

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN

and

WANDREA MOSS,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Civil Action No. 21-cv-3354 (BAH)

Judge Beryl A. Howell

**PLAINTIFFS' UNOPPOSED MOTION FOR ORDER PERMITTING PLAINTIFFS TO
SERVE A RULE 45 SUBPOENA ON THIRD-PARTY JENNA ELLIS
VIA ALTERNATIVE SERVICE AND AMENDING THE SCHEDULING ORDER TO
PERMIT PLAINTIFFS TO TAKE THREE DEPOSITIONS AFTER THE CLOSE OF
FACT DISCOVERY**

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
BACKGROUND	4
A. Under The Scheduling Order, Discovery Closes On May 22, 2023.....	4
B. Plaintiffs Have Exhausted Efforts To Serve Ms. Ellis.....	4
1. Plaintiffs have spent months conferring with counsel for Ms. Ellis.	4
2. Plaintiffs sought to depose Ms. Ellis after Defendant Giuliani amended his initial disclosures, and have spent the last few weeks attempting to serve her without success.	6
C. The Giuliani Businesses Possess Relevant Information Which Defendant Giuliani May Produce Following An Order On Plaintiffs’ Pending Motion To Compel.	8
LEGAL STANDARD.....	10
ARGUMENT	11
I. ALL OF THE FACTORS COURTS CONSIDER WARRANT PERMITTING PLAINTIFFS TO SERVE MS. ELLIS THROUGH ALTERNATIVE MEANS.	11
A. Ms. Ellis Is Aware That Plaintiffs Are Attempting Service.	11
B. Plaintiffs Have Made Reasonable, Diligent Efforts To Serve Ms. Ellis.....	12
C. The Proposed Method Of Alternative Service Is Reasonably Calculated To Ensure Receipt Of The Ellis Subpoena.....	12
II. GOOD CAUSE EXISTS TO MODIFY THE SCHEDULING ORDER TO ALLOW PLAINTIFFS PERMISSION TO CONDUCT THREE DEPOSITIONS AFTER CLOSE OF FACT DISCOVERY.	13
CONCLUSION.....	14

TABLE OF AUTHORITIES**Page(s)****Cases**

<i>2910 Ga. Ave. LLC v. District of Columbia</i> , 312 F.R.D. 205 (D.D.C. 2015).....	10
<i>Barnes v. District of Columbia</i> , 289 F.R.D. 1 (D.D.C. 2012).....	11
<i>Chen v. Fed. Bureau of Investigation</i> , Case No. 22-MC-0074 (CRC), 2022 WL 17851618 (D.D.C. Oct. 18, 2022)	10
<i>Harte-Hanks Commc'ns, Inc. v. Connaughton</i> , 491 U.S. 657 (1989).....	6
<i>Herbert v. Lando</i> , 441 U.S. 153 (1979).....	7
<i>New York Times Co. v. Sullivan</i> , 376 U.S. 254 (1964).....	6
<i>Sanchez v. Yu Lin Corp.</i> , No. 21-CV-2119 (TSC), 2022 WL 4598653 (D.D.C. Sept. 30, 2022)	12
<i>In re Shur</i> , 184 B.R. 640 (Bankr. E.D.N.Y. 1995).....	11
<i>St. Amant v. Thompson</i> , 390 U.S. 727 (1968).....	7

Rules

D.C. Supr. Ct. R. Civ. P. 4(e)(3)(A)	12
Fed. R. Civ. P. 4(e)(1).....	12
Fed. R. Civ. P. 16(b)(4).....	10, 13
Fed. R. Civ. P. 45(b)(1).....	10

Other Authorities

9A Charles A. Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 2454 (3d ed.)	10
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Plaintiffs Ruby Freeman and Wandrea' ArShaye ("Shaye") Moss ("Plaintiffs") respectfully move this Court for permission to serve third-party Jenna Ellis with a Federal Rule of Civil Procedure ("Rule" or "Rules") 45 subpoena via alternative methods and to amend the August 31, 2022 Scheduling Order (the "Scheduling Order") to permit Plaintiffs to conduct three depositions, and to seek any related relief required, after fact discovery closes on May 22, 2023.¹

INTRODUCTION

Plaintiffs have been diligent about pursuing discovery over the past year, which has been challenging in the face of a Defendant and many third parties who refuse to cooperate in virtually any aspect of discovery. Plaintiffs have sought the assistance of the Court only as a last resort, including to compel Defendant Rudolph Giuliani to *inter alia* amend his initial disclosures and to produce materials from all potential sources of information, including from the two businesses he founded and owns (Giuliani Partners LLC and Giuliani Communications LLC) (together, the "Giuliani Businesses"). Defendant Giuliani has made a number of decisions in the course of that discovery dispute that necessitate this Motion.

First, Defendant Giuliani amended his initial disclosures on March 24, 2023 to add a number of individuals whom he admits are likely to possess relevant information on which he plans to rely, including third-party Jenna Ellis. Defendant Giuliani identified Ms. Ellis in his updated disclosures as being "involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on" when making statements about Plaintiffs, in his deposition testimony Defendant Giuliani highlighted Ms. Ellis as his "assistant" who had knowledge of an alleged USB drive video, and discovery has illustrated her

¹ Pursuant to Local Civil Rule 7(m), before Plaintiffs filed this Motion, counsel for Plaintiffs notified counsel for Defendant of Plaintiffs' intention to file this Motion. Defendant indicated that he would not oppose the Motion.

critical involvement in the defamatory allegations at the heart of Plaintiffs' claims. Following Defendant Giuliani's deposition on March 1, 2023, Plaintiffs promptly reached out to the attorneys whom Plaintiffs had previously been conferring with for purposes of a Rule 45 document subpoena on Ms. Ellis ("Kleinbard Counsel") to request a meet and confer to discuss potential deposition testimony. While the meet and confer on March 29, 2023 was seemingly productive, Kleinbard Counsel then failed to respond for nearly three weeks, prompting Plaintiffs to prepare a deposition and document subpoena for Ms. Ellis (the "Ellis Subpoena")² which was served on Kleinbard Counsel on April 19, 2023. On April 21, 2023, Kleinbard Counsel refused to accept service of the Ellis Subpoena and on April 28, 2023—after more than a month of negotiations about the deposition subpoena and more than nine months after beginning to confer on the earlier subpoena (to which Ms. Ellis never produced documents)—Kleinbard Counsel represented, for the first time, that they no longer represented Ms. Ellis. In the weeks since, Plaintiffs have attempted personal service on Ms. Ellis. Plaintiffs have made various attempts at her last known address in Colorado until learning that Ms. Ellis had recently moved to Florida with no discernable address. Plaintiffs requested the assistance of Kleinbard Counsel and counsel for Defendant Giuliani in contacting Ms. Ellis and/or her new counsel, or to reach an agreement that would obviate the need to secure Ms. Ellis' testimony. To date, Plaintiffs efforts have been rebuked. Plaintiffs have incurred significant time and expense, including hiring a private investigator in an attempt to locate Ms. Ellis' new Florida address, and still have been unable to locate and serve Ms. Ellis. Defendant plans to rely on Ms. Ellis in his defense at trial and Plaintiffs would be severely prejudiced if they were unable to depose Ms. Ellis.

² The Ellis Subpoena, attached at Exhibit 1, is the undated version that Plaintiffs request leave to serve by alternative means but is substantively identical to the subpoena Plaintiffs have attempted to serve on Ms. Ellis previously.

Second, Defendant Giuliani has made clear that he will not attempt to access or search materials contained in the emails or accounts of the Giuliani Businesses, and is refusing to provide any information related to the same—for example, on May 8, 2023, Mr. Giuliani changed his interrogatory response in which he said he would “attempt” to collect data on the metrics of his statements on social media (including the accounts operated by the Giuliani Businesses) to state that he “has attempted to locate this data, but it is beyond his level of expertise and he is unaware of how to obtain this information.” Additionally, in his Opposition to Plaintiffs’ Motion to Compel, Defendant claims that does not have access to any “@giulianipartners.com” email addresses and is not able to access other documents or files via his personal devices or the Cloud. Once it became apparent that Defendant Giuliani would not produce all documents in his possession, custody, or control by virtue of his ownership of the Giuliani Businesses, Plaintiffs served two Rule 30(b)(6) subpoenas on the two entities for both documents and testimony (dated next week).³ Defendant Giuliani’s counsel has indicated that he does not represent the Giuliani Businesses and therefore cannot address Plaintiffs’ request that the Giuliani Businesses designate a single deponent for a single deposition (as opposed to requiring two separate depositions). To date, no other counsel has contacted Plaintiffs’ counsel to designate the corporate entity or to “confer in good faith about the matters for examination” as the Rules require. Additionally, Plaintiffs believe it would be in the best interest of the parties, and the Giuliani Businesses, to hold the depositions after the Court decides the fully briefed and pending Motion to Compel.

