



September 25, 2025

Chris Russell
Checkmate Strategies



Re: Immediate Cease and Desist

Dear Mr. Russell:

We are counsel to Representative Mikie Sherrill and Mikie Sherrill for Governor. Federal government agents working for the Trump Administration violated the law when they improperly released Representative Mikie Sherrill's Official Military Personnel File ("**OMPF**")—including her Social Security number—to Nicholas De Gregorio, a prior client. The OMPF includes sensitive personal information, including Rep. Sherrill's Social Security number and her Record of Emergency Data, which includes personal identifying information for members of her family. We understand that you asked Mr. De Gregorio to obtain information on Rep. Sherrill.

Mr. De Gregorio made an unauthorized request for Rep. Sherrill's OMPF, after you, a campaign strategist for Ciattarelli for Governor, Inc., asked him to find information on Rep. Sherrill.¹ The National Personnel Records Center ("**NPRC**") eventually fulfilled Mr. De Gregorio's request, even though Mr. De Gregorio did not have Rep. Sherrill's signed authorization, in violation of federal law.² Mr. De Gregorio knew he should not have received this information. As he told a reporter: "I wasn't her, I wasn't a family member. There was no relationship there. And so I didn't know what to expect. So, I guess I'm a little shocked and kind of disgusted that the social was there."³ Yet he has since shared Rep. Sherrill's OMPF with other unauthorized parties, including Ciattarelli for Governor, Inc.⁴ The NPRC has since *explicitly* requested that Mr. De Gregorio refrain from disseminating the information that he received in error.⁵

Rep. Sherrill graduated from the Naval Academy in 1994 and then spent almost ten years on active duty in the United States Navy.⁶ As a veteran of the United States Navy, records about

¹ James LaPorta, *Archives errs in releasing too much of Mikie Sherrill's military record to her opponent in governor's race*, CBS NEWS (Sept. 25, 2025, 11:54 AM), <https://www.cbsnews.com/news/national-archives-mikie-sherrill-military-record-jack-ciattarelli/>.

² *See id.*

³ *Id.*

⁴ *Id.*

⁵ Exhibit A.

⁶ Mikie Sherrill for Governor, About Mikie, <https://www.mikiesherrill.com/about> (last accessed Sep. 25, 2025).

Rep. Sherrill's service are governed by the Privacy Act of 1974, as amended, and the Freedom of Information Act.⁷ The Privacy Act provides prohibits federal agencies from releasing records to any other person or agency "except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains ..."⁸ This prohibition on disclosure includes personnel files, including those from military service, absent the individual's consent or exceptions not applicable here.⁹

The disclosure of Rep. Sherrill's OMPF—which was released to Mr. De Gregorio in violation of the Privacy Act—violated federal law. Moreover, New Jersey law forbids the tortious disclosure of private facts and allows the recovery of damages when a person reveals (1) matters that were actually private; (2) dissemination of facts that would be offensive to a reasonable person; and (3) there is no legitimate interest of the public in being apprised of the facts publicized.¹⁰ "Actually private" includes information that is not "in the public domain" nor "a matter of legitimate public concern."¹¹ The NPRC has already informed Mr. De Gregorio that the contents of Rep. Sherrill's OMPF are private as a matter of federal law, information of which you should have already been aware based on the markings of the file and the inclusion of information that is plainly private. Thus, any distribution of Rep. Sherrill's OMPF violates New Jersey law.

Here, Mr. De Gregorio was warned that he received non-public information – which Rep. Sherrill did not authorize him to receive and to which he was not entitled. This is not campaign politics. This is not a disagreement over policy or quibbling over a candidate's debate answer. This is a fundamental and unlawful violation of a veteran's rights and of New Jersey law. Rep. Sherrill's records were illegally released. Further distributing these records is a continued invasion of Rep. Sherrill's privacy, in violation of New Jersey law, and places Rep. Sherrill's personally identifiable information at risk.

