one video to illustrate your entry.

It must comply with the following:

- Up to 2 minutes long
- MOV or MP4 format
- No larger than 350 MB

Please upload video here

Download File (https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/b8Arb4A4TOri1hMQGsrw_Noble%20Testimonial%20-%20Marc%20Regs%20WEB.mp4?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732029026&response-content-disposition=inline%3B%20filename%3D%22Noble%20Testimonial%20-%20Marc%20Regs%20WEB.mp4%22&response-content-type=video%2Fmp4&Signature=YuYOjIzVfLIU31MUvHwvB4mGTdI%3D)

.pdf (max 15 MB)

.mp3 audio file (max 350 MB)

Up to three Web or social media links

PDF (optional)

Download File (https://vo-general.s3.amazonaws.com/6dee33a2-516f-4cfb-bc41-704e1e29c21e/EUxu0ggqTrKonKZ6HWK0_Working%20Together%20for%20Colorado.pdf?AWSAccessKeyId=AKIAJ4PRWO26HAX3IOCA&Expires=1732029026&response-content-disposition=inline%3B%20filename%3D%22Working%20Together%20for%20Colorado.pdf%22&response-content-type=application%2Fpdf&Signature=pfivAVoljwKmbKpI7H9z%2Fz1ToKE%3D)

.mp3 (optional)

No File Uploaded

URL 1

<http://readb4yousign.org/> (<http://readb4yousign.org/>)

Password

UN: smdc PW: d2e44190

URL 2

<http://consumerenergyalliance.org/value> (<http://consumerenergyalliance.org/value>)

Password

URL 3

<http://www.noblecolorado.com/> (<http://www.noblecolorado.com/>)

Password**Was the campaign submitted into another category?**

Yes

KNOW THE VALUE

of Colorado Energy



APPENDIX 6

Consumer Energy Alliance

From: Kaitlin Schmittke <kschmittke@indwiresources.com>

Sent: Monday, March 7, 2022 7:23 PM

To: @mail.house.gov>

Subject: CEA - Energy Burdens on Consumers

Good Evening _____,

I hope you are doing well!

I represent Consumer Energy Alliance (www.consumerenergyalliance.org), a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies. We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.

Consumers are experiencing extraordinarily high gasoline prices across the nation. According to [AAA](#), today's national average is \$4.065, up from \$3.610 a week ago. This burden is felt in every facet of our economy, but especially on those who can least afford it. These high prices are being driven by several factors, including the Russia / Ukraine conflict, inflation, and bad energy policies.

The Administration has announced a "pause" on leasing, both on and offshore, at the detriment of the American consumer. We encourage Congress to take action and help to remove the burden off of consumers by mandating federal oil and gas leasing. This is a move that would both lower greenhouse gas emissions globally, and helping to ease the burden on consumer's pocketbooks.

If you have any questions, please don't hesitate to reach out.

Best,
Kaitlin

From: @hbwresources.com>
Sent: Wednesday, March 16, 2022 2:41 PM
To: @mail.house.gov>
Subject: Checking in on behalf of Consumer Energy Alliance

Good afternoon ,

I hope you are doing well!

I represent Consumer Energy Alliance (www.consumerenergyalliance.org), a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies. We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.

As we proceed as fast as possible with the Energy Transition, today, consumers are experiencing extraordinarily high gasoline prices across the nation. This burden is felt in every facet of our economy, but especially on those who can least afford it. These high prices are being driven by several factors, including the Russia / Ukraine conflict, inflation, and other geopolitical matters but we believe there are steps we can take here at home to put downward pressure on prices.

While we support President Biden's decision to ban imports of Russian oil, natural gas, and coal it is important to note that without an increase in domestic production to backfill that amount, we will continue to see higher prices at the pump which will continue to negatively affect American consumers.

The Administration has announced a pause on leasing, both on and offshore, which has an impact on the American consumer. We encourage Congress to take action and help to remove the burden off of consumers by returning to the congressionally mandated federal oil and gas leasing program. This is a move that would both lower greenhouse gas emissions globally, and help to ease the burden on consumer's pocketbooks.

If you have any questions, please don't hesitate to reach out.

Best,

From: @hbwresources.com>
Sent: Tuesday, March 22, 2022 12:00 PM
To: @mail.house.gov>
Subject: CEA - Midwestern Families Will Pay More Than \$5.8 Billion More for Fuel without Line 5

Good Morning ;

I hope you are doing well!

I represent [Consumer Energy Alliance](#) (CEA), a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies. We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.

I wanted to highlight a report the CEA released in early March on the impacts to consumers of shutting down the Line 5 pipeline. With gasoline and transportation costs already more than \$1 more than at the beginning of the year, shutting down Line 5 would increase transportation costs for Midwestern families and consumers by more than \$5.8 billion a year. This, in addition to other anti-energy policies, including leasing and production, will continue to burden consumers, families, and small businesses.

Please let me know if you have any questions.

Best,

[Midwestern Families & Businesses Will Pay Over \\$5.8 Billion More Each Year for Gasoline and Diesel if Line 5 Shuts Down, Consumer Group Warns](#)

March 3, 2022

Consumer Energy Alliance Releases Report Highlighting the Economic Harm that a Line 5 Closure Will Have on Midwestern Families, Businesses and Industries

LANSING, MI – Shutting down the Line 5 pipeline, the reckless proposal pursued by Michigan Governor Gretchen Whitmer, would force families, businesses and industries in Michigan, Ohio, Indiana and Pennsylvania to pay more than \$5.8 billion more for transportation fuel every year, according to an independent third-party [analysis](#) commissioned by [Consumer Energy](#)

[Alliance](#) (CEA).

Weinstein, Clower and Associates examined the impacts that a Line 5 closure would have on the region and found that shutting down this critical infrastructure would have a devastating impact on the supply of transportation fuels in regional markets, and hurt petrochemical refiners that rely on the pipeline to safely and efficiently deliver feedstock. Such a supply shock would create significantly higher gasoline and diesel prices for Midwestern families and businesses, who will spend at least \$5.8 billion more every year on transportation fuels, or \$29.2 billion more over five years due to the resulting loss of production at area refineries.

The report dovetails with [previous findings](#) that closing Line 5 would cause at least \$20.8 billion in economic losses to Michigan, Ohio, Indiana and Pennsylvania.

“At a time when consumer prices are rising at their fastest pace in more than 40 years, and Americans are suffering from the highest gasoline prices in over seven years, choking the region’s fuel supply by closing Line 5 would be economically ruinous,” **CEA Midwest Director Chris Ventura** said. “Midwestern families are already struggling to pay their bills, with many on fixed incomes or living below the poverty line having to choose between putting gas in their tank, buying groceries, or filling their prescriptions.”

Ventura added, “From an environmental perspective, the proposal is just as careless. Line 5 hasn’t leaked in the Straits during its 68-year history, and it is inarguably the safest, most reliable method to transport the fuel our region needs. Recklessly raising energy bills on families and businesses by disrupting their fuel supplies – notably oil and propane – while harming the economy and the environment is irresponsible, especially when solutions like the Line 5 Tunnel Project have been proposed.”

Concerned about how a Line 5 closure would hurt manufacturers in Ohio who depend on the pipeline for feedstock **Ohio Manufacturers’ Association President Ryan Augsburger** said, “The Buckeye State and its number one industry — manufacturing — have much riding on the high-profile energy battle initiated by Michigan’s leaders. Undoubtedly, closure of Line 5 would be an economic disaster for our region and the industries that depend on this vital resource. The OMA strongly supports the uninterrupted operation of the pipeline, especially at a time when Ohio businesses and families continue to experience soaring energy inflation.”

Commenting on the job loss that would result in Ohio from shutting down Line 5 **United Steelworkers District 1 Director Donnie Blatt** said, “The USW is committed to advocating for a safe, clean environment. But we believe that does not have to come at the cost of the jobs of our members, and our communities. Families and businesses across the Midwest should not be asked to bear the brunt of what could amount to a \$29.2 billion increase in gasoline and diesel costs over the next five years when a viable solution exists. The Great Lakes Tunnel Project will safeguard jobs, the economy, and the

environment, at no cost to the taxpayer. We urge our members, communities, and legislators to support the construction of the tunnel, and the continued operation of the existing Line 5 pipeline until it has been completed.”

Ohio Chemistry and Technology Council President Jenn Klein added, “Ohio’s chemistry industry is the 3rd largest in the nation. If the line 5 pipeline is shut down, we could see skyrocketing costs for transportation fuels as well as petrochemical feedstocks that we use to produce thousands of commercial and consumer goods. The potential job loss and inflation that would result from this closure will be devastating.”

Responding to how choking the Midwest of fuel supply will hurt the trucking industry and raise inflation even further, **Ohio Trucking Association President and CEO Thomas A. Balzer** said, “In today’s extremely stressed supply chain, any changes to the inputs will have a devastating impact on the outputs. Increases in fuel costs are already at historic levels, driving up the costs even further will be directly felt by everyday Americans. Shutting down Line 5 will not only be felt by the trucking industry but will continue to increase the inflation consumers are already experiencing.”

Ohio Chamber of Commerce President Steve Stivers added, “The United States cannot afford to relinquish its hard-earned spot as one of the world’s largest producers of oil and natural gas, but this is exactly what is at risk with actions such as revoking energy infrastructure like Line 5. Domestic energy production and refinement is more important now than ever in the wake of the Russian invasion on Ukraine. The Ohio Chamber of Commerce will continue to support affordable, domestic, reliable energy that businesses across Ohio and the country rely on, while ensuring it is transported in the most environmentally responsible way possible.”

