

Exhibit B

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STEPHEN ELLIOTT and FW
PUBLISHING, LLC,

Petitioners,

v.

WILLIAM LEE, in his official capacity
Governor of Tennessee, and

JUAN WILLIAMS, in his official capacity
as Commissioner of the Tennessee
Department of Human Resources,

Respondents.

No. _____

**DECLARATION OF PAUL R. MCADOO IN SUPPORT OF
PETITION FOR ACCESS TO PUBLIC RECORDS AND
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

I, Paul R. McAdoo, hereby declare as follows:

1. I am the attorney for Petitioners in this action.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct.
3. I submit this Declaration in support of this action with knowledge of my pleading obligations under the Tennessee Rules of Civil Procedure.
4. According to the Tennessee Department of General Services online contracts database, Contract No. 66331 was a "Sole Source" contract. A true and correct copy of the entry for Contract No. 66331 from this online database is attached as **Attachment 1**. This online database is available at

<https://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/contract-information/all-contracts-dashboard.html>.

5. On August 14, 2020, I wrote a letter on behalf of FW Publishing LLC to Todd Skelton, Legal Counsel for the COVID-19 Unified Command & Economic Recovery Group (“UCG/ERG”), urging the UCG/ERG to reconsider its assertion of the deliberative process privilege as justification for denying FW Publishing reporter Stephen Elliott’s May 15, 2020 public records request. A true and correct copy of my August 14, 2020 letter is attached as **Attachment 2**.

6. On September 2, 2020, Mr. Skelton responded on behalf of UCG/ERG stating that “we will re-examine the relevant documents to determine whether any records responsive to your request ... are not covered by the deliberative process privilege and otherwise subject to disclosure. These documents may be provided to you on an installment basis beginning no later than September 21, 2020.” A true and correct copy of Mr. Skelton’s September 2, 2020 letter is attached as **Attachment 3**.

7. I received the first batch of documents on September 21, 2020. A true and correct copy of Mr. Skelton’s September 21, 2020 cover email is attached as **Attachment 4**.

8. I received the second batch of documents on October 6, 2020. The email accompanying those documents indicated that “[c]ertain portions of these records have been redacted on the basis of the deliberative process privilege.” A

true and correct copy of Mr. Skelton's October 6, 2020 cover email is attached as **Attachment 5**.

9. Thirteen of the twenty-five files produced by the UCG/ERG in the second batch included redactions.

10. I received the initial third batch of documents on October 15, 2020. The email accompanying those documents indicated that "[c]ertain portions of these records have been redacted on the basis of the deliberative process privilege or for HIPAA/privacy reasons. Six records have been withheld on the basis of the deliberative process privilege." A true and correct copy of Mr. Skelton's October 15, 2020 cover email is attached as **Attachment 6**.

11. On October 16, 2020, I sent an email to Mr. Skelton objecting to any redactions or omissions based on "HIPAA/privacy reasons." A true and correct copy of my October 16, 2020 email is attached as **Attachment 7**.

12. On October 27, 2020, I received an updated version of the third batch of documents. In the email that I received that accompanied the updated third batch of documents, Mr. Skelton said that it included redactions "on the basis of the deliberative process privilege." A true and correct copy of Mr. Skelton's October 27, 2020 cover email is attached as **Attachment 8**.

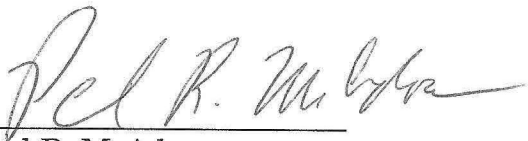
13. Eighteen of the twenty-nine files produced by the UCG/ERG in the updated third batch included redactions.

14. On January 30, 2021, Mr. Skelton responded to Mr. Elliott's January 8, 2021 public records request by emailing me and producing responsive public

records. Mr. Skelton's cover email indicated that "[l]imited portions were withheld on the basis of the deliberative process privilege." A true and correct copy of Mr. Skelton's cover email is attached as **Attachment 9**.

15. Five of the one hundred pages produced by the UCG/ERG on January 30, 2021 included redactions.

16. I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct.



Paul R. McAdoo

4th day of January, 2022

Attachment 1

All Contracts Dashboard

(Note: The Tableau dashboard may take a moment to load.)

