

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND**

BEN PAVIOUR and VPM NEWS,

Petitioners,

v.

VIRGINIA DEPARTMENT OF  
EDUCATION

Respondent.

Case No. \_\_\_\_\_

**AFFIDAVIT OF BEN PAVIOUR**

Affiant Ben Paviour states as follows:

1. I am a citizen of the Commonwealth of Virginia and a resident of the City of Richmond. I make this affidavit to show good cause as required by Va. Code § 2.2-3713(A).
2. I have read the petition filed herewith and know its contents.
3. The statements in the petition are true to my own knowledge, or upon information and belief. As to those statements based upon information and belief, I believe those statements to be true.
4. **Exhibit A** is a true and correct copy of Executive Order No. 1 issued by Governor Glenn Youngkin on January 15, 2022, which I obtained from the Governor's Office website at <https://www.governor.virginia.gov/executive-actions/>.
5. **Exhibit B** is a true and correct copy of Executive Order No. 2 issued by Governor Youngkin on January 15, 2022, which I obtained from the Governor's Office website at <https://www.governor.virginia.gov/executive-actions/>.

6. **Exhibit C** is a true and correct copy of emails between the Virginia Department of Education (“VDOE”) and me, dated January 18, 2022 through February 7, 2022. These emails include a Virginia Freedom of Information Act (“VFOIA”) request that I sent to Rebecca Askew on January 18, 2022, and the Department of Education’s partial denial of that request, sent by Ms. Askew on February 1, 2022.

7. **Exhibit D** is a true and correct copy of a record I received from VDOE in response to my January 18, 2022, VFOIA request. Exhibit D consists in part of an email from Jillian Balow to Dicky Shanor and Elizabeth Schultz, forwarding an attachment titled “EA\_Instructions.docx” (the “EA\_Instructions Document”).

8. The EA\_Instructions Document was not produced to me.

9. On February 8, 2022, I submitted an additional VFOIA request to VDOE seeking, in part, “[a]ny correspondence related to the fulfilling of my FOIA request dated 1/18/22.”

10. **Exhibit E** is a true and correct copy of a record I received from VDOE in response my February 8, 2022, VFOIA request.

Pursuant to Va. Code § 8.01-4.3, I declare under penalty of perjury that the foregoing is true and correct.

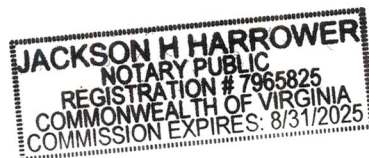
  
Ben Paviour

Sworn to before me this

7<sup>th</sup> day of April, 20 22

  
NOTARY PUBLIC

My commission expires: 8/31/2025



## CERTIFICATE OF SERVICE

I certify that on or before the 14<sup>th</sup> day of April, 2022, a copy of the foregoing will be served by email upon the following addresses:

Barbara.johnson@doe.virginia.gov  
Rebecca.askew@doe.virginia.gov  
service@oag.state.va.us

If additional service is not waived by counsel for respondent, a copy will also be served by private process server upon:

Virginia Department of Education, *Respondent*  
c/o Barbara Johnson, Department Secretary  
The James Monroe Building, 25<sup>th</sup> Floor  
101 N. 14<sup>th</sup> Street  
Richmond, VA 23219

/s/ Lin Weeks

Lin Weeks, VA Bar No. 97351  
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*Counsel for Petitioners VPM News and  
Ben Paviour*