Noting how shutting down Line 5 will unnecessarily burden Michigan’s small business and economy **Small Business Association of Michigan President and CEO Brian Calley** said, “As small businesses work to overcome inflation and staffing challenges, the last thing they need is to be burdened with additional costs that a Line 5 shutdown would bring. This report once again shows how reckless the politically motivated nonsense around shutting down Line 5 would be for our economy, our small businesses and all of our residents.”

David Rhoa, President of the Marana Group added, “Shutting down Line 5 will be a gut-punch to small business owners across our state at a time when they are struggling to recover from two years of pandemic restrictions. Fuel costs for my company’s fleet of vehicles have increased by more than 50% in the last year. A Line 5 shutdown would add to the significant inflationary pressure small businesses like mine are already under, further increasing costs during an already difficult economy.”

Remarking on how disruptions in Michigan’s fuel supply will be felt by Michigan’s manufacturers, residents and businesses, **Operating Engineers 324 Business Manager Douglas Stockwell** said, “Carrying out the vital work of rebuilding Michigan’s infrastructure requires skilled labor, heavy equipment,

and the materials and fuel to make them run. Line 5 is essential to that fuel supply. Any disruption to that supply or its costs will be felt by the residents and businesses that are relying on this work, and by the jobs it supports. Line 5 is necessary to rebuild Michigan, and to the skilled labor accomplishing it."

Observing how Line 5 is critical in meeting Michigan's energy needs and protecting our environment, **Mark High of the Canada – United States Business Association** said, "This is a time to encourage and enhance our cross-border cooperation on trade, not erect barriers to it. Rail and truck transportation by themselves are not enough to meet the energy needs of American and Canadian consumers. Modernizing our energy infrastructure, like the proposed Line 5 Tunnel Project, will both preserve our economies and protect our Great Lakes environment."

John Dulmes, Executive Director of the Michigan Chemistry Council added, "Line 5 is a critical part of our regional energy infrastructure, and it remains the safest and most effective way of transporting energy products essential to our economy. Given the incredibly fragile state of our supply chains and workforce, there are just no feasible alternatives, and so we encourage policymakers to work to make a safe pipeline even safer."

Commenting on how closing Line 5 would harm Pennsylvania's critical fuel supply needed for refineries and commercial travel **President & CEO of the Pennsylvania Manufacturers' Association David N. Taylor** said, "America's energy infrastructure is the circulatory system of our economy. Even though Line 5 runs through the Straits of Mackinac, the petroleum that it delivers via Ontario feeds our refineries in northwestern Pennsylvania and fuels the airport in Pittsburgh. The governor of Michigan has no right to violate America's formal trade agreements and treaties with Canada or to interfere with commerce between the states in our country. Line 5 needs to stay open – PERIOD."

"Michigan may be hundreds of miles away from Pennsylvania, but any decision to shut down critical pipeline infrastructure there could have a resounding and punishing effect on fuel prices and consumers' pocketbooks here," said **Kurt Knaus, spokesman for the Pennsylvania Energy Infrastructure Alliance**, a statewide coalition that advocates for the safe, responsible development of pipelines and related energy infrastructure projects in Pennsylvania. "These pipelines really are the energy superhighways that our states need to deliver the fuels that power every facet of our modern economy. Shutting down Line 5, especially during these uncertain times, would be disastrous."

Concerned for how the economic impacts of a Line 5 closure will harm Indiana's businesses and individuals **Indiana Chamber of Commerce Vice President of Environmental and Energy Policy and Federal Relations Greg Ellis** said: "The Indiana Chamber of Commerce is concerned with the potential impacts on businesses and citizens of the state of Indiana by shutting down Line 5 in Michigan. With inflation at a 40-year high and energy costs rising, increasing fuel prices by billions of dollars across our region – upwards of \$270 million per year in Indiana alone – greatly harms our economic competitiveness."

To view the full report, [click here](#).

###

About Consumer Energy Alliance

[Consumer Energy Alliance](#) (CEA) is the leading voice for sensible energy and environmental policies for consumers, bringing together families, farmers, small businesses, distributors, producers, and manufacturers to support America's environmentally sustainable energy future. With more than 550,000 members nationwide, we are committed to leading the nation's dialogue around energy, its critical role in the economy, and how it supports the vital supply chains for the families and businesses that depend on them. CEA works daily to encourage communities across the nation to seek sensible, realistic, and environmentally responsible solutions to meet our nation's energy needs.

Contact:

[@consumerenergyalliance.org](https://www.consumerenergyalliance.org)

From:
To:
Subject: New Poll: Americans Want Increase Domestic Energy Production
Date: Thursday, March 24, 2022 3:03:17 PM

Good Afternoon,

I hope you are doing well!

I represent Consumer Energy Alliance (www.consumerenergyalliance.org), a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies. We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.

Consumer Energy Alliance released a new poll today that found 60% of Americans across every demographic believes that an increase of immediate domestic energy production will bring down high gas prices. Additionally, the poll found that 63% overall felt the White House was not doing enough to lower gasoline prices for consumers. This includes 68% of those identifying as independents and 42% as Democrats. The press release and poll can be found here: <https://consumerenergyalliance.org/2022/03/poll-finds-60-of-americans-across-every-demographic-support-immediate-domestic-energy-production-over-increased-imports/>

We strongly encourage Congress to take action and remove this burden off of consumers by help lifting the current pause on the mandated federal oil and gas leasing program. This would both lower greenhouse gas emissions globally, and help to ease the burden on consumer's pocketbooks.

If you have any questions, please don't hesitate to reach out.

Kind Regards,

From:
To:
Subject: CEA - High Gas Prices Need Real Solutions, Not Rhetoric
Date: Tuesday, April 5, 2022 9:54:28 AM

Good Morning ,

I represent [Consumer Energy Alliance](#) (CEA), a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies. We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.

Last week's announcement that the Administration will be releasing one million barrels of oil a day from the Strategic Petroleum Reserve (SPR) may be a short term reprieve from rising energy costs, but fails to address the core issues that will help bring consumers long term stability. Consumers need real reprieve and increasing leasing and production domestically will offer a long term solution to protect Americans from future price shocks.

I've included the press release that CEA put out with the announcement of the SPR releases.

Please let me know if you have any questions or if there is anything I can be helpful with.

Best,

[Outrageously High Gasoline Prices Need Real Solutions, Not Rhetoric, Consumer Advocate Says](#)

March 31, 2022

President's SPR Announcement Avoids Obvious Answers

WASHINGTON, D.C. – David Holt, President of [Consumer Energy Alliance](#) (CEA), the leading energy and environmental advocate for families and businesses, issued the following statement in response to the Biden Administration's announcement of a plan to release a million barrels of oil a day from the Strategic Petroleum Reserve over the next six months.

"While we appreciate the Administration's recognition that the world and our economy needs more American oil and gas, emptying our strategic storehouse while hobbling the production needed to replace it is just doubling down on the wrong decision. Across all demographics, [60% of Americans](#) view more domestic oil and gas drilling and production as the fastest way to lower record gasoline prices – it is surprising the Administration does not share that view."

"This SPR release is like selling all the bread in the bakery, switching off the baker's oven and telling wheat farmers their crop isn't welcome anymore," Holt said. "All that will buy you

is trouble and higher prices down the road. Americans are not fooled; releasing what amounts to barely 5% of our daily consumption while impeding the most environmentally sensible oil and gas production in the world needed to meet our daily demand will only prolong the pain we are all feeling at the gas pump or grocery store.”

“It’s long past time for the White House to level with the public, instead of blaming the high energy prices on Putin or oil and gas companies when they well know that gasoline rose by more than a dollar in the first 10 months of the Biden presidency due to a production moratorium and regulatory obstacles. They should stop saying there is nothing standing in the way of production, while they continue to stand in the way in word and deed.”

“If nothing is standing in the way, why is there even a debate? Biden should be doing all he can to reduce prices, including listening to the industry that is able to really help, and seeking real ways to meet demand, increase U.S. supplies and lower prices. Finding ways to argue about domestic energy development is not an effective use of the White House’s time, nor Americans’ money.”

“SPR releases may offer relief for a few days at most, but the long-term price trend has continued upward or stayed level, and the White House’s antagonism toward real energy solutions remains in place. Now on its third SPR announcement, you’d figure the White House may have learned.”

“Using Band-Aids like the one announced today by the Biden Administration in an energy crisis that is hurting hundreds of millions of Americans every day is not a solution. We strongly urge the Biden Administration to utilize the many domestic resources they have available to increase American oil and gas production at a level that will actually help lower prices and alleviate the burden that has been plaguing consumers for far too long. None of this will slow down our march toward a more diversified energy economy. And none of this will impair our world-leading ability to continue to lower emissions. But it will help Americans everywhere.”

###

About Consumer Energy Alliance

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Contact:

[|@consumerenergyalliance.org](http://consumerenergyalliance.org)

From:
To:
Subject: CEA - Statement on House Appropriations Hearing
Date: Thursday, April 28, 2022 11:57:09 AM

Good Morning ,

I hope you are doing well!

I represent [Consumer Energy Alliance](#) (CEA), a nationwide grassroots organization that supports energy policies ensuring abundant, affordable, reliable, and sustainable domestic energy supplies. We support both conventional and renewable energy sources and the infrastructure necessary to bring these sources to consumers who rely upon them.

Today, the House Appropriations Sub-Committee on Interior met to hear the FY 2023 budget for the Department of the Interior. CEA released a statement prior to the hearing highlighting the need for offshore leasing. Consumers across the country are struggling with historic energy prices that is affecting daily life. Offshore leasing can help to mitigate some of the high energy costs. Please see CEA's statement below. And, please let me know if you have any questions!