We demand that you and any of your agents immediately cease and desist the dissemination of this file. We also demand that you destroy all copies of the OMPF, including any digital files, and provide us with evidence of the destruction. You are also hereby on notice of potential legal action and are required to institute an immediate hold on all materials, physical or electronic, potentially relevant to this matter. Effective immediately, you must retain and must not discard or destroy any records that relate to or concern the unlawful release of Rep. Sherrill's OMPF or investigation of this unlawful release, including but not limited to all files, paper documents, communications, notes, emails, hard drives, backup drives, audio recordings, video recordings, servers, website information/data, text messages, instant messages (IM), ephemeral messaging (such as Signal), voicemail messages, and other forms of computer files and information produced by various electronic hardware and/or software that are not reduced to

⁷ See 5 U.S.C. §§ 552, 552a.

⁸ 5 U.S.C. § 552a(b).

⁹ *Bigelow v. Dep't of Defense*, 217 F.3d 875, 876 (D.C. Cir. 2000).


¹⁰ *Williams-Hopkins v. MedWell, LLC*, No. A-0273-21, 2024 WL 1476821, at *20 (N.J. Apr. 4, 2024).

¹¹ *Romaine v. Kallinger*, 109 N.J. 282, 299–301 (1988); see also *G.D. v. Kenny*, 205 N.J. 275, 309 (2011) (The plaintiff "must establish that [they] possessed a reasonable expectation of privacy" in the information disclosed.); *Burnett v. Cnty. of Bergen*, 198 N.J. 408, 430–37 (2009) (describing the reasons that the balance of interests weigh in favor of requiring redaction of Social Security numbers before documents containing them may be disclosed where the person who has requested the records has no need for the Social Security numbers and public policy counsels against making Social Security numbers public).

paper. You must similarly preserve any new records that are generated after you receive this letter that could be considered relevant to this dispute. This includes, but is not limited to, all communications pertaining to the aforementioned subject matter with Ciattarelli for Governor, Inc., the Republican Governors Association, the New Jersey Republican State Committee, reporters, Mr. De Gregorio, and any other party.

We expect your swift confirmation that you will comply with these demands, no later than 5:00 PM on September 26, 2025.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Berkon".

Jon Berkon

Ben Stafford

Counsel to Representative Mikie Sherrill and Mikie Sherrill for Governor

Exhibit A



September 22, 2025

The Honorable Rebecca Sherrill
U.S. House of Representatives
1427 Longworth House Office Building
Washington, DC 20515

Dear Representative Sherrill:

I am writing to notify you that the National Personnel Records Center (NPRC) released in error your Official Military Personnel Folder to an unauthorized requester.

In June, 2025 the National Personnel Records Center received a Freedom of Information Act (FOIA) request from an individual named Nicholas De Gregorio who requested "all publicly releasable information" from the Official Military Personnel Folder documenting your service in the Department of the Navy. In responding to this request, we should have provided only information that is releasable to the public under the FOIA. Unfortunately, however, in responding to the request, we released the comprehensive record, including personal information such as your social security number and date of birth.

While breaches of this type do occur, they are exceedingly rare because the National Archives takes seriously its responsibility to safeguard the records it is entrusted to hold along with the extensive personal information contained therein. We will hold our staff accountable for failing to follow proper administrative procedures with regard to the release of your records. Additionally, we will review our policies and procedures to add additional controls to prevent a similar occurrence in the future and provide additional training to staff to re-enforce our commitment to safeguarding the personal information of our nation's veterans.

We have already reached out to the requester, Nicholas De Gregorio, and asked that he not further disseminate the information that was released to him in error.

We will also reach out to the Department of the Navy, the legal custodian of the record, to ensure its awareness and involvement in the response to this breach.

Although there is no indication that the request was related to identity theft, at a minimum we would like to offer you free credit monitoring services. If you would like to pursue this, please contact me at [REDACTED]. Additionally, you are welcome to contact my colleague Grace McCaffrey, who oversees Congressional Affairs for the agency. She is located at the National Archives in Washington, DC and can be reached at [REDACTED].

On behalf of the National Archives, I sincerely apologize for the inconvenience and aggravation this situation may cause you and for our failure to safeguard your military record from unauthorized release.

Sincerely,



SCOTT A. LEVINS
Director