Given the above-discussed circumstances and the close of discovery in less than two weeks, Plaintiffs respectfully and reluctantly move the Court to (1) permit Plaintiffs to serve Ms.

³ On the date of this filing, Plaintiffs received a subpoena return from Giuliani Communications LLC. Plaintiffs have not had the opportunity to analyze the basis for this return or whether they will need to re-serve this subpoena.

Ellis via alternative means, including those laid out herein; and (2) amend the Scheduling Order to take the depositions of Ms. Ellis, Giuliani Partners LLC, and Giuliani Communications LLC after the close of fact discovery and to seek any related relief required.

BACKGROUND

A. Under The Scheduling Order, Discovery Closes On May 22, 2023.

On August 31, 2022, the Court granted the parties' Joint Motion to Extend Discovery by Amending the Scheduling Order (the "August 31, Scheduling Order"). Per the August 31 Scheduling Order: "By May 22, 2023, all fact discovery shall close (including answers to interrogatories, document production, requests for admission, and depositions.)" August 31, Scheduling Order.⁴

B. Plaintiffs Have Exhausted Efforts To Serve Ms. Ellis.

1. Plaintiffs have spent months conferring with counsel for Ms. Ellis.

Despite Defendant Giuliani choosing not to list Ms. Ellis in his initial disclosures last year, Plaintiffs identified Ms. Ellis as a third-party witness who might possess highly relevant information and reached out to Kleinbard Counsel, who had previously represented Ms. Ellis. (Ex. 6 at 9, email chain with Kleinbard.) Kleinbard Counsel confirmed in writing on August 16, 2022 that "[w]e'll represent Ms Ellis for this." (*Id.* at 7.) Based on this representation, Plaintiffs spent months working diligently with Kleinbard Counsel to negotiate the scope of a document subpoena. (*Id.* at 14.) Kleinbard Counsel represented that Ms. Ellis had little, if any, involvement in the allegations of the Complaint, which, coupled with Defendant Giuliani's decision not to list her in

⁴ This is the second such motion requesting a modification of the Scheduling Order, it is being filed at least four days prior to any current deadlines in the Scheduling Order, one previous modification of the Scheduling Order has been sought and granted, and there is good cause to support the requested modifications of the Scheduling Order.

his disclosures prompted Plaintiffs to hold in abeyance the document subpoena pending Defendant's deposition.

At his March 1, 2023 deposition, Defendant Giuliani offered limited testimony about Ms. Ellis, but confirmed that she would be able to identify the video that served as the basis for his claims that Plaintiffs passed a USB drive. (Ex. 4, Giuliani Deposition Tr. at 193:22-195:23.) One week later, on March 8, the Supreme Court of the State of Colorado approved a stipulation to discipline Ms. Ellis regarding her actions during the 2020 presidential election, which provides that Ms. Ellis served as a member of then-President Trump's legal team in "efforts to challenge President Biden's victory in the 2020 Presidential Election" and made various "misrepresentations" that violated Colorado ethical rules. (Ex. 5 at 1-2, Opinion on Stipulation.)

In light of these new facts, Plaintiffs re-engaged Kleinbard Counsel in negotiations on March 14, 2023 regarding the document subpoena and a potential deposition. (Ex. 7 at 11-12, Additional Email Chain with Kleinbard.) Plaintiffs explained that they were revisiting Ms. Ellis following Defendant's deposition in which he identified Ms. Ellis as a source of information regarding a key defamatory claim and the Stipulation to Discipline. (*Id.*) Kleinbard Counsel replied that they were "discussing" Plaintiffs' outreach "with Ms. Ellis." (*Id.* at 10.)

On March 24, 2023, per the Court's March 21, 2023 Minute Order, Defendant Giuliani disclosed Ms. Ellis as a relevant witness for the first time in his First Amended Initial Disclosures, describing her as being "involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs." (Ex. 2, First Amended Initial Disclosures at 3.) Counsel for Plaintiffs and Kleinbard Counsel continued to negotiate by email until March 29, 2023, when counsel for Plaintiffs met and conferred with Kleinbard LLC via telephone. (Ex. 7. at 5-6.) On this meet and confer, counsel discussed how Plaintiffs could secure Ms. Ellis' testimony in light

of the new facts, including discussing limiting the scope of the deposition or conducting a deposition by written question in an effort to limit the burden on Ms. Ellis. (*Id.*) At no time during the conferral did Kleinbard LLC suggest that they no longer represented Ms. Ellis. On April 7, Defendant served his Second Amended Initial Disclosures in which he revised his description of Ms. Ellis to state that she was “involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in” when making statements about Plaintiffs. (Ex. 3, Second Amended Initial Disclosures at 3.)

2. Plaintiffs sought to depose Ms. Ellis after Defendant Giuliani amended his initial disclosures, and have spent the last few weeks attempting to serve her without success.

The Ellis Subpoena seeks to obtain documents and testimony from Ms. Ellis that are directly relevant to the case against Defendant and are narrowly tailored to limit any burden on Ms. Ellis, including by seeking materials related to

- claims in the Giuliani Strategic Communications Plan about Plaintiffs and/or Georgia;
- a record or list of election fraud allegations concerning the 2020 Presidential Election in Georgia; and
- claims that Plaintiffs were caught on video passing a thumb drive(s), flash drive(s), or hard drive(s) between them on or around election day in November 2020.

These documents will shed light on Defendant Giuliani’s subjective knowledge of the falsity of his claims; what, if any, steps he took to investigate his claims; whether Defendant Giuliani relied on any sources and, if so, the reliability of those sources; and the extent to which Defendant Giuliani continued to publish claims about Plaintiffs because of a preconceived narrative. These are material facts that go to, among other things, whether Defendant Giuliani published his claims about Plaintiffs with knowledge or reckless disregard of the falsity of those claims, i.e. with “actual malice.” *See, e.g., New York Times Co. v. Sullivan*, 376 U.S. 254, 279–80 (1964) (actual malice

standard); *Harte-Hanks Commc'ns, Inc. v. Connaughton*, 491 U.S. 657, 692 (1989) (avoidance of the truth); *St. Amant v. Thompson*, 390 U.S. 727, 732 (1968) (fabrication and unreliable sources); *Herbert v. Lando*, 441 U.S. 153, 163–64 (1979) (improper motive).

On April 19, 2023, after Kleinbard Counsel stopped responding to Plaintiffs, Plaintiffs provided the Ellis Subpoena to Kleinbard Counsel via email requesting confirmation that they would accept service on Ms. Ellis' behalf. (Ex. 7 at 4.) On April 21, Kleinbard Counsel refused to accept service, but made no claim that they were no longer representing Ms. Ellis. (Ex. 7 at 3.) Plaintiffs then began making attempts to serve Ms. Ellis personally. On April 28, almost two months after counsel for Plaintiffs had re-initiated negotiations, Kleinbard Counsel emailed Plaintiffs claiming for the first time that they no longer represented Ms. Ellis. (Ex. 7 at 1.) Kleinbard Counsel wrote: "I understand your position, but we represented Ms. Ellis for only a limited matter in Pennsylvania that has since ended. She has counsel for the various open matters throughout the country, and ***we aren't actively representing her.*** I could not get assent to accept service of any of your subpoenas, including the instant one. I'm sorry I'm not able to be of more help." (*Id.*) (emphasis added.) Plaintiffs requested, without response, that Kleinbard Counsel provide the contact information for the attorneys now representing Ms. Ellis. (*Id.*)⁵

Plaintiffs have made three service attempts on Ms. Ellis in Colorado, where Plaintiffs understood Ms. Ellis lived based on her bar certification and publicly available information. (Ex. 8, Capitol Process Decl.) On at least one attempt, a woman was in the house when the process server attempted service, but refused to come to the door. (*Id.*) On information and belief, Plaintiffs now believe this address is Ms. Ellis' mother's house and that Ms. Ellis previously

⁵ Plaintiffs provided Kleinbard Counsel with advanced notice that they planned to file this motion and provided a courtesy copy of this filing via email on the date it was filed.

resided there. (Ex. 10 at 1, Harlin Decl.; Ex. 12 at 1-2, Email Chain Between Target Research and USPS.)