Thanks,

Kaitlin



Leading Consumer Energy & Environmental Advocate Urges House Appropriations to Allocate Funding to Federal Offshore Leasing in FY 2023 Budget

WASHINGTON, D.C. – [Consumer Energy Alliance](#) (CEA), the leading energy and environmental advocate for families and businesses, released the following statement as the House Appropriations Committee met today to discuss the Department of Interior's budget for fiscal year 2023:

"We urge the House Appropriations Committee to allocate adequate funding to America's federal offshore leasing program," **CEA Federal Affairs Advisor Michael Zehr** said. "Americans are struggling to pay for a tank of gas, inflation is at 40-year highs and the Administration sent prices up by more than a dollar before the war in Ukraine by hampering U.S. production. It is all but negligent, and likely counter to Congressional intent, to eliminate funding for our offshore leasing program in the Gulf of Mexico."

"Besides countering rising fuel prices and employing tens of thousands of Americans, U.S. energy is produced under some of the most rigorous environmental standards in the world. That point of environmental pride is not shared by most of the countries the Administration has begged for oil to meet U.S. energy demand. The Gulf of Mexico is the least carbon-intensive offshore source in the world. We should use it to help lower global emissions, achieve our shared environmental goals, and produce the energy America's citizens – and our European allies reliant on Russia – desperately need."

###

About Consumer Energy Alliance

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producers, and manufacturers to support America's environmentally sustainable energy future. With more than 550,000 members nationwide, we are committed to leading the nation's dialogue around energy, its critical role in the economy, and how it supports the vital supply chains for the families and businesses that depend on them. CEA works daily to encourage communities across the nation to seek sensible, realistic, and environmentally responsible solutions to meet our nation's energy needs.

Contact:

From:
To:
Subject: Gas Prices Higher Than Federal Minimum Wage in Some Places
Date: Tuesday, May 24, 2022 4:07:06 PM

Good Afternoon,

I hope you are doing well.

I wanted to flag this article from CBS News (<https://www.cbsnews.com/news/gas-prices-minimum-wage-california/>) that highlights in several places in the nation, Americans are seeing gas prices higher than the cost of the federal minimum wage. Gas prices are at record highs before we head into the upcoming Memorial Day holiday weekend. It is projected that gas prices will continue to increase through the demanding summer months. These high prices are hitting low income families the hardest.

I represent Consumer Energy Alliance and we believe the Administration and Congress can do more to address the current elevated gas and energy prices. While we are encouraged to hear that the new draft Five-Year Outer Continental Shelf Oil and Gas Leasing Plan is set to be released by June 30th, this is one of several steps that can be taken to ensure reliable and affordable energy for American consumers. We continue to hear from our members during this time of high gas prices and inflation as we head into the summer months.

I was curious if your office is hearing the same and what other steps are being considered to address these concerns. Thank you and look forward to hearing from you.

Kind Regards,

Federal Affairs

HBW Resources LLC

1401 New York Ave NW | Washington, DC 20005

APPENDIX 7

Opposition to Colorado's Proposition 112

7(a)

Transcript of conversation between Colorado Rising volunteers and subcontractor admitting to being bribed to stop collecting signatures for Proposition 112, recorded by Colorado Rising volunteers

Colorado Rising Volunteer 1 (CR1): I met you and thought this is going to be great, [Subcontractor] is going to get the job done – what happened?

Subcontractor (SC): I never had a contract – it was all through [Contractor]. [Contractor's] the one who had the contract.

CR1: Ok, so where is – what happened, I mean, what was the problem?

SC: I gave everything to [Contractor]. And so [Contractor] has everything. That's where it all is. [Contractor] is the one that has everything on all the people who turned in all the packets, everything. I never got a contract. I tried to get a separate contract with you guys, so I'd just contact you directly and have my own thing with you guys, but that wasn't able to happen, so it was just – it was [Contractor].

CR1: Oh, I didn't know that anybody had reached out to us about doing a separate contract. We probably would have been ok with that. I don't know if you were going through [Contractor] to do that?

SC: Yeah, I had no money from the company at all. [Contractor] got like 32,000 dollars or something like that upfront. And then, so I gave him what I had and he paid me for those. And so that's all in [Contractor's] hands. All of it.

CR1: So how many employees? When you say all of it's in [Contractor's] hands, I know we have the packets, but...

SC: Everything that we turned in – all of our turn in went to [Contractor], 100% of it. I was being, you know....the, uh, the people that I work with now, they wanted me to just give the stuff to them. And I said no.

Colorado Rising Volunteer 2 (CR2): Who are those people?

CR1: Was it Pac/West?

SC: Pac/West? I don't know who that is.

CR2: Well, who do you work for now?

SC: Well, I really can't go into a lot of –

CR2: You can't tell us?

SC: No, I really can't, because there's a lot, you know, a lot of stuff happening. I just don't want to get in the middle of it.

CR1: Protect Colorado...you mean Protect Colorado?

SC: All I can say is that the contract was always [Contractor's], it always was. I tried to get a separate contract and didn't get it. When I did, the ones I turned in, 100% of everything I did went to [Contractor]. He's the one that had the money. He paid me for the ones I turned in and that's my total involvement.

CR2: So they offered to pay you for our packets? Protect Colorado did?

SC: What's that?

CR2: They offered to pay you for our packets? For the packets that your circulators are collecting?

SC: They said that they wanted to have them turned in, so that they can be the ones giving them to you. I said no.

CR2: Protect Colorado said they were going to give them to us, even though they have harassers out on the street that are protesting our initiative?

SC: Yeah, all I can say –

CR2: I'm sure they were really going to operate in good faith. That's ridiculous.

SC: All I can say is I insisted that they go to [Contractor].

CR2: Ok.

CR1: So you're working for that company now?

SC: No, I don't work for anybody now.

CR1: Oh, I thought you said who you work for was asking for that.

SC: I'm sorry, I misstated. Because -

CR1: No worries, no worries.

SC: I was doing some stuff through [Industry person], you know –

CR2: Oh, the buy out person.

CR1: Ooooh, that makes sense – ok.

CR2: They were the people who offered to buy out everyone, right?

SC: Pretty much.

CR2: [Industry person], they call up everyone and –

SC: So then I was, I was just going to go home. Yeah? I just didn't want to have anything to do with anything anymore. So basically, my hands are clean, because what I did, and I insisted to everybody, I said, there's no way I'm going to do anything but give everything to you guys. Which was through [Contractor.]

CR1: Yeah.

SC: And technically, the very moment I signed off on that, where they were telling me just go home, you know, I told them, I said, there's still stuff coming through that I'm responsible for. And they wanted me to be hands off of it immediately, I knew that a lot of people – you guys – were going to be left hanging.

CR1: Which we were, yeah.

SC: Yeah, and so what I did, is I said listen, I want to have at least until Wednesday, which was previous – the previous Wednesday, I want to have at least until Wednesday to finish collecting what's already been put out there and then put it back where it belongs. And that was my insistence. And so I did that. Anything that I had a hold of in any way, shape, or form, I collected, processed it, and gave it to [Contractor].

CR1: Ok.

SC: I wanted to make sure that, you know, whatever you guys had, of what I was involved in, was going back to you. So that you can be assured of.

CR1: Ok. Yeah.

SC: I just cannot feel comfortable with the games people like to play on these things.

CR1: And I mean, that's what's happening right now, so I mean, I'm just kind of wondering, like – to be totally real – like, obviously we're dealing with the most powerful industry on the planet, and they hate what we're doing. And we just want to protect people, we want to protect what's beautiful about Colorado, because it's quickly being destroyed. And I don't know where your heart is, but it breaks my heart to see this industry going to the lengths of harassment, stalking. I had someone physically running away from harassers today, to the point where the park ranger had said, like, "You guys have to stop."

SC: To me, that's disgusting.

CR1: And we've had women followed home from these guys. It is terrifying. And the fact that they're – this industry is just going around and buying people up to stop working on this issue is, like, disgusting. So, I mean, I know you're going back to Washington, and you can live your life, right, like none of this impacts you, but –

SC: The only thing that I thought was saving grace for you guys is that I knew that when I washed my hands of it, I knew that [Contractor] was the one with the contract and I was under the impression that he would stick it out with you guys. That was –

CR2: He didn't, though.

SC: I know – that’s where I was left. I was thinking, ok, fine, they want me out of here? Ok, I’ll go ahead and leave but [Contractor’s] still here, and he’ll take care of it, and he’s the one that...

CR1: That’s the thing..

CR2: So what did they do to get you out of here?

SC: I never had a contract.

CR2: I know – what did they do to get you out of here? They said –

SC: It would have been a whole different story if I’d had a contract.

CR1: I know.

SC: Because if I’d had a contract –

CR2: You’ve got to be faithful to the contract. Of course.

SC: That would be a whole different deal.

CR2: So – so did they offer you money to leave the state? Or did they just say –

CR1: Or did they threaten you?

CR2: Did they threaten you?

SC: Oh, nobody threatened me. You know what they’re doing, they’re going around buying people.

CR2: Ok.

CR1: So that’s what happened – it was like, nice check, I’m going to go take a vacation or whatever –

SC: It was like go home, yeah. Yeah.

CR1: Was it – was it enough? Was it worth it? I mean, I don’t know what they gave you.

SC: It was – it was a lot. It was, uh, when I came here, I told, I told the...um...[other contractor] –

CR1: Oh! From –

SC: From [company].

CR1: Ok, yeah.

SC: I told [other contractor], when I came here, because I originally came here to do the anti-fracking and the payday loans.

CR2: right.

SC: And payday loans is what I had a contract on.

CR2: Right.

SC: Not the anti-fracking.

CR2: They bought you out for that one, too?