After the screen loads, Press F5 to refresh the display and clear cached data.

CPO Contracts Details

Search

66331

X

Sort by

Contract

Contract Type	Contract Number	Contract Description	Supplier Name	Begin Date	Initial Exp. Date	Multi Year	Avail to Local Gov.	Amount	
(All)				(All)	(All)	(All)	(All)	\$629,934,9	
1	DGS - SWC - Sole Source	66331	SWC 428 Government Efficiency	McKinsey & Company Inc Washington DC	4/13/2020	4/12/2021	No	No	\$0

Attachment 2

REPORTERS COMMITTEE

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JAMES NEFF
The Philadelphia Inquirer

NORMAN PEARLSTINE
The Los Angeles Times

THOMAS C. RUBIN
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CHARLIE SAVAGE
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JENNIFER SONDRAG
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NABIHA SYED
The Markup

ADAM SYMSON
The E.W. Scripps Company

PIERRE THOMAS
ABC News

SAUNDRA TORRY
Freelance

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DAHLIA LITHWICK
Slate

ANDREA MITCHELL
NBC News

CAROL ROSENBERG
The New York Times

PAUL STEIGER
ProPublica

*Affiliations appear only
for purposes of identification.*

August 14, 2020

VIA EMAIL

Todd B. Skelton
Legal Counsel
COVID-19 Unified Command & Economic Recovery Group
State Capitol, First Floor
600 Dr. Martin Luther King, Jr. Blvd.
Nashville, TN 37243
Todd.Skelton@TN.gov

Re : Denial of Public Records Request by Stephen Elliott for
McKinsey & Co. Contract Deliverables

Dear Mr. Skelton:

I represent FW Publishing, LLC, publisher of the *Nashville Scene*, *Nashville Post*, and *Williamson Home Page*, in connection with its reporter Stephen Elliott's public records request to the COVID-19 Unified Command & Economic Recovery Group (the "Unified Command") related to the McKinsey & Company ("McKinsey") contract deliverables. Mr. Elliott made his public records request to the Unified Command on May 15, 2020 for "any deliverables associated with contract #66331 with vendor McKinsey and Company beginning 4/13/2020." On May 29, 2020, you denied Mr. Elliott's request, claiming that "the requested records are protected from disclosure on the basis of the deliberative process privilege." I write to you to urge the Unified Command to reconsider its assertion of the deliberative process privilege.

As you are aware, the Tennessee Public Records Act ("TPRA") constitutes a "clear mandate in favor of disclosure," *Tennessean v. Electric Power Board of Nashville*, 979 S.W.2d 297, 305 (Tenn. 1998), which must be "broadly construed so as to give the fullest possible public access to public records." Tenn. Code Ann. § 10-7-505(d). The courts of Tennessee "have been vigilant in upholding this clear legislative mandate even in the face of serious countervailing considerations." *Memphis Pub. Co. v. City of Memphis*, 871 S.W.2d 681, 684 (Tenn. 1994). While the act recognizes several classes of documents exempt from disclosure, all other public records must be made available upon public request unless state law provides otherwise. Tenn. Code Ann. § 10-7-503(a)(2)(A). The deliberative process privilege is neither a statutory nor "state law" exemption to the TPRA's disclosure requirement for the records requested by Mr. Elliott.

The Tennessee Supreme Court has never recognized the deliberative process privilege in Tennessee, let alone as an exception to the TPRA. In fact, the

Court has not recognized any purely common law privileges as exceptions to the TPRA. *See Schneider v. City of Jackson*, 226 S.W.3d 332, 341-42 (Tenn. 2007) (discussing that the Court had not decided whether a common law privilege could be an exception to the TPRA). In *Schneider*, the Court rejected the defendant's argument that it should adopt the law enforcement privilege as an exception to the TPRA. *Id.* at 342. Among the Court's justifications for rejecting the privilege argument in *Schneider* were that the precedent supporting its application was largely taken from federal FOIA and related state cases, and the Court's consistent precedent refusing to adopt public policy exceptions to the TPRA. *Id.* at 342-44. The Court specifically noted that "[w]hether the law enforcement privilege should be adopted as an exception to the Public Records Act is a question for the General Assembly," because "the General Assembly, not this Court, establishes the public policy of Tennessee." *Id.* at 344 (citations omitted). There is little reason to believe that the Tennessee Supreme Court would reject this precedent to hold that the deliberative process privilege is, in fact, an exception to the TPRA.