On or around April 28, Plaintiffs became aware via Ms. Ellis' Twitter account that Ms. Ellis may have recently moved states to Florida, but could not locate her new address. (Ex. 9, April 23, 2023 Jenna Ellis Tweet.) Plaintiffs promptly engaged a private investigator to find Ms. Ellis' new address, but he has been unable to locate it. (Ex. 10 at 1-2.) Plaintiffs' private investigator reports that there is no change of address on record for Ms. Ellis from the Colorado residence. (Ex. 13, Request For Change of Address or Boxholder Information Needed for Service of Legal Process.) Plaintiffs do not have a known address for Ms. Ellis in Florida and cannot predict how quickly they will be able to ascertain one. (Ex. 10 at 1-2.) Plaintiffs also asked Defendant for his assistance in contacting Ms. Ellis and/or her new counsel. (Ex. 11, Email Chain with Sibley.) To date, Defendant has not provided any assistance.

C. The Giuliani Businesses Possess Relevant Information Which Defendant Giuliani May Produce Following An Order On Plaintiffs' Pending Motion To Compel.

It is undisputed that the Giuliani Businesses possess information relevant to Plaintiffs' claims. Discovery in this case, including from third parties, has indicated that Defendant Giuliani and his agents used email addresses associated with Giuliani Partners LLC to communicate about matters related to this action. *See* ECF No. 56-1 at ¶ 3. For example, the email alias `press@giulianipartners` was used to communicate specifically about the topics relevant to this litigation, including an affidavit publicly filed by Frances Watson (the Chief Investigator of the Georgia Secretary of State's Office) on December 6, 2020 that directly refuted many of Defendant Giuliani's future claims. *Id.*

Plaintiffs have sought responsive materials from the Giuliani Businesses directly from Defendant Giuliani, who is in possession, custody, and control the Giuliani Businesses' materials.⁶ *See* ECF Nos. 44, 56. Despite this, Defendant Giuliani is refusing to search for or produce any additional responsive materials from the Giuliani Businesses. *See* ECF No. 51. In Plaintiffs' Motion to Compel Defendant Giuliani, Plaintiffs request that the Court compel Defendant to search for and produce documents from the Giuliani Businesses. *See* ECF Nos. 44, 56. This motion is still pending before the Court.

In the alternative, to ensure that Plaintiffs obtain these highly responsive materials, Plaintiffs have also served document and 30(b)(6) deposition subpoenas on the Giuliani Businesses directly. (Ex. 14, Giuliani Partners LLC Subpoena; Ex. 15, Giuliani Communications LLC Subpoena.) The depositions of the Giuliani Businesses are noticed for May 17 and May 18. (Ex. 14; Ex. 15.)

In the event that Defendant Giuliani is compelled by this Court to search for and produce additional responsive materials from the Giuliani Businesses (and assuming this occurs after the noticed deposition dates of May 17 and 18), Plaintiffs will likely need to seek leave to conduct additional 30(b)(6) depositions of the Giuliani Businesses regarding these new materials. In the interest of efficiency, for the parties, the Giuliani Businesses' 30(b)(6) designees, and this Court, Plaintiffs would prefer to only take a single deposition of the Giuliani Businesses' 30(b)(6) designees.

⁶ Defendant Giuliani testified that he is the sole member of Giuliani Communications LLC and that Giuliani Communications LLC owns Giuliani Partners LLC. *See* ECF No. 53-1 at Ex. 4.

LEGAL STANDARD

Rule 45(b)(1) provides that service of a third-party subpoena “requires delivering a copy to the named person.” Fed. R. Civ. P. 45(b)(1). “In recent years a growing number of cases have departed from the view that personal service is required and alternatively have found service of a subpoena under Rule 45 proper absent personal service.” 9A Charles A. Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 2454 (3d ed.). Courts, including this Court in connection with this action, have recognized that “alternative forms of service may be acceptable under Rule 45 in some circumstances,” including “where the witness is aware of the lawsuit, knows that one of the parties is interested in h[er] testimony, and is aware that there have been multiple attempts at personal service, and where the proposed alternative service is reasonably designed to insure the witness’ receipt of the subpoena.” ECF No. 34 at 12; December 20, 2022 Minute Order.

Where alternative service is appropriate, courts, including this Court, have allowed service of a subpoena by a variety of methods—including by serving the third-party’s counsel and/or serving the third-party via email or certified mail—as long as there is reasonable assurance that the individual will receive “fair and timely notice of its issues, contents, purpose and effect.” ECF No. 34 at 12; *see* December 20, 2022 Minute Order.

A court may modify a scheduling order for good cause. Fed. R. Civ. P. 16(b)(4); *Chen v. Fed. Bureau of Investigation*, Case No. 22-MC-0074 (CRC), 2022 WL 17851618, at *2 (D.D.C. Oct. 18, 2022) (granting motion to reopen deposition for limited purpose where good cause was shown). In assessing whether “good cause” exists, courts in this Circuit consider “whether the request is opposed; [] whether the non-moving party would be prejudiced; [] whether the moving party was diligent in obtaining discovery within the guidelines established by the court; [] the foreseeability of the need for additional discovery in light of the time allotted by the district court; and [] the likelihood that discovery will lead to relevant evidence.” *2910 Ga. Ave. LLC v. District*

of Columbia, 312 F.R.D. 205, 208 (D.D.C. 2015) (quoting *In re Rail Freight Fuel Surcharge Antitrust Litig.*, 281 F.R.D. 12, 14 (D.D.C. 2011)). The decision whether to modify a scheduling order is ultimately “within the sound discretion of the trial court.” *Barnes v. District of Columbia*, 289 F.R.D. 1, 7 (D.D.C. 2012).

ARGUMENT

I. ALL OF THE FACTORS COURTS CONSIDER WARRANT PERMITTING PLAINTIFFS TO SERVE MS. ELLIS THROUGH ALTERNATIVE MEANS.

The Court should permit Plaintiffs to serve Ms. Ellis by means other than in-person delivery. As this Court has already recognized and Plaintiffs have already briefed, alternative services is permitted under Rule 45. *See* ECF No. 34; December 20, 2022 Minute Order. As shown below, all of the factors courts consider when determining if alternative service is warranted are present here.

A. Ms. Ellis Is Aware That Plaintiffs Are Attempting Service.

Ms. Ellis is surely aware of Plaintiffs’ lawsuit, their interest in her personal knowledge, and at least some of Plaintiffs’ attempts to serve her. As an initial matter, Ms. Ellis has been added to Defendant’s initial disclosures. It stands to reason that she is aware that Defendant has listed her as a witness with information and that Plaintiffs would therefore seek that information. Additionally, Plaintiffs have attempted to serve the Ellis Subpoena via Kleinbard Counsel who stated that they were “discussing” Plaintiffs’ requests “with Ms. Ellis.” (Ex. 7 at 10.) *See also In re Shur*, 184 B.R. 640, 644 (Bankr. E.D.N.Y. 1995) (noting that when counsel who represents a third-party witness in an unrelated matter “disclaim[s] authority to accept the subpoena on [the witness]’s behalf, counsel communicated to [the witness] the contents of that document”). Plaintiffs’ servers have attempted service at an address where Ms. Ellis is believed to have recently resided and where her mother currently resides. (Ex. 8; Ex. 10 at 1; Ex. 12 at 1–2.)

Moreover, Ms. Ellis is plainly aware that she has personal knowledge relevant to various aspects of Defendant Giuliani's broader scheme to undermine the 2020 election—conduct that is intimately related to the issues in this case, as evidenced by her sitting for a deposition with the Select Committee to Investigate the January 6th Attack on the United States Capitol. Ms. Ellis is also lawyer and therefore familiar with the legal system and the mechanics of serving a witness.

B. Plaintiffs Have Made Reasonable, Diligent Efforts To Serve Ms. Ellis.

As detailed above, Plaintiffs have made reasonable, diligent efforts to serve Ms. Ellis. *See, e.g.*, ECF No. 34 at 16. Plaintiffs have spent considerable time and money trying to serve Ms. Ellis via Kleinbard Counsel, at her last known address, and with the assistance of Defendant. *See supra*.