SC: Yeah, mmhmm. And so I was supposed to have the contract for the whole state, for any of the independent contractors for payday loans. Turns out [Contractor] ended up with a piece of it, which really kind of deterred me, and then the whole thing kind of ended up that, you know, [Contractor] had the contract with over here as well, and so, by the time they told me, we'd rather you just leave the state, I said, pff, you know, fine. [Contractor], he can have it.

CR1: Yeah.

SC: It was already kind of the stuff – he had it in the first place. But, uh, so he has it!

CR1: So can I ask you a question?

SC: Yeah.

CR1: Like, you know, just at the end of the day, like, where do you stand on the issue? Like, were you coming out here to really help, or is it just a job for you? I just get curious.

SC: This is my job, ok? This type of a business – you know, petitions – professional petition companies are not paid to believe or disbelieve in an issue. They're paid to come out and get the signatures needed to get something on the ballot.

CR2: Sure.

SC: And so, we're not activists, like you would be. We don't have the same passion behind the issues. I don't even have to have a moral belief in the issue. I'm being paid to get a job done. That's what my company's paid for. And so, it is a different environment, but I can tell you this: it broke my heart because when I met you guys, I could really see the passion that you guys have. And I really – you know, it was one of the toughest decisions I made to say, you know, I'm going to have to walk away from this.

CR1: Well, I do hope it was worth it.

SC: It – it was worth it for me.

CR2: Is this really common? Is this just something that happens all the time, like people are bought out –

SC: It's the first time I've been – I've heard of it happening, it's the first time anybody approached me. When I went to [other contractor] -

CR2: It's the first time you've ever heard about it? In all your –

SC: No, I said I've heard about it.

CR2: Oh, you have heard about it, ok.

SC: Yeah, I've heard about it. It's the first time it's ever happened to me.

CR2: Ok, got it.

SC: Yeah, but uh, you know, generally, you know, if I'm hired to do a job, I like to get my job done. And that's what it would have been if I'd had a contract with you guys, but I didn't. [Contractor] had the job, they told me they wanted me out, and so I said ok. Well, I knew [Contractor] was still in, he had the contract.

CR2: So they probably said the same thing to [other subcontractor], right?

SC: Well, I imagine so.

CR2: Well, why wouldn't they? They called you and you had a similar role to [other subcontractor]. He didn't have a contract either, so they probably went to him as well.

SC: And I have no idea what they've done with anybody else. All I know is that, you know...

CR2: Did they offer you more money to give them the signatures?

SC: No, no. They just said you can give them to us, and we'll give it to them, you know.

7(b)

Text messages to Colorado Rising Director of Communications and Community Engagement from an unidentified member of the opposition



Text Message
Wednesday 7:24 PM

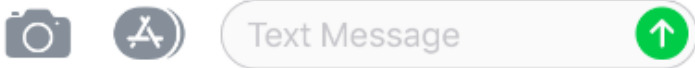
Hi Anne Lee, I just wanted to say congrats on getting on the ballot - a massive feat and you crushed it kid.

Thank you so much! I'm sorry though, who is this?

Today 10:13 AM

Sorry I should've responded earlier. I went to your training session and you recognized me at the SoS office and awkwardly took pictures of me haha 😳. Kudos

So the oil and gas informant is now personally texting me?





haha 😳. Kudos

So the oil and gas informant is now personally texting me?

Haha I don't work for industry

So why were you at the SoS office?

Today 3:52 PM

Probably best if I refrain from details. Regardless, I hope I wasn't bothering you and I 100% meant what I said re: my initial congrats - seeing it from a neutral lens, I don't think the industry played fair during the signature process and you succeeded in spite of that. So it just felt right to send you some kudos. "That's all I have to say 'bout that."



Text Message



7(c)

Letter sent to a lead Colorado Rising volunteer's home.

Well well well, what do we have here. Why its just another stupid letter to the editor of the ever diminishing Wash-oops I mean Denver Post from a chronic stupid letter to the editor writer.

642 traffic deaths in Colorado in 2017. I was looking for a petition to sign to try and do something about that. Couldn't find one.

Nearly 200 homicides in Colorado in 2016, apparently the last year statistics are available. No petition required here, just a 40 caliber semi-auto in my waistband.

Over 400 deaths from drug use in Colorado in 2016, again apparently the last year statistics are available. Oh well, who cares.

1156 suicides in Colorado in 2017 not counting the ones who tried but were unsuccessful. How could you put a gun to your head, pull the trigger and not be successful? Happens.

If you added all these numbers up together, it probably wouldn't equal the number of deaths in Colorado due to oil and or gas explosions. WAIT A MINUTE, ARE YOU TRYING TO TELL ME THAT ONLY, AND I USE THAT WORD RESPECTFULLY, THAT ONLY 4 DEATHS IN COLORADO IN 2017 DUE TO THE OIL AND GAS INDUSTRY. WE REALLY NEED TO DO SOMETHING ABOUT THAT. SHUT OFF ALL OIL AND GAS PRODUCTION, PROHIBIT THE USE OF ANY AND ALL OIL AND GAS, DEPEND ON THE SUN TO PROVIDE ALL OUR ENERBY AND SEE HOW MANY PEOPLE FREEZE IN THE DARK.

DENVER
CO 802
13 JUL '18
PM 6 L



Occupant

7(d)

District Court, City and County of Denver, State of Colorado 1437 Bannock Street, Rm. 256 Denver, Colorado 80202	DATE FILED: August 23, 2019 4:02 PM FILING ID: 38A86780C1EFD CASE NUMBER: 2018CV33939
Plaintiff: MICHAEL SELVAGGIO v. Defendants: SUZANNE SPIEGEL, an individual; MICAH PARKIN, an individual; and ANNE LEE FOSTER, an individual.	▲ COURT USE ONLY ▲
Attorney for Defendants Suzanne Spiegel, Micah Parkin, and Anne Lee Foster:	Case No.: 2018CV33939 Division: 269
[PROPOSED] DEFENDANTS' MOTION FOR SUMMARY JUDGMENT	

Defendants Suzanne Spiegel, Micah Parkin, and Anne Lee Foster ("Defendants"), through their undersigned counsel, hereby file their Motion For Summary Judgment ("Motion"), pursuant to C.R.C.P. Rule 56(c) against all claims in Plaintiff's Second Amended Complaint.

Defendants demonstrate herein why there is no genuine issue as to any material fact that they are immune from liability for the Plaintiff's defamation claims under the Colorado

Volunteer Service Act, C.R.S. §§ 13-21-115.5 et. seq., and the freedom of speech standards of the First Amendment as applied in Colorado.¹

A. Standards on a Motion for Summary Judgment

Under C.R.C.P. Rule 56(c), summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." *Ryder v. Mitchell*, 54 P.3d 885, 889 (Colo. 2002). A material fact is simply a fact that will affect the outcome of the case. *Mt. Emmons Mining Co. v. Town of Crested Butte*, 690 P.2d 231, 239 (Colo.1984). "The purpose of summary judgment is to permit the parties to pierce the formal allegations of the pleadings and save the time and expense connected with trial" *Peterson v. Halsted*, 829 P.2d 373, 375 (Colo. 1992). All doubts must be resolved against the moving party, and the nonmoving party must receive the benefit of all favorable inferences that may be reasonably drawn from the undisputed facts. *Westin Operator, LLC v. Groh*, 347 P.3d 606, 611 (Colo. 2015). However, a litigant cannot "merely assert[] a legal conclusion without evidence to support it." *People ex rel. S.N. v. S.N.*, 329 P.3d 276, 282 (Colo. 2014). In addition, "reliance upon allegations or denials in the pleadings will not suffice when faced with an affidavit affirmatively showing the absence of a triable issue of material fact." *Id.*

Where, as here, the moving party does not bear the burden of persuasion at trial, it is enough for that party to show the court "that there is an absence of evidence in the record to support the nonmoving party's case." *Continental Air Lines, Inc. v. Keenan*, 731 P.2d 708, 712

¹ **C.R.C.P. 121, Section 1-15(8) Certification:** Counsel for Defendants conferred in good faith with counsel for Plaintiff concerning the relief requested in this Motion. Plaintiff opposes the relief requested, according to his counsel.

(Colo. 1987). Once the moving party demonstrates that genuine issues of fact are lacking, "the burden shifts to the nonmoving party to establish that there is a triable issue of fact." *Continental*, 731 P.2d at 713. If the nonmoving party is unable to "muster sufficient evidence to make out a triable issue of fact on his claim, a trial would be useless and the moving party is entitled to summary judgment as a matter of law." *Id.*

B. Summary Judgment Proceedings Are Preferred in Cases Involving Immunity and First Amendment Defenses to Defamation Claims In a Matter of Public Concern

Defendants move for summary judgment on the grounds of statutory immunity under the Colorado Volunteer Service Act, C.R.S. §§ 13-21-115.5 *et seq.* ("VSA") as well as the Federal Volunteer Protection Act, 42 U.S.C. § 14501 ("VPA"). "Because an immunity issue may preclude a trial altogether, trial courts should decide all issues of immunity before trial," regardless of whether the immunity issue is jurisdictional. *Hernandez v. City and County of Denver*, 439 P.3d 57, 59 (Colo. App. 2018) (applying standards on governmental immunity). Colorado courts also recognize that the threat of protracted litigation on defamation claims could have a chilling effect on the constitutionally protected right of free speech, making such claims appropriate for a summary judgment proceeding. *SG Interests I, Ltd. v. Kolbenschlag*, 2019 COA 115, 18CA1316 ¶ 22 (Colo. App. 2019).