The lone published Court of Appeals decision to discuss the deliberative process privilege did so in a perfunctory manner, and is distinctly at odds with the later *Schneider* decision by the Tennessee Supreme Court. *Swift v. Campbell*, 159 S.W.3d 565, 578-79 (Tenn. Ct. App. 2004). The *Swift* decision was implicitly overruled by the Tennessee Supreme Court's decision in *Schneider* and even if it hadn't, the *Swift* decision's discussion of the deliberative process privilege is non-binding *dicta*. But even under *Swift*, "the deliberative process privilege must be applied cautiously because it could become the exception that swallows up the rule favoring governmental openness and accountability." *Id.*

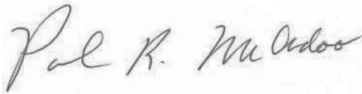
The Unified Command's blanket assertion that all deliverables from the McKinsey contract are covered by the deliberative process privilege throws caution to the wind and completely insulates McKinsey's work with the Unified Command from the sort of public oversight the TPRA is designed to permit. The need for public oversight is at its peak when large state expenditures are implicated, as with the McKinsey contract. Moreover, public oversight is particularly necessary for matters of overwhelming public importance, such as the ongoing COVID-19 pandemic. Even if some portions of the requested public records are exempt from the TPRA under the deliberative process privilege, the Unified Command is required to redact the portions that are exempt and produce the remainder of the McKinsey contract deliverables. *E.g., Schneider*, 226 S.W.3d at 346.

In the event that the Tennessee Supreme Court were to recognize the common law deliberative process privilege as an exception to the TPRA, the privilege would be limited. One key limitation on the privilege when it has been recognized in other jurisdictions is that factual information is generally not covered. Here, the McKinsey contract states in Section 3.2 of all three Statements of Work that "McKinsey will provide fact-based, independent analysis that the State can use to develop its own work and recommendations. The State will develop and will own its work and recommendations both internally and externally. McKinsey ... will not provide advice, opinions or recommendations on policy or political matters..." This description of

McKinsey's work by McKinsey undermines the Unified Command's deliberative process privilege assertion.

"Facilitating access to governmental records promotes public awareness and knowledge of governmental actions and encourages governmental officials and agencies to remain accountable to the citizens of Tennessee." *Schneider*, 226 S.W.3d at 339 (citing *Memphis Publ'g Co. v. Cherokee Children & Family Servs., Inc.*, 87 S.W.3d 67, 74-75 (Tenn. 2002)). The Unified Command's assertion of the deliberative process privilege as a blanket justification for shielding the McKinsey contract deliverables from public view ignores this fundamental and crucial aspect of Tennessee law. FW Publishing requests that the Unified Command produce the requested public records. Thank you for your consideration of this matter. I look forward to your response.

Best regards,

A handwritten signature in cursive script that reads "Paul R. McAdoo". The ink is dark and the signature is fluid, with the first and last names being more prominent than the middle initial.

Paul R. McAdoo
Reporters Committee for Freedom of the Press
Local Legal Initiative Staff Attorney (Tennessee)
6688 Nolensville Rd. Ste. 108-20
Brentwood, TN 37027

Attachment 3



STATE OF TENNESSEE
OFFICE OF THE GOVERNOR

LANG WISEMAN
DEPUTY AND CHIEF
COUNSEL TO THE GOVERNOR

BILL LEE
GOVERNOR

September 2, 2020

Paul R. McAdoo
Reporters Committee for Freedom of the Press
Local Legal Initiative Staff Attorney (Tennessee)
6688 Nolensville Road, Suite 108-20
Brentwood, TN 37027
pmcadoo@rcfp.org

VIA EMAIL

RE: Public Records Request from Stephen Elliott Dated May 15, 2020

Dear Mr. McAdoo:

I am in receipt of your letter dated August 14, 2020.

For reference, I would respectfully refer you to *Davidson v. Bredesen*, No. M2012-02374-COA-R3-CV, 2013 WL 5872286 at *3-4 (Tenn. Ct. App. Oct. 29, 2013), wherein the Court of Appeals specifically recognized the deliberative process privilege.