C. The Proposed Method Of Alternative Service Is Reasonably Calculated To Ensure Receipt Of The Ellis Subpoena.

Plaintiffs seek to serve Ms. Ellis by alternate means through any method preferred by this Court, including as permitted by Rule 4 and District of Columbia law. *See* Fed. R. Civ. P. 4(e)(1); *Sanchez v. Yu Lin Corp.*, No. 21-CV-2119 (TSC), 2022 WL 4598653, at *3 (D.D.C. Sept. 30, 2022). Federal Rule of Civil Procedure 4(e)(1) allows service “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located *or* where service is made.”

As this Court has already recognized in granting Plaintiffs' Motion for Alternative Service of Katherine Friess, ECF No. 34, District of Columbia law allows Plaintiffs to employ “alternative methods of service” when “the court determines that, after diligent effort, a party has been unable to accomplish service by a method” specifically prescribed by District of Columbia law. D.C. Supr. Ct. R. Civ. P. 4(e)(3)(A). *See* ECF No. 34 at 17; December 20, 2022 Minute Order.

Here, Plaintiffs propose six alternate means of service that will give actual notice of the action to Ms. Ellis: by (1) emailing a copy of any order authorizing alternative service and the

subpoena to Kleinbard Counsel⁷, (2) sending a copy of the order and confirmatory copy of the subpoena to of the Colorado address Plaintiffs have attempted to serve Ms. Ellis at three times, (3) emailing a copy of the order and confirmatory copy of the subpoena to the email addresses Plaintiffs have for Ms. Ellis⁸, (4) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Twitter account⁹, (5) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Instagram account¹⁰, and (6) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Facebook account.¹¹ These methods are similar to those previously approved by courts in this District under Rule 45. *See* ECF No. 34; December 20, 2022 Minute Order.

II. GOOD CAUSE EXISTS TO MODIFY THE SCHEDULING ORDER TO ALLOW PLAINTIFFS PERMISSION TO CONDUCT THREE DEPOSITIONS AFTER CLOSE OF FACT DISCOVERY.

Good cause exists to support the requested modifications to the Scheduling Order permitting Plaintiffs to conduct the depositions of Ms. Ellis, Giuliani Communications LLC, and Giuliani Partners LLC, and to request any related relief, after the close of discovery. *See* Fed. R. Civ. P. 16(b)(4). As to Ms. Ellis, if the Court grants the instant motion and permits Plaintiffs to serve Ms. Ellis by alternative means, Rule 45 requires Plaintiffs to provide Ms. Ellis with “reasonable” time to comply with the Ellis Subpoena. While courts differ on what constitutes reasonable time, this District’s local rules provide that “14 days shall constitute reasonable notice” where the “deposition is to be taken at a place more than 50 miles from the District of Columbia.” U.S. District Court for the District of Columbia LCvR 30.1. As such, even if this Motion were to

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⁹ @JennaEllisEsq.

¹⁰ @JennaEllisEsq.

¹¹ @JennaEllisEsq45.

be granted today and alternative service was effectuated tomorrow, Plaintiffs—in keeping in line with the 14 day notice requirement given Ms. Ellis’ apparent residence in Florida—would be unable to depose Ms. Ellis until at least May 24, 2023, two days after discovery is set to close in this case.

As to the Giuliani Businesses, it will be most efficient—for the parties, the witnesses, and the Court—to permit Plaintiffs to conduct the 30(b)(6) depositions of the Giuliani Businesses after the close of discovery. Rather than deposing the Giuliani Businesses’ 30(b)(6) designees once before Defendant produces additional discovery and once after Defendant produces additional discovery, the Court should permit leave for Plaintiffs to take the depositions after the Court has ruled on Plaintiffs’ Motion to Compel, and, if Plaintiffs’ Motion to Compel is granted, after Defendant produces the compelled materials.

CONCLUSION

For the reasons discussed, Plaintiffs respectfully request the Court issue an order approving alternative service of the Ellis Subpoena on Jenna Ellis by any alternative means of service preferred by this Court, including by (1) emailing a copy of any order authorizing alternative service and the subpoena to Kleinbard Counsel, (2) sending a copy of the order and confirmatory copy of the subpoena to of the Colorado address Plaintiffs have attempted to serve Ms. Ellis at three times, (3) emailing a copy of the order and confirmatory copy of the subpoena to the email addresses Plaintiffs have for Ms. Ellis, (4) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Twitter account, (5) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Instagram account, and (6) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Facebook account. In addition Plaintiffs respectfully request the Court issue an

order permitting Plaintiffs to take the deposition of Ms. Ellis, Giuliani Partners LLC, and Giuliani Communications LLC, and any related relief, outside the fact discovery period.

DATED: May 9, 2023

s/ John Langford

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CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2023, this document was filed with the Clerk of the Court of the U.S. District Court of the District of Columbia by using the CM/ECF system, which will automatically generate and serve notices of this filing to all counsel of record. I hereby certify that on May 9, 2023, a courtesy copy of the foregoing document was emailed to Jenna Ellis' former Kleinbard Counsel at mhaverstick@kleinbard.com.

Dated: May 9, 2023

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Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Civil Action No. 21-3354 (BAH)

Judge Beryl A. Howell

**DECLARATION OF JOHN LANGFORD IN SUPPORT OF PLAINTIFFS’
UNOPPOSED MOTION FOR ORDER PERMITTING PLAINTIFFS TO SERVE A
RULE 45 SUBPOENA ON THIRD-PARTY JENNA ELLIS
VIA ALTERNATIVE SERVICE AND AMENDING THE SCHEDULING ORDER TO
PERMIT PLAINTIFFS TO TAKE THREE DEPOSITIONS AFTER THE CLOSE OF
FACT DISCOVERY**

I, John Langford, declare under penalty of perjury that the following is true and correct:

1. I am counsel for Ruby Freeman and Wandrea ArShaye (“Shaye”) Moss (“Plaintiffs”). This declaration is based on my personal knowledge and upon information provided to me in my official capacity.

2. Attached as Exhibit 1 is a true and correct copy of an undated deposition subpoena to Ms. Ellis (the “Ellis Subpoena”) that Plaintiffs request leave to serve by alternative means.

3. Attached as Exhibit 2 is a true and correct copy of Defendant’s first amended initial disclosures, dated March 24, 2023.

4. Attached as Exhibit 3 is a true and correct copy of Defendant’s second amended initial disclosures, dated April 7, 2023.

5. Attached as Exhibit 4 is a true and correct copy of an excerpt of Defendant’s deposition transcript dated March 1, 2023.

6. Attached as Exhibit 5 is a true and correct copy of the Opinion Approving Stipulation to Discipline, *Colorado v. Ellis*, No. 23PDJ004 (Col. Mar. 8, 2023).

7. Attached as Exhibit 6 is a true and correct copy of an email chain between Kleinbard Counsel and counsel for Plaintiffs dated August 3, 2022 to December 14, 2022.

8. Attached as Exhibit 7 is a true and correct copy of an email chain between Kleinbard Counsel and counsel for Plaintiffs dated August 3, 2022 to April 28, 2023.

9. Attached as Exhibit 8 is a true and correct copy of an affidavit of due diligence from Plaintiffs’ process server dated May 8, 2023.

10. Attached as Exhibit 9 is a true and correct copy of a tweet published by Jenna Ellis dated April 23, 2023.

11. Attached as Exhibit 10 is a true and correct copy of is a true and correct copy of an affidavit of due diligence from Plaintiffs' private investigator dated May 9, 2023.

12. Attached as Exhibit 11 is a true and correct copy of an email chain between counsel for Defendant and counsel for Plaintiffs dated April 28, 2023 to May 3, 2023.

13. Attached as Exhibit 12 is a true and correct copy of an email chain between Plaintiffs' private investigator and an individual at the United States Postal Service dated May 4, 2023 to May 8, 2023.

14. Attached as Exhibit 13 is a Request For Change of Address or Boxholder Information Needed for Service of Legal Process Form, dated May 8, 2023.

15. Attached as Exhibit 14 is a true and correct copy of a 30(b)(6) subpoena to Giuliani Partners LLC dated April 24, 2023.

16. Attached as Exhibit 15 is a true and correct copy of a 30(b)(6) subpoena to Giuliani Communications LLC dated April 24, 2023.

Dated: May 9, 2023

Atlanta, Georgia

s/ John Langford

UNITED TO PROTECT DEMOCRACY

John Langford*

82 Nassau Street, #601

New York, NY 10038

Tel: (202) 579-4582

john.langford@protectdemocracy.org

EXHIBIT 1

UNITED STATES DISTRICT COURT

for the
District of Columbia

Ruby Freeman et al.

Plaintiff

v.