STATEMENT OF UNDISPUTED MATERIAL FACTS

1. Colorado Rising for Health and Safety ("Colorado Rising") is a Colorado nonprofit organization formed to pass a statewide law that would establish common sense setbacks between oil and gas facilities and sensitive areas like homes, schools, playgrounds and water sources. Ex. A Declaration of Suzanne Spiegel ("Spiegel Decl.") ¶ 6.

2. Defendants were all unpaid volunteers for Colorado Rising during the events in question, working to get Initiative #97, what ultimately became Proposition 112, through the

qualification process at the Colorado Supreme Court and to gather enough signatures to have the measure placed on the November 6, 2018 ballot. Ex. B Declaration of Patricia Olson ("Olson Decl.") ¶¶ 3, 5, 7. Spiegel Decl. ¶¶ 3, 6; Ex. C Declaration of Anne Lee Foster ("Foster Decl.") ¶¶ 3; Ex. D Declaration of Micah Parkin ("Parkin Decl.") ¶¶ 3, 6.

3. Pursuant to C.R.S. 1-40-104, Defendants Spiegel and Foster were officially recognized by the Secretary of State as "Designated Representatives" for the proponents of the initiative, Colorado Rising, with responsibility to "represent the proponents in all matters affecting the petition. . . ." Spiegel Decl. ¶ 5; Foster Decl. ¶ 4; C.R.S. 1-40-104.

4. In January, 2018, Colorado Rising entered into a contract for paid signature gathering services with Direct Action Partners ("DAP"), based in Portland, Oregon. Spiegel Decl. ¶ 8. Under that contract ("Contract"), DAP was required to gather qualified signatures for Initiative 97, to be submitted to the Secretary of State by August 6, 2018 for the determination of whether the Initiative would be placed on the November 6, 2018 general election ballot. *Id.* The DAP Contract was signed by Plaintiff, Mike Selvaggio, President of DAP, and Tricia Olson, President of Colorado Rising. Olson Decl. ¶ 10; Ex. H (DAP Contract).

5. According to the Contract, DAP would be paid for only valid signatures. The estimated cost for the gathering of the signatures was \$405,000. Olson Decl. ¶ 12; Spiegel Decl. ¶ 10; Ex. H at 000060. As part of the Contract, Colorado Rising paid DAP \$75,000 as a deposit with the understanding that deposit funds on account would be applied to the final weeks of petitioning. Spiegel Decl. ¶ 12; Olson Decl. ¶ 14; Ex. H at 000060.

6. The Contract rate assumed that zero signatures would be gathered by volunteers. As stated in the Contract, "Any volunteer-gathered signatures will reduce your costs even further." Olson Decl. ¶ 15; Ex. H at 000060. Colorado Rising had numerous teams of volunteer

signature gathers working in the field for months and they collected thousands of signatures, which should have reduced the amount owed to DAP. Olson Decl. ¶ 16.

7. In a meeting on or about May 3, 2018 between Colorado Rising and DAP, attended by Selvaggio, it was acknowledged by all parties that only Colorado Rising and the Designated Representatives, Suzanne Spiegel and Anne Lee Foster, had the right to control possession of completed petition sections. Olson Decl. at ¶ 20; Parkin Decl. ¶ 16. Colorado Rising insisted in that meeting that it would store completed petition sections in a secure site of the organization's choosing. *Id.* Olson and Parkin expressed concerns to Selvaggio about the potential for theft, tampering, or damage to the petitions and their utmost desire to protect them. Parkin Decl. ¶ 16. At no time did Colorado Rising ever agree that completed petitions could leave the state of Colorado or be taken away from the office by anyone other than Colorado Rising's core campaign team. *Id.*

8. In June of 2018, DAP had also begun circulating petitions for a Healthcare Initiative, which Suzanne Spiegel had arranged to reduce costs for both initiative campaigns. Spiegel Decl. ¶ 16; Ex. G Declaration of David Silverstein (Silverstein Decl.) ¶ 7.

9. At a meeting on July 2, 2018 with Selvaggio, Colorado Rising representatives (including Olson, Spiegel, and Parkin) expressed serious concerns about the quality of DAP's operations, lack of security, missed projections, and costs. Olson Decl. at ¶ 21; Spiegel Decl. ¶ 20. At that meeting, Selvaggio admitted that a representative of an organization connected to the oil and gas industry, called Pac/West, had made an offer of payment to Selvaggio to throw the Colorado Rising campaign, but he claimed it was rejected. Spiegel Decl. ¶ 20.

10. Selvaggio's admission that he was offered a payment by Pac/West to have him sabotage the campaign was credible because of Pac/West's reputation as the organization funding

much of the efforts to keep Coloradans from voting on initiatives, like Colorado Rising's, that could impact the oil and gas industry. Ex. I June 11, 2018 Westwise article:² (Anadarko Petroleum funded group CRED received more than \$38 million in funding from 2013-2017. "Virtually all of that money went to an Oregon consulting firm, PAC/WEST."); Pac/West web page³ ("Anadarko . . . and Noble Energy Inc. hired Pac/West to lead a statewide education campaign" in Colorado against fracking initiatives).

11. As part of the signature validation processes under the Contract, DAP was to validate whether each voter signature matched a voter registered in Colorado with the same name and address. Ex. B-1 Addendum to Olson Declaration ("Olson Addendum") ¶ 11. These validation services are what all parties referred to as "petition processing." Parkin Decl. ¶ 29.

12. DAP indicated a willingness to check volunteer petition sections in addition to paid circulators. Olson Addendum ¶ 12. However, in June, Megan Wilder, Colorado Rising's Petition Manager, showed Olson where Wilder's own legible, properly filled-out petition signature had been crossed out by DAP validators. *Id.* DAP was notified and said Wilder must have signed two petition sections, and that was picked up by their system. Wilder had not and Colorado Rising was thus alerted to the likelihood that valid signatures were being crossed off, signatures they were paying for. *Id.* In late June, Wilder brought other petitions to Olson, and Olson searched her copy of the voter database for some of the signatures crossed out in the validation process. For a majority, Olson found valid signatures matching a registered voter with the same name and address. Olson Addendum ¶ 13.

² Available at <https://medium.com/westwise/anadarko-spends-big-on-good-neighbor-advertisements-while-skimping-on-safety-measures-7d9e738bbce6>

³ Available at <https://www.pacwestcom.com/portfolio/energy-natural-resources/>

13. As a result, Colorado Rising stopped sending volunteer petitions to DAP, and around July 1 a verbal request was made to DAP to stop validating signatures. Olson Addendum ¶ 14. The request was made more than once and repeated in meetings with Selvaggio. *Id.*

14. On July 8, Olson had a one-on-one call with Selvaggio. During that call, Olson expressed surprise that DAP was still “validating” signatures and told Selvaggio to stop, that Colorado Rising would be better off without having DAP perform those tasks. Olson Decl. ¶ 22.

15. The requirement that DAP stop providing signature validation services became an express part of the July 10, 2018 amendment to the DAP Contract ("Amendment"), signed by Selvaggio for DAP, and Olson for Colorado Rising. Olson Addendum ¶ 14; Ex. B-2. As a result of that Amendment, as of July 1, DAP was no longer responsible for validating signatures, and sometime before July 17, 2018, when he took the 7 boxes of petitions out of state, DAP released its “validators.” Olson Addendum ¶ 14.

16. In the July 10, 2018 Amendment it was stated that "The existing deposits are applied to the final weeks of petitioning. DAP will return to [Colorado Rising] all remaining deposit funds left over after the final week of petitioning within seven days." Ex. B-2 at 000062.

17. On July 13, 2018, Spiegel received an email from David Silverstein, chairman of the Healthcare Initiative, informing her of "big problems" he was experiencing with DAP. He said in the email: “The numbers DAP gave me for last week, and that I paid them for, turned out to be BS. They told us they had nearly 17,000 signatures. They delivered about 4,000. Then said they had the rest and just screwed up. Still scrubbing. But they definitely double counted thousands. A day and a half later, they can’t account for them. ... ” Spiegel Decl. ¶ 24; Silverstein Dec. ¶¶ 12-14.

18. On July 14, 2018 Silverstein called Spiegel to inform her that because he could not trust DAP to get the job done, and the fact that he was paying them out of pocket, he was dropping the Healthcare Initiative. Spiegel Decl. ¶ 25. Silverstein Dec. ¶ 17. That same day, Selvaggio called Spiegel to inform her that the Healthcare Initiative campaign had dropped out, and as a result, he would not be able to complete Colorado Rising's Contract, that had been amended just 4 days earlier. Spiegel Decl. ¶ 26. Later that day Selvaggio called Spiegel to tell her that he would be closing down the DAP offices the following day. *Id.* That sudden decision caused her to scramble to take over the entire statewide operation in one day. *Id.*

19. On July 17, 2018, Selvaggio had a discussion in person at the DAP office with Spiegel, Olson, Petrie and Parkin about terminating the relationship. The conversation was recorded. Spiegel Decl. ¶ 29. Spiegel told Selvaggio "we are going to hold you guys accountable for our deposit... because we need that money to go forward..." Spiegel Decl. ¶ __; Selvaggio said "I'll be very blunt with you, we dipped into that to reorganize. We were making that expansion when we re-negotiated..." *Id.* Selvaggio did not provide any accounting for DAP's use of the deposit. Spiegel Decl. ¶ 29; Olson Decl. ¶¶ 30-31.

20. On July 18th, Selvaggio wrote an email to Olson demanding that she pay another invoice to DAP in the amount of \$42,387.40. Spiegel Decl. ¶ 30; Olson Decl. ¶ 36. The same day, Selvaggio instructed all DAP employees to leave the Denver office. Spiegel Decl. ¶ 31; Ex. E Declaration of Brian Loma ("Loma Decl.") ¶ 6. DAP Denver Office Administrator, Jennifer James, was out to lunch when everyone else was told to leave the office. Loma Decl. ¶ 6.

