



ATTORNEY GENERAL OF MISSOURI  
ERIC SCHMITT

IN THE MATTER OF:

*Via Email and Overnight Delivery*

Morningstar, Inc.

CID No. 22-58  
July 26, 2022

**CIVIL INVESTIGATIVE DEMAND**

TO: Sustainalytics  
Four World Trade Center  
150 Greenwich Street, Floor 48  
New York, NY 10007  
inquiries.Americas@sustainalytics.com

The Attorney General of the State of Missouri believes it to be in the public interest that an investigation be made to ascertain whether Morningstar, Inc. (EIN: 36-3297908), its subsidiary Sustainalytics, and/or their agents (collectively, “Subjects” or “Morningstar”) have engaged in or are engaging in any practices declared to be unlawful by § 407.020, RSMo. This investigation will inquire into, among other things, the activities and representations of Morningstar in connection with products and services sold to Missouri consumers. The Attorney General has reason to believe that Subjects may have used deception, fraud, false promises, misrepresentation, unfair practices, and/or the concealment, suppression, or omission of material facts within the scope of the Missouri Merchandising Practices Act.

Please note that materials and information produced pursuant to this civil investigative demand may be disclosed to other state and/or federal law-enforcement agencies pursuant to § 407.060.1, RSMo.

The Attorney General believes that you have information, documentary material, and/or physical evidence relevant to the investigation described above.

## DEFINITIONS

As used in this Demand, the following terms shall have the meanings set forth herein:

1. “You” and “Your” means Sustainalytics, its parent company Morningstar, Inc. (“Morningstar”); their subsidiaries, parent companies, and sister companies; and all agents, representatives, employees, independent contractors, attorneys, and other persons acting or purporting to act on behalf of Sustainalytics, Morningstar, and/or their subsidiaries, parent companies, or sister companies.

2. “All” and “any” shall each be construed to encompass the meanings of the words “all” and “any.”

3. “And” and “or” shall be construed broadly to include both the disjunctive and the conjunctive, to be equivalent to “and/or,” in order to render these Requests as broad as possible.

4. “BDS” means the Boycott, Divestment, Sanctions campaign.

5. “Client” means all customers, including any Persons, to whom you have provided or are providing Your Services.

6. “Communication” means any expression, statement, conveyance, or dissemination of any words, thoughts, statements, ideas, or information, regardless of form, format, or kind. “Communication” includes but is not limited to oral or written communications of any kind, such as telephone conversations, discussions, meetings, notes, letters, agreements, emails or other electronic communications, text messages, facsimiles, and other forms of written or oral exchange that are recorded in any way, including video recordings, audio recordings, written notes, or otherwise. Any Communication that also falls within the definition of “Document” shall constitute both a Document and a Communication for purposes of this civil investigative demand.

7. “Document” includes every “writing,” “recording,” and “photograph” as Federal Rule of Evidence 1001 defines those terms, as well as any “duplicate” of any writing, recording, or photograph. “Document” includes but is not limited to electronic documents, files, databases, and records, including but not limited to emails, voicemails, text messages, calendar appointments, instant messages, MMS messages, SMS messages, iMessages, computer files, spreadsheets, and metadata. The term Document includes every draft of any other material that falls within the definition of Document.

8. “ESG” means Environmental, Social, and Governance.

9. “ESG Services” or “Services” means all services or products that You provide or represent that You provide containing ESG ratings, research, and/or recommendations, including, but not limited to, Sustainalytics, Controversies Research, ESG Risk Rating, Global Standards Screening, Global Standards Engagement, and the Human Rights Radar.

10. “Identify”, when used with respect to a person or entity, means information sufficient to allow employees of the Attorney General to ascertain the current contact information (name, home or business address, telephone number, email), and if not a natural person, the current contact information for Your point of contact with the entity or facility to be identified, as well as the relationship of that person or entity to You.

