

EXHIBIT 3

From: [Jennifer S. Wagner](#)
To: [Jay Arceneaux](#); [Rachel Kincaid](#); [Lydia C. Milnes](#)
Cc: [Briana J. Marino](#); [Valerie H. Raupp](#); [James C. Stebbins](#); [Richard Gottlieb](#); [Anna Casto](#)
Subject: RE: Baxley v Jividen
Date: Monday, March 23, 2020 5:50:50 PM
Attachments: [image001.png](#)

Jay,

[REDACTED]

Also, in regard to the ID/COVID-19 plan, we appreciate you sending us the 2016 policy. We understand, however, that a specific policy was put in place for the pandemic on March 20, which you have not provided. Obviously, such a policy is very much in the public interest; even if you believe that it is subject to security or privacy concerns, it should be provided under the protective order in this case. Without the plan, we cannot know what (if anything) DCR is doing, and we will be forced to assume that any efforts are inadequate and to ask the Court to intervene. This seems like a lot of wasted time and effort if there is an adequate plan in place that you can share with us under the protective order.

We look forward to hearing from you regarding these matters.

Thanks,

Jennifer

Jennifer S. Wagner, Esq.
Mountain State Justice
325 Willey Street
Morgantown, WV 26505
(304)326-0188
(304)326-0189 (fax)

Pronouns: she/her/hers

This communication is intended only for the use of the individual to whom, or entity to which, it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is prohibited. If you have received this communication in error, please notify us immediately by telephone at [304-344-3144](tel:304-344-3144) and return the original message to us at the above address via the U.S. Postal Service.

From: Jay Arceneaux [mailto:wjarceneaux@lewisglasser.com]

Sent: Monday, March 23, 2020 2:48 PM

To: Rachel Kincaid <rkincaid@msjlaw.org>; Jennifer S. Wagner <jennifer@msjlaw.org>; Lydia C. Milnes <lydia@msjlaw.org>

Cc: Briana J. Marino <Briana.J.Marino@wvago.gov>; Valerie H. Raupp <vraupp@lewisglasser.com>; James C. Stebbins <jstebbins@lewisglasser.com>; Richard Gottlieb <rgottlieb@lewisglasser.com>; Anna Casto <acasto@lewisglasser.com>

Subject: Baxley v Jividen

I wanted to update you on the status of this case and what I am working on for tomorrow's court ordered deadline.

1)

[REDACTED]

Thanks for your attention to this email. I appreciate your cooperation in this difficult time.



Webster J. Arceneaux, III

Lewis Glasser PLLC

304.345.2000

lewisglasser.com

300 Summers Street, Suite 700

Charleston, West Virginia 25301

This email originated from an outside source: Do not open attachments or links unless you know the content is safe, forward suspicious emails as an attachment to tboggess@lewisglasser.com