21. On July 18th, Brian Loma, the DAP Denver Office Manager, went home when instructed to leave by Selvaggio, but he then returned to the office. Loma Decl. ¶ 6. When he returned there was confusion as Selvaggio asked why he was there and Loma explained that

although Selvaggio had sent him home the campaign was not over so the new contractor Colorado Rising signed to replace DAP put him to work. *Id.* Selvaggio was sorting through ballot initiative petitions. There were boxes with signature books in them at the office at that time. Shortly thereafter, the books and Selvaggio were gone. *Id.*

22. Repeatedly throughout that day, Spiegel called Selvaggio and sent him texts and emails, and he did not respond. Spiegel Decl. ¶ 31. On July 19, 2018, Spiegel went to the Denver DAP office and spoke with the staff that still remained. Jennifer James told her (in a recorded conversation): “When I came back from lunch, the entire office was closed down with a sign on the door saying the office was closed down for the day and all my stuff was in here. I saw Mike [Selvaggio] running back and forth in the hallways and he was the only one here. I knocked on the door... and said ‘this is Jenny I need my things’. He opened the door for me and he was sweating profusely. He was shoving all the ballots and everybody's folders with their names on, that had paychecks from the following week, that people needed to still get notarized or that hadn't been validated yet and he was shoving them in the boxes and putting masking tape around them.” Spiegel Decl. ¶ 32.

23. On July 19, while Spiegel was at the DAP office, Selvaggio called her and she recorded the conversation. Spiegel Decl. ¶ 33. Selvaggio said he left because he “couldn't keep the validity team around any longer.” *Id.* Spiegel reminded him that as of the July 10, 2018 amended agreement, he no longer had any responsibility to process the documents, and demanded that he return the documents. *Id.* Selvaggio told her he wanted to be absolved of any reports that were due to the Secretary of State. *Id.* Spiegel told Selvaggio “we just want to get our stuff back.” Selvaggio told Spiegel “You might not like the status though, because I did take

them on a plane.... I went back to Portland.” *Id.* He then said, “they were shipped, so they are on their way here now.” Spiegel asked how many boxes he took and he said “7.” *Id.*

24. When Spiegel demanded that Selvaggio immediately return the documents, Selvaggio said that he would process the documents, despite having been told not to process any more petitions. He stated he would return the boxes in a "couple of days," Spiegel Decl. ¶ 33; Olson Decl. ¶¶ 39, 41.

25. Contrary to his promise to return Colorado Rising's property, Selvaggio instead raised a new proposal that Colorado Rising negotiate a termination agreement that would absolve DAP of liability for actions taken under the Contract. Olson Decl. ¶ 44; Spiegel Decl. ¶ 34.

26. Colorado Rising ultimately decided Selvaggio's proposal was unacceptable, because he was coercing Colorado Rising into absolving DAP of liability under the original contract and for payment of a \$42,387.40 invoice that Colorado Rising believed should have been covered by their \$75,000 deposit. Spiegel Decl. ¶ 34; Olson Decl. ¶ 44.

27. At no time during those discussions did Selvaggio have any authority from Colorado Rising to retain the boxes of signed petitions and other documents. Olson Decl. ¶ 44.

28. On July 22, 2018, Colorado Rising's attorney, Joe Salazar, sent a letter to Selvaggio's attorney, again demanding return of the boxes of petitions that Selvaggio had taken out of state. Ex. J.

29. On July 23, 2018, while he was in Oregon, Selvaggio sent an email to the Colorado Secretary of State's office asking for its opinion on this question:

"In the course of processing initiative petitions in preparation for submission to your office, is there any rule or law that prohibits us from undertaking the processing in an out-of-state location? For example: If I have an infrastructure in Wyoming that is able to perform data entry faster and cheaper than in Colorado, may I send sheets up there for data entry, and then send the sheets back down to Colorado for packaging and submission?" Ex. K.

30. There is no evidence that DAP had any "infrastructure in Wyoming that is able to perform data entry faster and cheaper than in Colorado."

31. In a letter to Colorado Rising, DAP's attorney, James Robinson, contradicted Selvaggio's question to the Secretary of State's office by claiming Plaintiff had taken the petitions to Oregon to process them using "home staff." Ex. L (July 26, 2018 New York Times: *Colorado Group Says Thousands of Signatures for Anti-Fracking Measure Are Missing.*)⁴

32. Selvaggio's attorney also told Joe Salazar that Selvaggio would return the boxes of signed petitions when DAP and Colorado Rising had a signed contract amendment, which Selvaggio insisted must include a provision absolving DAP of liability. Ex. M at 000140.

33. Selvaggio knowingly obtained, retained, or exercised control over the boxes of signed petitions belonging to Colorado Rising without authorization. Second Amended Complaint ("Complaint") ¶¶ 22-25.

34. Selvaggio withheld the return of the boxes of petitions to the Defendants for 9 days while attempting to obtain a contract modification from Colorado Rising to absolve DAP of liability under the original contract, and payment of a \$42,387.40 invoice. Complaint ¶¶ 22-23.

35. Selvaggio knowingly retained the boxes of voter petition signatures more than a week after Colorado Rising and Spiegel demanded their return. Complaint ¶¶ 22, 25, 27-28; Spiegel Decl. ¶¶ 33-35; Olson Decl. ¶¶ 29-41; 48-49.

36. On July 25, 2018, Colorado Rising filed a Verified Complaint in Replevin and For Other Relief, in the Denver District Court, titled *Colorado Rising for Health and Safety v. Direct Action Partners*. Olson Decl. ¶ 46. The complaint sought the immediate return of Colorado Rising's signed petitions. *Id.*

⁴ Available at <https://www.nytimes.com/2018/07/26/us/colorado-anti-fracking-signatures.html>

37. On July 26, 2018, Defendants Spiegel and Foster, as well as Colorado Rising's attorney, Joe Salazar, conducted a videotaped press conference on the steps of the capitol in Denver, recounting some of the events described herein, and demanding a return of the boxes taken out of state by Selvaggio. Olson Decl. at ¶ 47.

38. Later the same day, Joe Salazar received notice from Selvaggio's attorney, James Robinson, that the boxes containing the petition sections could be retrieved at a Denver Greyhound Bus station and could be released to Olson or to Spiegel. Olson Decl. ¶ 48; Spiegel Decl. ¶ 37.

39. The boxes were retrieved by Spiegel, accompanied by Foster, Joe Salazar, and others. Colorado Rising's Boulder Office Manager, Megan Wilder, inspected the boxes retrieved from the Greyhound Bus station, and informed Tricia Olson that none of the returned petitions appeared to have been "processed" in any way. Olson Decl. ¶ 49; Ex. F Declaration of Megan Wilder ("Wilder Decl.") ¶ 8. Megan Wilder reported that all of the boxes were sealed with clear packing tape, with the shipping labels still attached. It was apparent the boxes had not been opened. Wilder Decl. ¶ 8.

40. A spreadsheet was created by Wilder of the more than 750 recovered petitions. Wilder Decl. ¶ 11. Inspection of the recovered petitions revealed that many were not notarized, and approximately 15,000 Colorado voters' signatures were on the recovered petitions. Wilder Decl. ¶ 13; Olson Addendum ¶ 6.

41. In spite of the disruption by Selvaggio, Colorado Rising volunteers were able to present a sufficient number of valid signatures to the Secretary of State for the Initiative to be placed on the November 2018 ballot as Proposition 112. Olson Decl. ¶ 51.

42. The majority of DAP employees did not receive paychecks that were able to be cashed when Selvaggio shut down the DAP office and left the state. Loma Decl. ¶ 7. For those that had paychecks provided by Selvaggio, the majority of those checks were returned because of insufficient funds, causing hardship for hundreds of workers in the state. *Id.*

43. Wage theft claims were filed with the Colorado Department of Labor by at least 150 former DAP signature gatherers and other employees. Loma Decl. ¶ 10 (confirming facts reported in the Denver Post article attached to Loma Decl.).

44. Proposition 112 was described as "the most important and controversial thing on the ballot" in 2018 by multiple statewide news outlets. Foster Decl. ¶ 12. The campaign, including the signature gathering phase, was covered by The New York Times, The Washington Post, the Denver Post and other major national and statewide news outlets. *Id.*; Ex. L.

45. Selvaggio's taking thousands of Colorado voters' signed petitions out of state and withholding them, despite requests by the Proponent and Designated Representatives of the voters on Initiative 97 to return the petitions, implicated Colorado election law. C.R.S. 1-40-131.

46. At least 1,113,143 Coloradans voted in favor of Proposition 112. Parkin Decl. ¶ 42; Olson Decl. ¶ 52. More Coloradans voted for Proposition 112 than for Republican Gubernatorial candidate Walker Stapleton. Foster Decl. ¶ 13.

II. ARGUMENT

A. Defendants Are Immune From These Defamation Claims Under the VSA

Colorado provides immunity from liability for volunteers acting on behalf of nonprofit organizations. The purpose for such immunity is described in § 13-21-115.5 of the VSA:

(2) The general assembly finds and declares that:

...
(c) It is in the public interest to strike a balance between the right of a person to seek redress for injury and the right of an individual to freely give time and

energy without compensation as a volunteer in service to the community without fear of personal liability for acts undertaken in good faith absent willful and wanton conduct on the part of the volunteer;

The Colorado VSA relies on the federal VPA for the scope of such immunity:

Under § 14503(a) of the VPA, no volunteer is liable if:

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission; and

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer;

1. Defendants Were All Volunteers At The Time Of The Alleged Acts

Defendants were all unpaid volunteers for Colorado Rising when the alleged defamation took place. Statement of Undisputed Material Facts ("SOF") 2. A "volunteer" is defined in the VSA as "a person performing services for a nonprofit organization . . . without compensation, other than reimbursement for actual expenses incurred." C.R.S. 13-21-115.5(3)(c)(I). The VPA only requires that "(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization . . . *at the time of the act or omission.*" 42 U.S.C. § 14503(a)(1). Defendants meet all the criteria for immunity under these provisions.