Rudolph W. Giuliani

Defendant)
)
)
)
)
)

Civil Action No. 1:21-cv-3354

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Jenna Ellis

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Remote (via Zoom)	Date and Time:
--------------------------	----------------

The deposition will be recorded by this method: Stenographic and Video

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: See Schedule A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____
CLERK OF COURT

OR

/s/ Meryl C. Governski

*Signature of Clerk or Deputy Clerk*_____
*Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Ruby Freeman et al_____, who issues or requests this subpoena, are:
Meryl C. Governski, Willkie Farr & Gallagher LLP, 1875 K Street, N.W., Washington, D.C., 20006; mgovernski@willkie.com**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:21-cv-3354

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

This subpoena for documents, including each individual Request for Documents (collectively, the “Requests”), shall be read and interpreted in accordance with the definitions and instructions set forth below.

GENERAL DEFINITIONS

Plaintiffs incorporate by reference all the instructions, definitions, and rules contained in the Federal Rules of Civil Procedure (“FRCP”) and for purposes of this Subpoena, the following definitions shall apply:

1. Unless words or terms have been given a specific definition herein, each word or term used herein shall be given its usual and customary dictionary definition.
2. The terms defined herein should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with the FRCP.
3. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Requests all information that might otherwise be construed to be outside of their scope.
4. “You,” “Your,” or “Yours” refers to Jenna Ellis and includes any persons or entities acting for Jenna Ellis or on Jenna Ellis’s behalf, including but not limited to all representatives, servants, agents, employees, officers, affiliates, subsidiaries, parent companies, third parties, as well as any entities over which Jenna Ellis has control.
5. “Communication” means, in addition to its customary and usual meaning, every contact of any nature, whether documentary, electronic, written or oral, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred by any means, including, but not limited to letters, memoranda, reports, emails, text messages, instant messages, social media, telegrams, invoices, telephone conversations, voicemail messages, audio recordings, face-to-face meetings and conversations, or

any other form of communication, and any Document relating to such contact, including but not limited to correspondence, memoranda, notes or logs of telephone conversations, e-mail, electronic chats, text messages on any platform, instant messages, direct or private messages, correspondence in “meet ups” or chat rooms, and all other correspondence on Social Media. Without limiting the foregoing in any manner, commenting as well as any act of expression that is not directed at a specific person, or otherwise may not be intended to provoke a response (such as a social media posting, “likes,” “shares,” or any other form of reacting to another’s use of Social Media), are forms of communication.

6. “Document” or “Documents” means documents broadly defined in Rule 34 of the FRCP and includes (i) papers of all kinds, including, but not limited to, originals and copies, however made, of letters, memoranda, hand-written notes, notebooks, work-pads, messages, agreements, rough drafts, drawings, sketches, pictures, posters, pamphlets, publications, news articles, advertisements, sales literature, brochures, announcements, bills, receipts, bank checks, credit card statements, and (ii) non-paper information of all kinds, including but not limited to, any computer generated or electronic data such as digital videos, digital photographs, audio recordings, podcasts, Internet files (including “bookmarks” and browser history), word documents, note taken electronically, online articles and publications, website content, electronic mail (e-mail), electronic chats, instant messages, text messages, uploads, posts, status updates, comments, “likes”, “shares”, direct messages, all Social Media activity, or any other use of ephemeral communications services or Social Media, and (iii) any other writings, records, or tangible objects produced or reproduced mechanically, electrically, electronically, photographically, or chemically. Without limiting the foregoing in any way, every Communication is also a Document.

7. “Relating to” means “concerning,” “referring to,” “describing,” “evidencing,” or “constituting.”

8. “Social Media” means any forum, website, application, or other platform on which

persons can create, transmit, share, communicate, or comment upon any information, ideas, or opinions, or otherwise engage in social networking, including but not limited to: Twitter, Rumble, Gab, MeWe, Periscope, Facebook, Discord, Reddit, Imgur, SnapChat, Instagram, Google+, 4chan, 8chan, Tumblr, Youtube, LinkedIn, Flickr, Reddit, Quora, Disqus, Slack, Whisper, Yik Yak, Medium, WordPress, WeChat, and instant messaging services such as Signal, WhatsApp, Facebook Messenger, Hangouts, Skype, Line, KakaoTalk, Telegram, CyberDust. Without limiting the foregoing in any manner, and by way of example only, the following are Social Media activity: uploading, posting, commenting, reacting (e.g., “liking” a post), sharing, and communicating on comment sections of Social Media.

SPECIFIC DEFINITIONS

1. “Defendant Giuliani” refers to Rudolph W. “Rudy” Giuliani, the defendant in the above-captioned action.
2. “Georgia” means the State of Georgia in the United States of America
3. “Giuliani Legal Team” means individuals who assisted in Defendant Giuliani’s post-election efforts including but not limited to Christina Bobb, Bernard Kerik, Katherine Friess, Phil Waldron, Jacki Pick, Burt Jones, or Maria Ryan.
4. “Giuliani Strategic Communications Plan” refers to the document produced in the course of the January 6 Committee’s investigation bearing the title “Strategic Communications Plan Giuliani Presidential Legal Defense Team” and which is located at this link (<https://perma.cc/VP2S-CJMR>) and attached hereto as Exhibit 1.
5. “Plaintiffs” means Ruby Freeman and Wandrea ArShaye (“Shaye”) Moss, the plaintiffs in the above-captioned matter.
6. “2020 Presidential Election” means the election held on November 3, 2020, to determine the President of the United States of America, and of which President Joseph R. Biden Jr. was certified the winner by the House of Representatives on January 6, 2021.

7739400.6

INSTRUCTIONS

A. Your responses to the following Requests shall be based on all knowledge and information (whether or not hearsay or admissible) in Your possession, custody, or control.

B. Produce all responsive documents in Your possession, custody, or control, regardless of whether such documents are possessed directly by You or persons under Your control, including Your agents, employees, representatives, or attorneys, or their agents, employees, or representatives.

C. If no responsive documents exist for any particular requests, specifically state that no responsive documents exist.

D. If any responsive document was, but is no longer, in Your possession, custody, or control, state the whereabouts of such document when last in Your possession, custody or control, state the date and manner of its disposition, and identify its last known custodian.

E. Certify that Your production is complete and correct in accordance with specifications of the attached Certification that Response is Complete and Correct form provided as Exhibit 1.

F. All Documents shall be produced in electronic form and shall include related metadata. Produce in TIFF or native format (i.e., Word documents as .DOC or .DOCX files, Outlook emails as .PST files, Excel spreadsheets as .XLS or .XLSX files, Adobe PDF documents as .PDF files). For all forms of electronically stored information, ensure that electronically stored information is provided in unencrypted form and free of password protection.

G. Any alteration of a responsive document, including any marginal notes, handwritten notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications, and other versions of a document, is a responsive document in its own right and must be produced.

H. In instances where two or more exact duplicates of any document exist, the most

legible copy shall be produced.

I. In the event any Document or Communication is withheld on the basis of the attorney-client privilege, work product doctrine, or any other right to non-disclosure on any other basis, You shall produce a Privilege Log.

DOCUMENTS TO BE PRODUCED

DOCUMENT REQUEST NO. 1:

All Documents and Communications relating to the Plaintiffs.

DOCUMENT REQUEST NO. 2:

All Documents and Communications relating to the claims in the Giuliani Strategic Communications Plan about Plaintiffs and/or Georgia including but not limited to all of the statements under the “Georgia” heading in the section purporting to include “Voter Fraud Highlights for the 2020 US Election.”

DOCUMENT REQUEST NO. 3:

All Documents and Communications relating to a record or list of election fraud allegations concerning 2020 Presidential Election in Georgia, including but not limited to a summary document of election fraud allegations in Georgia that was maintained and/or updated by the Giuliani Legal Team, and versions of that document.

DOCUMENT REQUEST NO. 4:

All Documents and Communications relating to claims that Plaintiffs were caught on video passing a thumb drive(s), flash drive(s), or hard drive(s) between them on or around election day in November 2020. This includes, but it not limited to any copies or links to such a video.

EXHIBIT 1

CERTIFICATION THAT RESPONSE IS CORRECT AND COMPLETE

I, _____, certify as follows:

1. The enclosed production of Documents and Communications were prepared and assembled under my personal supervision;
2. The Documents and Communications contained in this production to the Subpoena are authentic, genuine and what they purport to be;
3. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Subpoena, all persons under whose personal supervision the preparation and assembly of productions and responses to the Subpoena occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be; and
4. Attached is a true and accurate statement of those requests under the Subpoena as to which no responsive Documents were located in the course of the aforementioned search.