In the interest of ensuring public access to non-privileged or confidential governmental records, we will re-examine the relevant documents to determine whether any records responsive to your client's request for "any [Unified Command] deliverables associated with contract #66331 with vendor McKinsey and Company beginning 4/13/2020 through [May 15, 2020]" are not covered by the deliberative process privilege and otherwise subject to disclosure. These documents may be provided to you on an installment basis beginning no later than September 21, 2020.

Thank you. Please contact me if you have any questions regarding this matter.

Sincerely,

Todd Skelton
Legal Counsel, COVID-19 Unified Command

Attachment 4



Paul McAdoo <pmcadoo@rcfp.org>

Records request response - FW Publishing

1 message

Todd Skelton <Todd.Skelton@tn.gov>
To: Paul McAdoo <pmcadoo@rcfp.org>

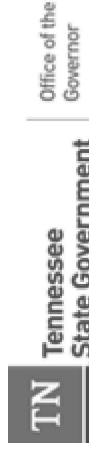
Mon, Sep 21, 2020 at 7:25 PM

Mr. McAdoo:

As indicated in my letter to you dated September 2, 2020, the first installment of public records responsive to your client's request are attached. Unified Command is still in the process of retrieving, reviewing, and/or redacting the requested records, and the next installment of records is anticipated to be provided no later than October 5.

Sincerely,

Todd



Todd B. Skelton







Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

7 attachments

20200414 Check-in.pdf
799K

-  **20200424_COVID Alert Levels_Detailed.pdf**
1705K
-  **20200424_COVID Alert Levels_Summary.pdf**
1494K
-  **20200501_UCG considerations_vS.pdf**
191K
-  **20201515_TN GA TX FL comparison_vS.pdf**
648K
-  **COVID19 Contact Tracing for TN.pdf**
5068K
-  **GA data deep dive v1.pdf**
239K

Attachment 5



Paul McAdoo <pmcadoo@rcfp.org>

Records request response - FW Publishing (installment 2)

1 message

Todd Skelton <Todd.Skelton@tn.gov>
To: Paul McAdoo <pmcadoo@rcfp.org>

Tue, Oct 6, 2020 at 4:55 AM

Mr. McAdoo:

In accordance with my September 21 email, the second installment of public records responsive to your client's request is attached. Certain portions of these records have been redacted on the basis of the deliberative process privilege. Any remaining records are anticipated to be provided to you by October 16.

Please let me know if you have any questions.

Sincerely,

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

1/3/22, 7:26 PM

The Reporters Committee for Freedom of the Press Mail - Records request response - FW Publishing (installment 2)

 **10-5-20.zip**
10668K

Attachment 6



Paul McAdoo <pmcadoo@rcfp.org>

RE: [EXTERNAL] Re: Records request response - FW Publishing (installment 3)

1 message

Todd Skelton <Todd.Skelton@tn.gov>
To: Paul McAdoo <pmcadoo@rcfp.org>

Thu, Oct 15, 2020 at 3:22 PM

Mr. McAdoo:

I hope you are doing well. In accordance with my October 6 email, the third and final installment of public records responsive to your client's request is attached. Certain portions of these records have been redacted on the basis of the deliberative process privilege or for HIPAA/privacy reasons. Six records have been withheld on the basis of the deliberative process privilege.

Due to the file size of the attached folder, I kindly ask that you confirm receipt.

Please let me know if you have any questions.

Thank you,

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

From: Paul McAdoo <pmcadoo@rcfp.org>
Sent: Tuesday, October 6, 2020 9:36 AM
To: Todd Skelton <Todd.Skelton@tn.gov>
Subject: [EXTERNAL] Re: Records request response - FW Publishing (installment 2)

Dear Mr. Skelton:

Thank you for these public records. I look forward to the October 16th production.

Best,
Paul

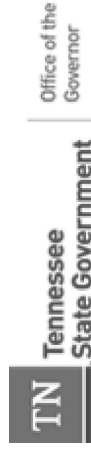
On Tue, Oct 6, 2020 at 4:55 AM Todd Skelton <Todd.Skelton@tn.gov> wrote:

Mr. McAdoo:

In accordance with my September 21 email, the second installment of public records responsive to your client's request is attached. Certain portions of these records have been redacted on the basis of the deliberative process privilege. Any remaining records are anticipated to be provided to you by October 16.