The Complaint (¶ 13) alleges that Defendants were compensated by Colorado Rising for their service, but there is no evidence to support that allegation. Defendants Spiegel and Foster have acknowledged in their sworn testimony that a single financial contribution from Colorado Rising was received by each of them in mid-October 2018 to allow them to continue working for passage of Proposition 112 at the end of the general election campaign, months after the allegedly defamatory statements were made in July 2018. Spiegel Decl. ¶ 40; Foster Decl. ¶ 14. They also confirm under oath that they were each unpaid volunteers during the entire period at issue in the Plaintiff's Complaint. Spiegel Decl. at ¶ 3; Foster Decl. at ¶¶ 3, 11.

Just because a defendant's volunteer status may have changed months (or even years) after the alleged act or omission occurred does not allow Plaintiff to apply that change in status retroactively. That would completely undercut the public purposes for the enactment of the VSA and the VPA. See *Civil Service Commission v. Pinder*, 812 P.2d 645, 648 (Colo. 1991) (The court's "primary task in interpreting a statute is to provide a construction that will render the enactment effective in accomplishing the purpose for which it was adopted.").

Plaintiff also alludes in the Complaint to financial contributions that Colorado Rising made to 350 Colorado Action, another Colorado non-profit organization, after DAP abruptly left the state, for "professional and consulting services" and implies, without any factual basis, that such contributions were paid to Parkin, just because she is the Executive Director of 350 Colorado Action. Parkin provides sworn testimony that 350 Colorado Action was registered as a petition signature gathering entity in Colorado, and had to be pressed into duty to manage most of the Colorado Rising effort when DAP suddenly abandoned the effort. Parkin Decl. ¶ 43. The financial contribution from Colorado Rising to 350 Colorado Action was used to pay workers for the ballot measure during the final weeks of the signature gathering campaign, and Parkin was not paid by Colorado Rising or 350 Colorado Action for any of her work on the campaign. Parkin Decl. ¶ 43. Expenditures by 350 Colorado Action are also a matter of public record. The first elements of immunity, volunteer status at the time of the alleged acts, are met.

2. Defendants' Alleged Statements Do Not Rise To The Level Of Conduct That Would Remove Immunity Under The VSA And VPA

Regarding the second requirement for immunity in § 14503 (a)(3) of the VPA, as applied to Colorado law on the defamation claims at issue, "willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed" would at least require a showing by clear and convincing evidence that

the alleged statements were false, and that these Defendants "had a high degree of awareness that the statements published were probably false." *Diversified Management, Inc. v. Denver Post, Inc.*, 653 P.2d 1103, 1109 (Colo.1982).

B. First Amendment Standards for Proof of Defamation in Matters of Public Concern Also Provide Immunity Based On the Same Analysis As VSA Immunity

Where, as here, a defamation claim involves a matter of public concern, it triggers a higher burden of proof. "In order to honor the commitment to robust debate embodied in the first amendment and to ensure sufficient scope for first amendment values, we chose to extend constitutional protection to any discussion involving matters of public concern, irrespective of the notoriety or anonymity of those involved." *Diversified* , 653 P.2d at 1106. "Thus, a heightened burden applies, and the plaintiff is required to prove the publication's falsity by clear and convincing evidence." *Fry v. Lee*, 408 P.3d 843, 848-49 (Colo. App. 2013).

"[A] matter of public concern is one that affects a broad segment of the community or affects a community in a manner similar to that of a governmental entity." *Zueger v. Goss*, 343 P.3d 1028, 1036 (Colo. App. 2014). There can be no dispute about the fact that the effort to get Proposition 112 on the ballot was a matter of high public concern. SOF 43-46. Further, taking 7 boxes of petitions containing signatures of more than 15,000 Colorado voters out of state without authorization from the parties with the responsibility for those petitions is a matter of public concern. SOF 45. Even if initially a private dispute, it became a public controversy through Selvaggio's actions. See *DiLeo v. Koltnow*, 613 P.2d 318, 322 (Colo. 1980).

1. Plaintiff Has The Burden Of Proof And Must Come Forward With Facts

A claim for defamation requires, at a minimum, the publication of a false statement of a defamatory nature. *Burns v. McGraw-Hill Broad. Co.*, 659 P.2d 1351, 1360 (Colo.1983). Whether a statement is defamatory is a question of law. *Fry*, 408 P.3d at 848. The First

Amendment and Colorado law first require the Plaintiff to prove with clear and convincing evidence that the statements were false. *Bustos v. A&E Television Networks*, 646 F.3d 762, 764 (10th Cir. 2011) (applying Colorado law). The *Diversified* court also adopted the "clear and convincing" standard of proof for actual knowledge or reckless disregard for the truth or falsity of the statements made by the Defendants. *Diversified*, 653 P.2d at 1109. These determinations are appropriate for summary judgment. *Anderson v. Liberty Lobby*, 477 U.S. 242, 255 (1986) (defamation plaintiff's heightened, clear and convincing burden at trial is relevant to a summary judgment determination); *DiLeo v. Koltnow*, 613 P.2d 318, 323 (Colo. 1980) (to survive summary judgment plaintiff must make *prima facie* case with "clear and convincing evidence" that the defendants published the alleged defamatory falsehoods with actual malice.). Clear and convincing evidence is "that evidence which is stronger than a preponderance of the evidence and which is unmistakable and free from serious or substantial doubt." *DiLeo*, 613 P.2d at 323 (citations omitted). In resolving these questions, the court must make an independent examination of the entire record to insure that the First Amendment freedom of speech has been properly protected. *Id.* (citing *New York Times v. Sullivan*, 376 U.S. 254 (1963)).

Although the burden is on the Plaintiff to establish falsity of the statements, substantial truth is an absolute defense to a defamation claim. *SG Interests I, Ltd. v. Kolbenschlag*, 2019 COA 115, ¶ 21 (Colo. App. 2019); *Diversified*, 653 P.2d at 1109. Accordingly, even if a statement is defamatory, it is not actionable if it is substantially true. *Smiley's Too, Inc. v. Denver Post Corp.*, 935 P.2d 39, 43 (Colo. App. 1996). "A defendant asserting truth as a defense in a libel action is not required to justify every word of the alleged defamatory matter; it is sufficient if the substance, the gist, the sting, of the matter is true." *Fry*, 408 P.3d at 848-49.

These standards of proof for defamation in a matter of public concern cannot be met by the Plaintiff. First, it is now clear that the *only* statements that Plaintiff alleges caused him damages were those made by the Defendants at the July 26, 2018 press conference conducted with Colorado Rising's attorney, Joe Salazar, present along with others. Discussion *infra* at 23. Far from having actual knowledge of falsity, Defendants believed their statements to be accurate descriptions of Plaintiff's conduct according to Colorado law. Spiegel Decl. ¶ 36; Foster Decl. ¶ 10. So did their attorney, Joe Salazar. Ex. J.

C. Defendants' Statements About Selvaggio Taking And Withholding Their Petitions Without Authorization Accurately Describe Civil Theft And Are Substantially True

Under pertinent provisions of C.R.S. § 18-4-401. Theft:

(1) A person commits theft when he or she knowingly obtains, retains, or exercises control over anything of value of another without authorization . . . and:

...

(d) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person; or

(e) Knowingly retains the thing of value more than seventy-two hours after the agreed-upon time of return in any lease or hire agreement.

Defendants Spiegel and Foster, and the proponent, Colorado Rising, as representatives of the voters in the ballot initiative process, were entitled to possession of all signed petitions in order to ensure delivery to the Secretary of State for processing by the deadline of August 6, 2018. SOF 3. It is undisputed that Selvaggio took 7 boxes of signed petitions, containing approximately 15,000 voter signatures, without authorization from Colorado Rising or the Designated Representatives, and refused to return them when asked. SOF 23, 32-35. It is highly likely that the average person would equate those facts with theft of property.

The culpable mental state "knowingly" in subsection (1) applies only to the element of "without authorization". *People v. Stellabotte*, 421 P.3d 1164, 1170 (Colo. App. 2016), *aff'd*, 421 P.3d 174 (Colo. 2018). The civil theft statute, "makes it clear that theft can occur even

though initial control of the property has been authorized; the intent to deprive, or knowing use inconsistent with the owner's benefit, may arise at a later time when control is no longer authorized." *People v. Treat*, 568 P.2d 473, 477 (Colo. 1977). Once the conduct in subsection (1) is present (knowingly obtains, retains, or exercises control over anything of value of another without authorization) and one of the sub-elements in (1)(a-e) is shown, the elements of civil theft are proven. There is no specific intent requirement for C.R.S. § 18-4-401 (1)(d) or (e).

The undisputed facts show that 1) Selvaggio knowingly obtained, retained, or exercised control over the property belonging to Colorado Rising and its Designated Representatives without authorization. SOF 33; 2) Selvaggio demanded consideration (a contract modification with waiver of liability) to which he was not legally entitled as a condition of restoring the property to the Defendants [SOF ¶¶ 31-35; and 3) Selvaggio knowingly retained the boxes for more than a week after Colorado Rising demanded return of their property. SOF ¶ 35. The fact that he eventually returned the property would not be a defense to a civil theft allegation. *People v. Pedrie*, 727 P.2d 859 (Colo. 1986).