Signature: _____

Date: _____

Printed Name: _____

Address, e-mail and telephone number: _____

Exhibit 1

STRATEGIC COMMUNICATIONS PLAN

GIULIANI PRESIDENTIAL LEGAL DEFENSE TEAM

We Have 10 Days To Execute This Plan & Certify President Trump!

GOAL: Nationwide communications outreach campaign to educate the public on the fraud numbers, and inspire citizens to call upon legislators and Members of Congress to disregard the fraudulent vote count and certify the duly-elected President Trump

TIMELINE: Dec 27th - Jan 6th

FOCUS OF CAMPAIGN:

SWING STATE REPUBLICAN SENATORS – AZ, GA, MI, NV, PA, WI

REPULBICAN MEMBERS OF THE HOUSE

REPUBLICAN MEMBERS OF THE SENATE

ISSUES:

MASSIVE CORRUPTION IN THE ELECTION PROCESS LED TO A VOTE TALLY THAT IS FRAUDULENT

- **Dead people voted**
- **Underage people voted**
- **Voters who voted numerous time**
- **Ineligible people voted**
 - Felons
 - Illegals
 - Those who were not Indefinitely Confined as defined by law (WI)
- **Overvote** – more people voted than were registered in their county – 400+% for example in one county
- **Vote Counting Illegalsities**
 - Affidavits re: witnessed piles of the same ballots being counted repeatedly
- **Fraudulent Ballots**
 - Fulton County, GA, video of suitcases of fraudulent ballots
 - Affidavits re: witnesses noting pristine ballots – wrong paper type; not folded

- Affidavits re: witnesses seeing ballots being dropped at counting facilities from unauthorized vehicles
- **Mail-in Ballots Fraud**
 - No observation by Republican Officials to verify mail-in ballots' legitimacy
 - Requirements not verified: Name, Address, Signature, Date
 - Ballots counted that did not have a security envelope
 - Ballots counted before they were requested
 - Ballots counted before they were available or requested
 - Illegal Ballot Harvesting via the Zuckerberg Boxes and elsewhere
- **Dominion Machines Fraud**
 - Error rate outrageously beyond what is acceptable under FEC rules
 - Rejection rate massively beyond standard levels
 - Adjudication rate almost 100%
 - Intentional Adjudication built into the software
 - "Adjudication" allows the machine algorithm or an Administrator to determine the "intent" of the voter and vote the ballot accordingly
 - Adjudication has:
 - No oversight
 - No accountability
 - No record (in many cases)
 - Coffee County, GA, Clerk has a video to show how fraud can be easily done through Adjudication
 - Dominion machines are live on the internet – per their own User Manual
 - Dominion machines are profoundly easy to hack
 - VPN access
 - No oversight over changes with USB drives
 - Software is virtually open
 - Proven Dominion fraud in Antrim County, MI
 - 61% Error Rate
 - 82% Rejection Rate
 - Non-existent records for Adjudication – only for 2020
 - Non-existent records for software security – only for 2020
 - Non-existent records for systems files – only for 2020
 - Votes PROVEN to have been moved throughout Central Lake Townships when ballots were re-run with a different software stick – VOTES CHANGED from the top of the ballot to the bottom
 - No explanation given to the Clerk for re-running the ballots
 - Proposition for the sale of marijuana changed from a loss to a win
 - Dominion CEO Poulos lied throughout his testimony before the MI legislature in December 2020

- Dominion has a reputation for stealing elections around the world
 - Dominion contains software from Venezuelan firm Smartmatic
 - Smartmatic was founded and financed by Hugo Chavez to control voting outcomes in Venezuela
 - We have affidavits of witnesses who met with Maduro family members who said that this vote-theft technology is used to control his elections as well
- Dominion is a foreign-controlled and foreign-owned company
- Smartmatic is a foreign-controlled and foreign-owned company
- Dominion has been decertified for use by the State of Texas
- Dominion machines have a “poison pill” in their software that automatically deletes the records within the voting machines
- Live-feeds of Dominion vote tallies show vote tallies in percentages
- **Election Officials’ Illegal Actions**
 - MI Secretary of State called for all Clerks to delete electronic voting data in violation of state law
 - No Chain of Custody for USB drives for voting machines
 - No Chain of Custody for mail-in ballots
 - No Chain of Custody for voting machines themselves
 - Election Official Ruby Freeman is seen surreptitiously & illegally handing off hard-drives ON CAMERA in the Georgia counting facility
 - Various Secretaries of State removed the public posting of results on their websites days after the election
 - Various officials have called for the destruction of ballots and/or envelopes in violation of record retention laws
 - Secretary of State in GA forced counties to certify their vote when they were not able to determine the true vote count and did not want to certify

WHAT WORKS TO PROVE THE ELECTION NUMBERS ARE RIGHT OR WRONG

- Doing a forensic examination of the machines’ software will determine if there is fraud
- Doing an analysis of the scanned images of the ballots
 - This can show:
 - Illegal type of paper
 - Illegal type of ink
 - Mail-in ballots that were not folded (thus, not mailed)
- Signature verification by AI
- Envelope verification by AI
- Ballot vote counting by AI
 - Can provide a proper tally

- Can detect if the ballot was filled in by a machine (illegal) vs. by hand
- Re-running ballots through the machines to see if the tallies match

WHAT DOES *NOT* WORK TO PROVE RIGHT OR WRONG VOTE COUNTS

- Hand recounts – they just recount fraudulent votes
- Signature verification by humans– very few can do this at a professional level
- Audits – they just take a percentage of total votes, and then recount the fraudulent votes
- Doing Nothing

MESSAGING:

- What do you elections officials have to hide?
- Why do you not want to have an investigation into a system that is known for vote fraud?
- How can you guarantee that no corruption of the vote took place?
- Why are American votes being counted by servers in foreign countries?
- Why are the voting machines not secure from hacking and manipulation by employees?
- Why is there no Chain of Custody record in place for mail-in ballots?
- How can you guarantee that corruption of the vote won't take place again?
 - Especially important for the GA Senate run-off
- Legislators:
 - What are you doing to prove no fraud happened?
 - How can votes be calculated in percentages? This is a clear indication of fraud.
 - Why do you not stand with the people of your state in demanding an investigation?
 - How can you certify an election that has PROVEN fraud in your state?
 - Why do you not stand up for America's founding principles?
 - Why are you not exercising your plenary powers, derived from the Constitution, to utilize your authority to vote the electors in the way you know the people of your state voted?
 - Why are you defending this corruption?
 - Why are you hiding this corruption?
- Citizens:
 - You must demand accountability from your state legislators
 - You must demand they exercise their plenary power to reverse this fraud
 - You must demand a thorough investigation of this corruption
 - You must Take Back Your Country from Corruption and Corrupt Officials
- Members of Congress:

- You simply CANNOT certify electors who are represent a fraudulent vote count
- You must vote the Will of the People
- You must take into consideration the vast number of proven fraudulent votes and back those out of the reported totals
- You simple cannot let America be stolen by a sophisticated plot to manipulate our vote totals by utilizing fraudulent and deceptive practices in our election
- EVERYONE:
 - ***YOU CANNOT LET AMERICA ITSELF BE STOLEN BY CRIMINALS – YOU MUST TAKE A STAND AND YOU MUST TAKE IT TODAY***

MESSAGING TYPES

Daily Talking Points and Specific Fraud Numbers with Citations

Pre-written Tweets – multiple per day

Posts for Instagram – multiple per day

Radio Ads – flood the local airways in AZ, GA, MI, NV, PA, WI

Local TV Ads - flood the local airways in AZ, GA, MI, NV, PA, WI

Other

CHANNELS TO DISSEMINATE MESSAGING

Presidential Tweets

Giuliani Team Tweets

Talk Radio

Conservative Bloggers

YouTube Influencers

Social Media Influencers

Local TV Stations `

- Targeting of local Legislators as most people watch their local news

Conservative Podcasts

Op/Eds in local papers - pre-written

OP/Eds for online publications

Conservative SM Influencers (see supporting document below for list)

College Republicans

Young Republicans

Trump Campaign Volunteers

Lawyers for Trump Members

Others

CONTENT

Giuliani Team Voter fraud numbers (see supporting document below for details)

