

KAREN FANN
SENATE PRESIDENT
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COMMITTEES:
Rules, Chairman

Arizona State Senate

October 26, 2021

Cyber Ninjas Inc.
c/o Doug Logan & Legal Department
5077 Fruitville Road, Suite 109-421
Sarasota, Florida 34232
dlogan@cyberninjas.com
legal@cyberninjas.com

To Whom It May Concern:

On September 14, 2021 I transmitted a demand for all records within your custody or control, or within the custody or control of your subcontractors or other agents, with a substantial nexus to the Senate's audit of the 2020 general election in Maricopa County (the "Audit"), as required by the court orders issued in *American Oversight v. Fann*, Maricopa County Superior Court No. CV2021-008265, and *Phoenix Newspapers, Inc. v. Arizona State Senate*, Maricopa County Superior Court No. LC2021-000180-001. To date, we have received approximately 300 records from you, which, according to your prior statements, constitute only an insubstantial percentage of all existing responsive records.

As you know, the Senate previously argued that Sections 15.4 and 18.5 of the Master Services Agreement ("MSA") between the Senate and Cyber Ninjas, Inc. by their terms do not require the latter to provide materials in response to third parties' public records requests. Nevertheless, the court has construed the referenced provisions of the MSA as obligating Cyber Ninjas to comply with any demands by the Senate for the production of documents and information relating to the Audit. Accordingly, Cyber Ninjas' inadequate response to my September 14 request places it in material breach of the MSA as construed by the court, and the Senate reserves its rights to pursue any and every applicable claim or remedy to enforce the agreement's provisions.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen Fann".

Karen Fann
President
Arizona State Senate