The facts are consistent with the elements of civil theft under similar cases. See e.g. *People v. Myers*, 609 P.2d 1104 (1979); *People v. Stellabotte*, 421 P.3d at 1170. The cases indicate that the Defendants' alleged statements that Plaintiff "stole the documents" and had committed "theft" were at least substantially true, and they could not have a high degree of awareness that their statements were false. As such, those statements are immune from a defamation claim, under the VSA, and the First Amendment precedent in Colorado.

D. Defendants' Alleged Statements Also Accurately Describe A Form Of Extortion

Plaintiff also alleges that Defendants stated he was trying to extort them, by holding the documents for ransom, unless Colorado Rising would enter into a contract modification that

would absolve DAP of liability for actions taken during the term of the contract. Even if such a use of the word "extort" can be attributed to Defendants (which still must be shown by Plaintiff's clear and convincing evidence), Colorado law recognizes an attempt to obtain a contract modification by any form of coercion is "extortion of a modification." see comment 2 to CRS 4-2-209 Statute of Frauds. Withholding property belonging to the party who is being asked for a contract modification is clearly coercion.

Even if the Defendants' statements weren't entirely accurate, they are protected. "The law of defamation overlooks inaccuracies and focuses on substantial truth." *Brokers' Choice of America, Inc. v. NBC Universal, Inc.*, 861 F.3d 1081, 1107 (10th Cir. 2017). For example, in *Anderson v. Cramlet*, 789 F.2d 840, 843-45 (10th Cir. 1986) (applying Colorado law) the court found the defendant's statement calling plaintiff a "kidnapper" was substantially true, even though he had only been convicted of violating a custody order); see also *Riley v. Harr*, 292 F.3d 282, 295-98 (1st Cir. 2002) (statement that plaintiff was a "perjurer" was substantially true, even though his testimony was merely found to be evasive); *Greenbelt Cooperative Publishing Assn., Inc. v. Bresler*, 398 U.S. 6, 14 (1970) (reports of developer's negotiating tactics as "blackmail" were unlikely to be viewed by the general public as charging the criminal offense; use of the term "blackmail" was protected as "rhetorical hyperbole"). The statements attributed to Defendants are protected under these precedents.

E. Defendants' Statements Also Describe Violation of Colorado Election Law

Under C.R.S. 1-40-131: Tampering with initiative or referendum petition:

Any person who willfully . . . removes any initiative or referendum petition from the possession of the person authorized by law to have the custody thereof . . . commits a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-13-111. . . .

Defendants cannot be liable for describing Plaintiff's actions accurately.

As discussed, *supra*, Plaintiff's intent is not relevant to statements made about his theft of the petitions. Even if intent were relevant, the undisputed facts refute Plaintiff's allegations offered to show his alleged lack of intent to withhold the boxes of petitions for any improper reason. Plaintiff was told early in the process that security of initiative petitions was paramount and no one was authorized to take signed petitions out of the designated secure locations, except Colorado Rising's core team members. SOF ¶ 7. Under no circumstances would Colorado Rising authorize the removal of its petitions from the state. *Id.*

Moreover, Plaintiff's actions that Defendants were unaware of at the time further belie his claims of innocent intent. According to Plaintiff's own allegations, his attorney received a letter from Joe Salazar, Colorado Rising's attorney, on July 22, 2018, demanding return of the boxes of petitions that Selvaggio had taken out of state. Complaint ¶ 32; Ex. J. The next day, Selvaggio sent an email to the Colorado Secretary of State's office asking for its opinion on this question:

"In the course of processing initiative petitions in preparation for submission to your office, is there any rule or law that prohibits us from undertaking the processing in an out-of-state location?

For example: If I have an infrastructure in Wyoming that is able to perform data entry faster and cheaper than in Colorado, may I send sheets up there for data entry, and then send the sheets back down to Colorado for packaging and submission?"

SOF 29; Ex. K. Of course, under that misleading hypothetical, where Plaintiff implied he had authorization from Colorado Rising to send petitions out of state for processing, the SOS representative replied "There is no prohibition that I am aware of that prohibits you from doing so." Ex. K.

There is no evidence that DAP had "infrastructure in Wyoming" to perform data entry. SOF 30. Indeed, DAP's attorney, James Robinson, contradicted Selvaggio's misleading hypothetical, telling Colorado Rising's attorney that Selvaggio took the boxes of petitions to

Oregon to process them "using home staff." SOF 31. Plaintiff was clearly worried at that point about liability for taking the petitions to Oregon without authorization so he crafted a misleading inquiry to the Secretary of State's representative in the hopes that he would get the answer he was looking for. Such a misleading effort to obtain an opinion from a public servant is not a trivial matter. See C.R.S. §18-8-306. Attempt to influence a public servant:

Any person who attempts to influence any public servant by means of deceit . . . , with the intent thereby to alter or affect the public servant's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or the agency or body of which he is a member, commits a class 4 felony.

Selvaggio's own Complaint alleges that he "advised Spiegel and the Colorado Rising leadership that the *unprocessed* petitions would be available to Colorado Rising once the formal termination agreement and releases were executed and delivered by the parties so that he was assured that Direct Action Partners was released from any processing or further contractual obligations." SOF 24, 33. Thus, by his own admission, Selvaggio had no intentions of processing the petitions, he was simply using them as leverage to get the contract termination and liability waiver that DAP wanted. Defendants' statements about his actions are true, and they are immune from liability for defamation claims under the VSA, and the First Amendment.

F. Plaintiff Has Presented No Evidence of Damages Caused By These Defendants

Plaintiff's Second Amended Complaint ("SAC") alleges Defendants "severely damaged Mr. Selvaggio and his personal and professional reputation, standing, and character, including involvement with numerous environmental groups and organizations." (SAC ¶ 69); that he "suffered severe physical, emotional, and psychological symptoms and injuries." (SAC ¶ 70); and that "Defendants' false statements have lowered Mr. Selvaggio in the estimation of the community, caused him extreme suffering, distress, anguish and embarrassment, and subjected him to the contempt of the community." (SAC ¶ 75). Plaintiff has produced no documents to

support such allegations. To the contrary, Defendants have submitted sworn testimony that demonstrates Plaintiff's reputation in Colorado and among his customers and fellow professionals is poor because of his own actions. Olson Decl. ¶¶ 45-50; Loma Decl. ¶¶ 9-12; Silverstein Decl. ¶¶ 12-19.

From the beginning case management conference in this litigation to the present, Plaintiff refused to disclose any information supporting his claim of damages required by C.R.C.P. 26(a)(1)(C). Now, Plaintiff's sole damage disclosure, served on August 16, 2019, without any support, is that he was "involved in discussions" with a representative of Pac/West Communications about a potential signature gathering campaign in Oregon, but Selvaggio "did not get the job due to the [allegedly] defamatory statements made by Defendants at the press conference on July 26, 2018." Ex. N.

First, it is undisputed that Defendant Micah Parkin was not present at that press conference. SOF 37. Moreover, Plaintiff has not disclosed any evidence to support the claim to a lost contract opportunity with Pac/West. A party seeking damages for future lost profits must establish with reasonable certainty both the fact of the injury and the amount of the loss. *Tull v. Gundersons, Inc.*, 709 P.2d 940 (Colo.1985). The court may enter summary judgment precluding recovery for lost profits where a plaintiff offers only speculation or conjecture to establish damages. *Terrones v. Tapia*, 967 P.2d 216, 218-19 (Colo. App. 1998). On this record, Plaintiff has only offered bare, unsworn allegations based on hearsay, and speculation as to potential lost profits. There are no contractual documents, emails, texts or any other tangible record support for the allegations. "[T]here is an absence of evidence in the record to support the nonmoving party's case." *Continental*, 731 P.2d at 712. Plaintiff's damage claims fail as a matter of law.

CONCLUSION

For all the foregoing reasons, Volunteer Defendants are immune from liability for these claims under the Volunteer Service Act of Colorado, the federal Volunteer Protection Act and the First Amendment. Moreover, the lack of evidence for Plaintiff's alleged damages is a basis for dismissal of those claims with prejudice as a matter of law. As such, Defendants request that this motion for summary judgment be granted.

Date: August 23, 2019

Respectfully submitted,

By: _____

Attorney for Defendants: Suzanne Spiegel, Micah Parkin, and Anne Lee Foster

CERTIFICATE OF SERVICE

I hereby certify on this ___rd day of August, 2019 that a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** was served electronically via ICCES to the following:

Attorneys for Plaintiff

s/ _____

7(e)

From: Storbeck, Telbe
Sent: Wednesday, June 20, 2018 10:01 AM
To: Storbeck, Telbe <Telbe.Storbeck@nsdarks.com>
Subject: Free tickets to Do at the Zoo and Volunteers are needed for a number of Engagement Opportunities



Good Morning Ambassadors,

By this time next week we will know who the candidates for both of the major parties will be for Governor, AG, Treasurer, and more. And it's not too late, you can still cast a vote in this year's primary election. For more information contact [Kelsey Olson](#) or visit the [Power the Vote](#) page on the insider.

As a reminder Protect Colorado now has the capabilities to receive text messages! If you see signature collectors for #97 (2,500 foot setback) or #94 (Severance Tax) please follow the instructions below to report said canvassers via text.

1. **Text CANVASS to 72345.** You will receive a note that says: Where did you see a canvasser in your area?

2. **Respond with the specific time, date, and location.** Upon response, you will receive "Thank you for sending this in! Please reply with CANVASS if you see more."

You can also email canvass@protectcolorado.com if you prefer. Remember to include the **time, date, and location** of the interaction in your email.

As always, please [reach out to me](#) with any questions!