- Backed up by
 - citations from Secretary of State's official numbers
 - Live data feed records from election day
 - Sworn affidavits from witnesses
 - Videos of fraud
 - Navarro Report on Dominion Voting Machines
 - Navarro Report: Immaculate Deception
 - Antrim County Report
 - Tech Team analyses
 - Fact Sheet on Dominion CEO lies during testimony

KEY TEAM MEMBERS

Rudy Giuliani– Strategic Communications Plan Run by BK and KF

Media Advisors – SB, BE

Serrano Public Relations Team

Research Team – CR and SP

Influencer Outreach – TF

Tech Team – PW

Peter Navarro Team

Local Legal Teams in AZ, GA, MI, NV, PA, WI

Identified Legislative Leaders in each swing state

Freedom Caucus Members

RALLIES AND PROTESTS

Organize Events in AZ, GA, MI, NV, PA, WI

Targets:

- Support for hearings
- Support for President Trump
- Protests at Local Officials Homes/Offices
- Protests at Governor's Mansions
- Protests at Lt. Governor's home
- Protests at Secretary of State's home
- Protests at weak Members' homes
- Protests in DC – Rally for Key House and Senate Members

SUPPORTING DOCUMENTS:

VOTER FRAUD HIGHLIGHTS FOR 2020 US ELECTION

Presented by the Giuliani Team

ARIZONA

Margin: 10,000 votes

- 12% of mail-in ballots were in need of adjudication
- Dominion said that the machines weren't connected to the internet, but we have an affidavit that says it was
- Illegals who voted – 36,400 estimated by pro-immigrant group (American Immigration Council estimates that 276,840 illegals are in AZ)
- Jury rolls, which would show illegals and felons, were pulled from public view within months of the election
- Uniform exclusion of Republicans from meaningful observation on mail-in ballots and adjudication
- 22,903 mail-in ballots received the day before the ballot was sent out
- 2000 voters registered to a vacant lot
- 150,000 people registered in Maricopa County after the registration deadline
- 103,000 ballots in Maricopa were sent for electronic adjudication – no Republican observation
- 50,000 votes loaded on ahead of the opening of the polls

GEORGIA

Margin: 10,000 votes

- Video of Ruby and Shay at midnight
 - That is the time of the 200,000 vote bump
 - Similar interruptions at same time in other states
 - No Watermain Break – a lie to get the Republican observers and media to leave at 10:30pm
- We are looking at machines in the Republican districts as the President ran 3-5% behind local legislators – and they do not believe that is possible
- Machines were connected at poll-pad and tabulator level, as we have testimony that the Denver help desk for Dominion worked on problems remotely
- Ware County demonstrated a 13%-point reduction from Trump with fractional votes and assigned to Biden for a 26% differential
- Coffee County Election Administrator shows how to manipulate cast ballots, change votes, and vote blank ballots as a function of the Dominion machine design and the electronic “Adjudication Process”
 - Coffee County could not replicate the ballot tallies after re-running them repeatedly, and thus did not certify their 15,000 votes
 - Gwinnett and Fulton County had a greater than 80% adjudication rate, where the administrator determines the voter “intent” with no oversight
 - 1 out of 250,000 is standard for inaccuracy
- **2,560 felons** with uncomplete sentences registered to vote and cast their vote; **Geels 1 Para. 29**
- **66,247 underage** people registered to vote and illegally voted; **Geels 1 Para. 24**
- **2,423 unregistered** people voted; **Geels 1 Para. 12 (please note the number in the affidavits is about double what we cited in the petition. You’ll need to ask Alex or Patrick Witt why that is).**
- **4,926** registered voters who **registered to vote in another state** after their Georgia registration date voted; **Braynard Para. 12, 19-20**

- **395** people voted in Georgia and **also voted in another state**; **Braynard Para. 14, 23-24**
- **15,700** people voted in Georgia but **changed their address** before the election; **Braynard Para. 12, 19-20**
- **40,279** people voted who **failed to re-register** to vote in their new county in time after moving from one county to another; **Davis Para. 25**
- **1,043** people voted who illegally said a **post office box** was their residence; **Braynard Para. 12, 21-22**
- **98** people who **registered too late** to vote in the election; **Geels 1 Para. 19**
- **10,315** people who had **died** by the time of the election; **Geels 1 Para. 28**
- For absentee ballots:
 - **305,701** absentee ballots were applied for **too early**; **Geels 1 Para. 13**
 - **92** absentee ballots were cast and returned to the Secretary of State **before the voter actually requested** an absentee ballot; **Geels 1 Para. 14**
 - **13** absentee ballots were sent to people who **weren't yet registered** to vote; **Geels 1 Para. 22**
 - **2,664** absentee ballots were sent to voters **too early**; **Geels 1 Para. 18**
 - **50** absentee ballots were cast and returned to the Secretary of State **before absentee ballots could even be sent** to voters; **Geels 1 Para. 17**
 - At least **2** absentee ballots were cast even though the voter's **request for an absentee ballot was denied**. **Geels 1 Para. 21**
- The historical rejection rate of absentee ballots in Georgia:
 - For the November 3 Presidential Election, **1,768,972** absentee ballots were mailed out by the Secretary of State. **Geels 2 Para. 9**
 - Of those, **1,317,000** absentee ballots were returned (i.e., either accepted, spoiled, or rejected). **Geels 2 Para. 9**
 - The number of absentee ballots returned in this election was **500% more** than for the 2016 General Election, and **400%** more than for the 2018 General Election. **Geels 2 Para. 15**

- Over a million more absentee ballots were returned than the 2016 and 2018 General Elections. **Geels 2 Para. 9**
- For the 2016 General Election, 6,059 absentee ballots were rejected, a **2.90%** rejection rate. **Geels 2 Para. 10**
- For the 2018 General Election, 7,889 absentee ballots were rejected, a **3.46%** rejection rate. **Geels 2 Para. 10**
- For this election, only 4,471 absentee ballots were rejected, a **0.34%** rejection rate, despite a nearly **sixfold increase** in the number of ballots returned.. **Geels 2 Para. 12**

§ Had the statutory procedure for signature matching, voter identity, and eligibility verification been followed for this election, we should have seen between **38,250 to 45,626 absentee ballots rejected - far more than Mr. Biden's margin of victory.** **Geels 2 Para. 16**

- No Chain of Custody – 600,000
- 726,560 have moved mailing addresses with no change of address card – voted where
 - 275,050 have filed as moving out of the state but are still registered in GA
 - 17,000 are living outside of GA and voted in GA
- 96,600 mail-in ballots with no return record were counted

WISCONSIN

Margin: 20,000 votes

“Indefinitely Confined” Voters

- Total is 226,000 for 2020
- Usual is 20,000 previous – standardized list
- No early voting – absentee voting is intentionally difficult
- Indefinitely Confined has always been strictly administered, and was designed for nursing homes and home confinement
- Secretary of State tried to expand IC to include COVID
- WI Supreme Court ruled that COVID does not count as IC
- Secretary of State convinced 200,000+ to claim IC status anyway
- Court ruled again that this is illegal, and asked that those falsely claiming IC status be identified
- Our team has found 1,000s of IC-claiming individuals with active lifestyles on FaceBook

MICHIGAN

Margin: 147,000 votes

- Wayne County originally rejected certifying their vote because 71% of their reporting precincts didn't balance – only certified after threatening & doxing the Republican Board of Electors Members who declined certification
 - This means that less than 30% of their votes were accurate
 - Even the UN would not accept this rate in a third world country
- Antrim County forensics report
 - shows a 68% error rate (FEC legal maximum error rate is 0.0008%)
 - 81% rejection rate
 - Adjudication and Security records missing – a violation of state retention laws requiring records to be maintained for 22 months
- Secretary of State Jocelyn Benson sent a Board of Electors directive on 1 December to all County Clerks telling them to delete all electronic records – in violation of state law records retention
- Republican Speaker Lee Chatfield called for a subpoena in Wayne County to examine the voting machines – with a due date of January 6th
- 17,367 Dead Voters – first, middle, last, date, obit

OVERVOTE IN MICHIGAN BY TOWNSHIP

Precinct/Township	% Turnout
City of North Muskegon	781.91%
Zeeland Charter Township	460.51%
Grout Township	215.21%
City of Muskegon	205.07%
City of Detroit	139.29%
Spring Lake Township	120.00%
Greenwood Township	100.00%
Hart Township	100.00%
Leavitt Township	100.00%
Newfield Township	100.00%
Otto Township	100.00%
Pentwater Township	100.00%
Shelby Township	100.00%
Shelby Township	100.00%
Weare Township	100.00%
City of Hart	100.00%
Grand Island Township	96.77%
Tallmadge Charter Township	95.24%
Fenton	93.33%
Bohemia Twp	90.63%
Zeeland Charter Township	90.59%