Please let me know if you have any questions.

Sincerely,
Todd



1/3/22, 7:27 PM

The Reporters Committee for Freedom of the Press Mail - RE: [EXTERNAL] Re: Records request response - FW Publishing (installment 3)

Todd B. Skelton

Legal Counsel, COVID-19 Unified Command
Tennessee State Capitol
(615) 664-8590

-



Paul R. McAdoo
Local Legal Initiative Staff Attorney (Tennessee)
pmcadoo@rcfp.org • (615) 823-3633 • @tnmedialaw



Produced 10-15-20.zip
22916K

Attachment 7



Paul McAdoo <pmcadoo@rcfp.org>

Re: [EXTERNAL] Re: Records request response - FW Publishing (installment 3)

1 message

Paul McAdoo <pmcadoo@rcfp.org>

Fri, Oct 16, 2020 at 9:39 AM

To: Todd Skelton <Todd.Skelton@tn.gov>

Dear Mr. Skelton:

Thank you again for this production. In regard to the Unified Command's assertion that portions of these records were redacted based on alleged HIPAA/privacy reasons, could you please provide the specific provision of state law that permits those redactions and please specify the redactions that are based on those provisions? I am aware of no general privacy exemption under the Tennessee Public Records Act and, even if the Unified Command was a covered entity and the redacted information was protected health information, both of which seems unlikely, HIPAA does not preempt state public records laws. On this latter point, the attached Tennessee Attorney General Opinion explains that: "when Tennessee's Public Records Act requires a covered entity to disclose PHI, the covered entity is permitted under HIPAA's Privacy Rule to make the disclosure without running afoul of HIPAA as long as the disclosure complies with the Public Records Act." I look forward to your response.

Best,
Paul

On Thu, Oct 15, 2020 at 3:23 PM Todd Skelton <Todd.Skelton@tn.gov> wrote:

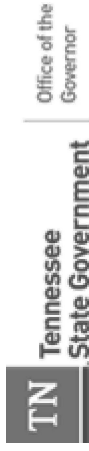
Mr. McAdoo:

I hope you are doing well. In accordance with my October 6 email, the third and final installment of public records responsive to your client's request is attached. Certain portions of these records have been redacted on the basis of the deliberative process privilege or for HIPAA/privacy reasons. Six records have been withheld on the basis of the deliberative process privilege.

Due to the file size of the attached folder, I kindly ask that you confirm receipt.

Please let me know if you have any questions.

Thank you,
Todd

Office of the
Governor**Todd B. Skelton**

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

From: Paul McAdoo <pmcadoo@rcfp.org>**Sent:** Tuesday, October 6, 2020 9:36 AM**To:** Todd Skelton <Todd.Skelton@tn.gov>**Subject:** [EXTERNAL] Re: Records request response - FW Publishing (installment 2)

Dear Mr. Skelton:

Thank you for these public records. I look forward to the October 16th production.

Best,

Paul

On Tue, Oct 6, 2020 at 4:55 AM Todd Skelton <Todd.Skelton@tn.gov> wrote:

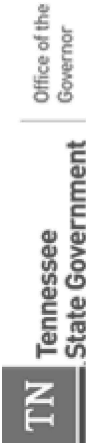
Mr. McAdoo:

In accordance with my September 21 email, the second installment of public records responsive to your client's request is attached. Certain portions of these records have been redacted on the basis of the deliberative process privilege. Any remaining records are anticipated to be provided to you by October 16.

Please let me know if you have any questions.

Sincerely,

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

--

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Paul R. McAdoo
Local Legal Initiative Staff Attorney (Tennessee)
pmcadoo@rcfp.org · (615) 823-3633 · @tnmedialaw

--

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Paul R. McAdoo
Local Legal Initiative Staff Attorney (Tennessee)
pmcadoo@rcfp.org · (615) 823-3633 · @tnmedialaw

 **The Honorable Kevin Brooks The Honorable Rick Womick (2).pdf**
145K

Attachment 8



Paul McAdoo <pmcadoo@rcfp.org>

Records request response - FW Publishing - follow up

1 message

Todd Skelton <Todd.Skelton@tn.gov>
To: Paul McAdoo <pmcadoo@rcfp.org>

Tue, Oct 27, 2020 at 12:17 PM

Mr. McAdoo,

As discussed, please see the attached updated folder of records in connection with your client's request for McKinsey deliverables. A portion of these records have been redacted on the basis of the deliberative process privilege. Thank you.