11. “Identify”, when used with respect to a fact or event, means information sufficient to allow employees of the Attorney General to ascertain the fact or event with reasonable particularity, and to identify each person believed to have knowledge with respect to the fact or event and each document that refers or relates to the fact or event.

12. “Identify”, when used with respect to a transaction, means to provide information sufficient to allow ascertainment of the banking and financial information of the sending and receiving parties, the method of payment or funds transfer, and the natural persons involved with the transfer or payment.

13. “Identify”, with regard to a Communication, means to state with specificity the date of the Communication; the medium of communication; the location of the Communication; the name(s) and alias(es) of the person(s) who made the Communication; and the name(s) and alias(es) of all persons who were present when the statement was made, who received the Communication, who heard the Communication, or who came to know of the content of the Communication at a later time.

14. “Person” means any natural person, corporation, proprietorship, partnership, association, firm, or entity of any kind.

15. “Relating to”, “related to”, and “relate to” mean to be relevant in any way to the subject matter in question, including without limitation all information that directly or indirectly contains, records, reflects, summarizes, evaluates, refers to, is pertinent to, indicates, comments upon, or discusses the subject matter; or that states the background of, or was the basis for, or that records, evaluates, comments, was referred to, relied upon, utilized, generated, transmitted, or received in arriving at any conclusion, opinion, estimate, position, decision, belief, policy, practice, course of business, course of conduct, procedure, or assertion concerning the subject matter.

### **DEMAND FOR DOCUMENTS AND INFORMATION**

Unless specifically stated otherwise, please restrict your search for all information and documents requested below to the period from January 1, 2019, to the present.

For each Demand for Information and Documents, you shall type the Demand and type Your corresponding response. You should identify—by Bates range, or by file names and locations—which Documents are responsive to each Demand. If You do not know the answer to a Demand, You shall identify in Your response the individual or business entity that has the answer to the Demand for Information. The document on which You type each Demand and Your corresponding response shall be executed by You before a Notary Public.

No demand seeks privileged information. If You believe that You have responsive materials that are privileged, please produce a privilege log that identifies each document or communication, the basis for withholding the document, the reason withheld, and sufficient information to permit the Attorney General's Office to assess the applicability of the privilege and/or the work-product doctrine.

Pursuant to § 407.040, RSMo, the Attorney General demands that—no later than 10:00 a.m. (Central) on August 15, 2022—You produce the following documents and information, to the extent that they are within your possession, custody, and/or control.

1. Identify the individuals responsible for providing Documents and information responsive to this Civil Investigative Demand, and for each such individual, identify the specific demands to which the individual contributed Documents or information.

2. Produce all Documents identified, referred to, used to prepare, or concerning any of Your responses to any of these specific requests that are not otherwise produced.

3. If Documents responsive to a particular specific demand no longer exist, but You have reason to believe have been in existence, state the circumstances under which they were lost or destroyed, describe them to the fullest extent possible, state the specific demand to which they are responsive, and identify Persons having knowledge of their content.

4. Identify all Missouri Clients to whom You have provided or are providing ESG Services. For each Client, describe the Services provided, the dates of these Services, the amounts Missouri Clients paid for these Services, and any contracts related to these Services.

5. Produce all solicitations or promotional materials that You have provided to Missouri Clients, or prospective clients, made in any form or medium, relating to ESG Services. This request includes but is not limited to Power-Point, Google Slides, toolkits, or similar presentation materials, and other Documents related to oral presentations to Missouri Clients.

6. Identify and provide all Documents and Communications with JLens relating to ESG Services or BDS.

7. Identify and provide all Documents and Communications relating to the March 16, 2021 statement, "Morningstar Affirms Integrity of ESG Research and Ratings," including all Documents referenced in the statement and Documents relating to Your internal review.

8. Identify and provide all Documents and Communications with the Illinois Investment Policy Board relating to ESG Services or BDS.

