



STATE OF NEBRASKA
Office of the Attorney General

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MIKE HILGERS
ATTORNEY GENERAL

RYAN BAKER
ASSISTANT ATTORNEY GENERAL

September 14, 2026

Via email: [REDACTED]

Juan Vassallo
[REDACTED]

RE: *Public Record Matter Involving the University of Nebraska*
Our File No. 20261092

Dear Mr. Vassallo:

This letter is in response to your petition received by this office on August 28, 2026, in which you sought our review of the handling of your public records request submitted to the University of Nebraska (the "University") on May 14, 2026. You requested:

All communications (including emails, attachments, and internal memoranda) sent or received by Dr. Jessica Sperber (jsperber2@unl.edu) that contain or reference the terms "Experior" or "lubabegron," from January 1, 2024, to present.

Per the correspondence included alongside your petition to our office, Molly McCleery, in her role as Associate General Counsel and Director of University Records, responded to your request, advising that additional time would be necessary to fulfill your request and that the University would provide its response by June 9, 2026.¹ Subsequent correspondence indicates that Ms. McCleery informed you that the University would require additional extensions while preparing its response to your request.

The undersigned forwarded your petition to Ms. McCleery on September 3, 2026, and requested additional information regarding this matter. Ms. McCleery stated that following the receipt of your request, she directed University personnel to search for responsive records, and 637 individual records were identified. Per Ms. McCleery:

¹ It is unclear from the information you provided when Ms. McCleery first informed you that additional time was necessary to fulfill your request. The earliest correspondence included with your petition is undated, but we believe it to have been delivered between May 14, 2026, and June 9, 2026.

The 637 potentially responsive records require a careful review for information regarding current, former, or prospective students not subject to disclosure under Neb. Rev. Stat. § 84-712.05(1) and prohibited from disclosure under the Family Educational Rights and Privacy Act ("FERPA") and for ongoing, unpublished research not subject to disclosure pursuant to Neb. Rev. Stat. § 84-712.05(3).

Ms. McCleery also advised that the University had received 282 public records requests prior to its receipt of your request on May 14, as well as increased requests from current and former students seeking to inspect and review their education records pursuant to FERPA, that have required the attention of University staff. She indicated there has been a forty percent increase in request volume over last year, with the same level of staffing to handle the requests. Ms. McCleery stated that she is the University employee primarily responsible for reviewing and responding to requests for public records and processing FERPA requests, in addition to her other duties for the University. Ms. McCleery acknowledged your frustration and desire to receive the requested records, and stated they are working to complete your request. She anticipated a completed response by October 1, 2026.

Neb. Rev. Stat. § 84-712(4)(c) (2024) permits a public records custodian to extend the date of its full response to a public records request when "the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request." Ms. McCleery explained the University's need to extend its response date multiple times due to the nature of your request and other obligations. A public body is not limited to a static "earliest practicable date" when circumstances may require additional time. As our office has observed, the Nebraska Public Records Statutes contemplate that public bodies "be given adequate time to respond to a request for public records, taking into account available facilities, equipment, and personnel," and "[s]taff is not required to abandon their other public duties to respond to a request."²

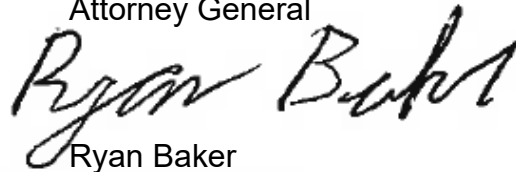
² See *File No. 22-R-121; Secretary of State; Susan Bliss, Petitioner* (May 23, 2022). A copy of this disposition may be found at <https://ago.nebraska.gov/disposition-letters>.

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Based on the foregoing, the University has not acted unlawfully regarding your records request. No further action by our office is required, and we are closing this file. If you disagree with our handling of your petition, you are free to pursue the other legal remedies available to you under Neb. Rev. Stat. § 84-712.03 (2024).

Sincerely,

MIKE HILGERS
Attorney General

A handwritten signature in black ink, appearing to read "Ryan Baker", written in a cursive style.

Ryan Baker
Assistant Attorney General

c: Molly McCleery (via email only)

55-141