Sincerely,

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

 **Produced 10-27-20.zip**
17121K

Attachment 9



Paul McAdoo <pmcadoo@rcfp.org>

RE: [EXTERNAL] Re: FW: Records request - McKinsey deliverables

1 message

Todd Skelton <Todd.Skelton@tn.gov>
To: Paul McAdoo <pmcadoo@rcfp.org>

Sat, Jan 30, 2021 at 11:56 AM

Mr. McAdoo,

In accordance with T.C.A. § 10-7-503, copies of records responsive to your client's request (stated below) are attached. Limited portions were withheld on the basis of the deliberative process privilege.

Sincerely,

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

From: Paul McAdoo <pmcadoo@rcfp.org>
Sent: Monday, January 25, 2021 1:57 PM
To: Todd Skelton <Todd.Skelton@tn.gov>
Subject: Re: [EXTERNAL] Re: FW: Records request - McKinsey deliverables

1/3/22, 7:29 PM

The Reporters Committee for Freedom of the Press Mail - RE: [EXTERNAL] Re: FW: Records request - McKinsey deliverables

Thanks for the update, Mr. Skelton. I appreciate it.

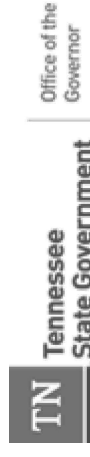
On Mon, Jan 25, 2021 at 12:33 PM Todd Skelton <Todd.Skelton@tn.gov> wrote:

Mr. McAdoo,

We are in the process of retrieving, reviewing, and/or redacting the requested records. The time reasonably necessary to produce the record(s) is by the end of this week.

Thank you.

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

From: Paul McAdoo <pmcadoo@rcfp.org>
Sent: Tuesday, January 19, 2021 6:38 PM
To: Todd Skelton <Todd.Skelton@tn.gov>
Subject: [EXTERNAL] Re: FW: Records request - McKinsey deliverables

Thank you, Mr. Skelton. I look forward to hearing from you on the 25th. I appreciate your help.

Best,

Paul

On Tue, Jan 19, 2021 at 2:21 PM Todd Skelton <Todd.Skelton@tn.gov> wrote:

Good afternoon, Mr. McAdoo.

In response to the public records request from Mr. Elliott with your client, FW Publishing, regarding McKinsey deliverables to the State under contract #66331 on or after June 13, 2020, it has not yet been determined that records responsive to this request exist. I expect that a determination of a proper response to the request will be made by Monday, January 25. Thank you.

Sincerely,

Todd



Todd B. Skelton

Legal Counsel, COVID-19 Unified Command

Tennessee State Capitol

(615) 664-8590

From: Stephen Elliott <sellott@fwpublishing.com>

Sent: Friday, January 8, 2021 1:08 PM

To: Todd Skelton <Todd.Skelton@tn.gov>

Cc: Dean Flener <Dean.Flener@tn.gov>

Subject: [EXTERNAL] Re: Records request - McKinsey deliverables

Following up on this with a second request. I'm requesting any deliverables associated with contract #66331 with vendor McKinsey and Company beginning 6/13/2020 (date of last produced document). I am specifically, but not exclusively, requesting any materials related to the "management workshop" listed on page 6 of the contract.

Thank you,

Stephen Elliott

Reporter, Nashville Post/Nashville Scene

cell: 205.568.4746

@ElliottStephenB

--



Paul R. McAdoo
Local Legal Initiative Staff Attorney (Tennessee)
pmcadoo@rcfp.org • (615) 823-3633 • @tnmedialaw

--

Paul R. McAdoo
Local Legal Initiative Staff Attorney (Tennessee)
pmcadoo@rcfp.org • (615) 823-3633 • @tnmedialaw



 McKinsey Records - 1-8-21 Request.pdf
3077K