9. Identify and provide all Documents and Communications relating to changes to Your ESG services relating to: (1) the May 11, 2022 report from White & Case, "Report of Independent Investigative Counsel Regarding Alleged Anti-Israel Bias in Morningstar, Inc. ESG Products and Services" ("White & Case Report"); (2) Your June 2, 2022 statement, "A Letter from

Joe Mansueto and Kunal Kapoor”; and/or (3) the June 22, 2022 meeting of the Illinois Investment Policy Board Committee on Israel Boycott Restrictions.

10. Identify and provide all Documents and Communications with the New York State Comptroller relating to ESG Services or BDS.

11. Identify and provide all Documents and Communications with the Jewish United Fund of Metropolitan Chicago relating to ESG Services or BDS.

12. Identify and provide all Documents and Communications with Your employees relating to BDS or with any external stakeholders relating to BDS, including but not limited to “Morningstar employees ... and external stakeholders” who “expressed concerns regarding the JLens allegations and IIPB inquiry,” as noted on page 8 of the White & Case Report.

13. Identify and provide all Documents and Communications with any federal government or state government entity relating to ESG Services and BDS.

14. Identify and provide all Documents and Communications with any third-party relating to concerns, complaints, or criticisms about ESG Services and BDS.

15. Identify and provide all Documents ranking news sources or assessing their reliability for any of Your ESG Services.

16. Identify and provide the “blacklist” and “watchlist” of sources used by the Incidents team researchers.

17. Identify and provide all Documents and Communications relating to any decision to start or stop using certain sources related to the Israeli/Palestinian conflict areas due to their reliability.

18. Identify and provide all Documents and Communications relating to the use of the UN High Commissioner for Human Rights February 2020 report in ESG Services.

19. Identify and provide all Documents and Communications containing draft or final guidance for Your employees relating to the Israeli/Palestinian conflict area or BDS.

20. Identify and provide all Your guidance documents to educate analysts on how to conduct research for the Controversies Research product.

21. Identify and provide Global Standard Screening’s guidance, including all draft and final guidance, on the Israeli/Palestinian conflict areas.

22. Identify and provide Global Standard Screening’s subject-specific internal guidelines for research analysts, including guidance on issuers operating in specific geographic regions, including but not limited to the Israeli/Palestinian conflict area.

23. Identify and provide all Documents and Communications relating to the bespoke research of the Israeli/Palestinian conflict area for a faith-based pension fund.
24. Identify and provide the Human Rights Radar methodology document, process map, description of standard operating procedures, and analyst guidance document, including all draft, final, and updated versions thereof.
25. Identify and provide all Documents and Communications relating to the Global Standards Engagement 2018 report and 2021 update report containing bespoke research on the Israeli/Palestinian conflict area.
26. Identify and provide all Documents and Communications with Who Profits relating to ESG Services or BDS.
27. Identify and provide all Documents and Communications with Human Rights Watch relating to ESG Services or BDS.
28. Identify and provide all Documents and Communications with Amnesty International relating to ESG Services or BDS.
29. Identify and provide all Documents and Communications with Clients trying to dissuade them from doing business in and/or with Israel.
30. Identify and provide the Global Standards Screening guidelines proposed in July 2020 for companies operating in Israeli/Palestinian conflict areas, as well as all predecessor, draft, final, updated, and successor guidelines.
31. Identify and provide any Document provided to or reviewed by White & Case in the course of preparing its May 11, 2022 report, “Report of Independent Investigative Counsel Regarding Alleged Anti-Israel Bias in Morningstar, Inc. ESG Products and Services” (“White & Case Report”).
32. Identify and provide all Communications with Tara Lee, White & Case, and any person associated with White & Case, relating to the White & Case Report.
33. Identify and provide all Documents and Communications relating to the *Electronic Intifada* website, *BDSMovement.net*, *Iran Daily*, teleSUR, and/or teleSURtv.
34. Identify and provide all Documents relating to or supporting Your claim that “[n]either Morningstar nor Sustainalytics supports the anti-Israel BDS campaign.”
35. Identify and provide all Documents and Communications relating to the inclusion of any company or companies in Sustainalytics’ Global Standards Screening “Watchlist” and “Non-Complaint” metrics.

36. Identify and provide all policies and procedures of Sustainalytics' Incidents team relating to ESG Services or BDS.

37. Identify every employee or other person associated with Morningstar, Inc. and/or Sustainalytics who was interviewed relating to the White & Case Report.

38. Identify every external stakeholder who was interviewed relating to the White & Case Report.

39. Provide all client-facing reports, including those provided through Sustainalytics' online platform, Global Access, as well as all client-facing data that is not available in Global Access, such as the Human Rights Radar.

40. Provide the list of sources determined to be unreliable maintained by Sustainalytics' Incidents team, discussed on page 71 of the White & Case Report, and identify the date on which each such source was determined to be unreliable and the reason(s) for the determination.

41. Provide all Communications and Documents relating to The Jerusalem Post and/or NGO Monitor.

42. Provide all Documents and Communications between any GSE (Global Standards Engagement) engagement manager and any person or entity relating to business conducted in, with, or relating to the State of Israel, any Israeli/Palestinian conflict areas, and/or BDS.

43. Identify the GSE engagement manager who "specializes in human rights issues and who is assigned all those cases, including all cases related to the Israeli/Palestinian conflict areas," as reported on page 53 of the White & Case Report.

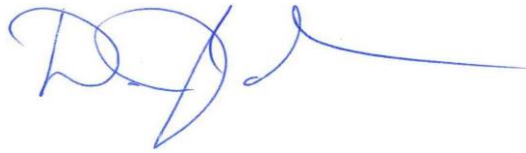
The Missouri Attorney General's Office may serve additional or subsequent civil investigative demands on You.

Please note that pursuant to § 407.080, RSMo, certain acts done with the intent to avoid, evade, or prevent compliance in whole or in part with any civil investigative demand constitute a Class A misdemeanor, which is punishable by a fine not to exceed \$1,000 for individuals and \$5,000 for corporations, or by imprisonment for a term of not more than one year, or both a fine and imprisonment.

No extension of the deadline for compliance with this civil investigative demand shall be effective unless it is reflected in a writing executed by an authorized representative of the Missouri Attorney General.

Submit the following Certification of Compliance and all responsive documents and information to:

D. John Sauer  
Missouri Attorney General's Office  
207 West High Street, PO Box 899  
Jefferson City, Missouri 65102  
John.Sauer@ago.mo.gov



---

D. John Sauer  
Solicitor General



In the Matter of:

Morningstar, Inc.

CID No. 22-58

**CERTIFICATION OF COMPLIANCE**

I/We hereby certify that all documents and information required by Civil Investigative Demand No. 22-58, which is in the possession, custody, control, or knowledge of, \_\_\_\_\_  
\_\_\_\_\_ has been submitted to the Missouri Attorney General as directed herein.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Notary Public

My Commission Expires:

IN THE STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

**AFFIDAVIT**

Before me, the undersigned authority, personally appeared, \_\_\_\_\_  
who, being by me duly sworn, deposed as follows:

My name is \_\_\_\_\_, I am of sound mind, capable  
of making this affidavit, and personally acquainted with the facts herein stated:

I am the custodian of the records of \_\_\_\_\_.

Attached hereto are \_\_\_\_\_ pages of records from \_\_\_\_\_.

These \_\_\_\_\_ pages of records are kept by \_\_\_\_\_ in the regular  
course of business, and it was the regular course of business of \_\_\_\_\_ for  
an employee or representative of \_\_\_\_\_ with knowledge of the act,  
event, condition, opinion, or diagnosis recorded to make the record or to transmit information  
thereof to be included in such record; and the record was made at or near the time of the act, event,  
condition, opinion or diagnosis. The records attached hereto are the original or exact duplicates of  
the original.

Affiant

In witness whereof, I have hereunto subscribed my name and affixed my official seal this  
day of \_\_\_\_\_, 20\_\_\_\_.

[SEAL]

Notary Public

My Commission Expires: \_\_\_\_\_