PENNSYLVANIA

Margin: 68,000 votes

- 682,777 mail-in votes were counted without a single Republican viewing and verifying the ballots, names, signatures, addresses, dates
- Secretary of State election results removed from the internet
- Primary – 1.98m mail-in votes sent out, 2.4m mail-in votes counted
- Mail-in Ballots Returned: 1,462,302
- Mail-in Ballots Not Returned: 360,846
- Mail Ballots Returned Before Mailed Date: 22,686
- Mail Ballots Returned on Same Day They Were Mailed: 32,591
- Mail Ballots Processed for Confirmed **Dead**: 8,021
- Mail Ballots Mailed Before They Were Requested: 4,894
- Mail Ballots Processed Before They Were Requested: 735

TAKE-AWAYS:

- Give us access to the voting machines for forensics analyses to determine the accuracy of the vote, and the legitimacy of the ballots
 - Our review can determine valid paper, creases from folding for mailing, ink type, whether ballot was filled out by hand or machine
- Help educate Governors and Legislators as to the extent of the proven fraud
- Support citizens' protests coming in the next two weeks against state officials
- Support our duly-elected President – we WILL win this battle against fraud!

SM CONSERVATIVE INFLUENCERS

Compiled by Christos Makridis and Soula Parassidis

Big names:

1. Candace Owens (YouTube 747k, Instagram 3 million, Twitter 2.8 million)
2. Charlie Kirk (YouTube 356k, Twitter 1.9 million, Instagram 1.5 million)
3. Hodge Twins (YouTube 1.69 million subs, Instagram 2.3 million)
4. Officer Tatum (YouTube 1.43 million, Instagram 748k, Twitter 611k)
5. Ben Shapiro (YouTube 2.5 million, Instagram 2.5 million)
6. PragerU (YouTube 2.85 million, Instagram 1.5 million)
7. Dave Rubin (YouTube 1.46 million, Instagram 176k)
8. Daily Wire (YouTube 2.44 million, Instagram 1 million)
9. Students for Trump - Ryan Fournier, (Twitter 1.1 million, Instagram 318k)
10. The Majority Report (Sam Seder) (YouTube 993k, Twitter 168k)
11. Steven Crowder (YouTube 5 million, Twitter 1.3 million)
12. Mark Levin (Twitter 2.8 million)

Medium:

10. Eric Metaxas (YouTube 186k, Twitter 129k, Instagram 16k)
11. Brandon Straka - "Walk Away" (YouTube 219k, Personal Twitter 665k, Instagram 191k)
12. Michael Knowles (YouTube 370k, Instagram 158k)
13. Ron (@codemonkeyZ) (475k Twitter)

Small:

13. Stop the Fraud (Rod) - (Twitter 135k)
14. Hey Jude (Twitter 148k)
15. AMERikaGIRL (Twitter 205k)
16. Bradley Scott (Twitter 281k)
17. Juanita Broadrick (Twitter 484k)
18. Melissa Tate (Twitter 524k)
19. John Kiss my Bot (Twitter 199k)
20. Adam Corolla (YouTube 142k)
21. Trish Regan (YouTube 26.4K, Twitter 745.3K)

Micro:

22. Sara Eaglesfield (Twitter, 24k)
23. Cultural Husbandry (Twitter 30k)
24. Alison Morrow (YouTube 78K, Twitter 3.5K)

TIKTOK*** WE have to use TIKTOK!! Content goes VIRAL here like no other platform!!!! And there are MILLIONS of Trump supporters! It would be amazing if POTUS would use the platform actually - he'd have the biggest account EVER

20. Conservative Ant (Vito) (574k followers)
21. Conservative Barbie (846k followers)

- 22. Republican Hype House (1.5 million)
- 23. Dr. Sara Lorei (86k - fewer followers but she does an amazing Kamala Harris impression)
- 24. Matt Convard (young guy, very logical and articulate, 190k followers)
- 25. Adam Calhoun (949k) (musical artist, hilarious but swears a lot, rough persona but I think it will connect with many people)
- 26. Bryson Gray (213k TIKTOK, 111k YT) - "Donald Trump is your President" - amazing song!!! All his songs for Trump are incredible!
- 27. Emmanuel Harouno (279k) - he uses green screen a lot to simply react to facts that are put out, very high engagement and super sympathetic.
- 28. The Republican Girls (367k)
- 29. Damani Bryant Felder (239k, very funny and extremely high engagement)

TOP 10 WORST FRAUD INCIDENTS BY STATE

Prepared by JaNelle Cobb, TX Attorney, Lawyers for Trump, as of 12/19/20

ALL States with Dominion Voting Systems ("DVS"):

Colonel Phil Waldron [*state credentials*] - Expert testimony and IT data for evidence of increased Internet traffic on (11/03/20) between US and Germany, Spain, Canada [*need to confirm countries*] and connectivity of Dominion Voting Systems to Internet.

Dr. Shiva Ayyadurai [*state credentials* - MIT PhD (multiple degrees), inventor of email] - Expert testimony with mathematical analysis and graphs proving statistical certainty of algorithm used to automatically steal percentage of votes from Trump and given to Biden, emphasizing mathematical impossibility to have decimal point totals in a "one person, one vote" calculation.

Stopped Count - All swing states stopped counting at approximately the same time on the night of Election Day (11/03/20), which correlates to time of "ballot stuffing" based on evidence and supports expert findings that preset algorithm in DVS machines were broken by underestimated large turnout of Trump voters.

AZ, GA and PA:

Bobby Piton [*state credentials* (mathematician and chartered financial analyst)] - Expert testimony and mathematical calculations to confirm blatant voter fraud based on incontrovertible evidence in statistical analyses of official government records on voter data.

According to Twitter post, as of 12/18/20, Piton has statistical findings for AZ, GA and PA. Needs contact of person to perform the same for MI and WI).

Top 10 Worst Fraud Incidents

ARIZONA

1. **Dominion Voting Systems** - Based on results of the forensic audit of DVS machines in Antrim County, Michigan, the AZ state legislature obtained a subpoena for ALL DVS machines in Maricopa County, AZ to be confiscated and forensically audited with results due on (12/18/20). Board of Supervisors refused to comply and is attempting to quash subpoena to prevent the results to be shown to We The People, who are *entitled* to the results as those in authority over the Board of Supervisors AND the state legislatures per the US Constitution.

Please Note - AZ state legislature may be reminded of authority via Article II, Section 2, Clause 2 of US Constitution to decertify votes NOW, as Board of Supervisors' refusal to comply with subpoena and efforts to quash are evidence of guilt, essentially an admission (as will be true if WHEN the machines are audited information on the machines has been deleted).

2. **"Glitches" Reported** - [See: <https://www.breitbart.com/politics/2020/11/07/rep-gosar-calls-on-az-officials-investigate-the-accuracy-of-the-dominion-ballot-software-after-reports-of-glitches/>].
3. **Bobby Piton** - Analyzed official government records on voter data in AZ and found up to 300,000 fake people voted in AZ. [See: <https://welovetrump.com/2020/12/01/twitter-suspends-bobby-piton-while-he-gave-his-witness-report-at-legislature-hearings-in-arizona/>].

4. **Poll Challenger Exclusion** - On (11/04/20), morning after Election Day, GOP (and possibly Independent) Poll Challengers (or Watchers depending on title in PA) were prohibited entry into counting location and corralled.
5. **"Sharpie Gate"** - Voters told to use sharpies and not pens to ensure votes did not count. [See Video: <https://www.youtube.com/watch?v=R-2YZqAzW2A&feature=youtu.be> and Receipt: https://www.dropbox.com/s/d4x38y8oot7phsc/123669205_786112478612590_210442077159_1550005_o.jpg?dl=0].
6. **Ballot Harvesting** - AZ woman investigated for voter fraud after video shows offering to mail ballots [See: <https://www.msn.com/en-us/news/crime/arizona-woman-investigated-for-voter-fraud-after-video-shows-her-offering-to-mail-people-s-ballots/ar-BB1akHIA>].
7. **Dead "Voted"** - Applies to ALL swing states. [See: <https://www.thegatewaypundit.com/2020/11/searching-voter-rolls-dead-voters-try-social-security-death-master-file/>]

Nos. 8 to 10 - to be supplemented MICHIGAN

1. **Audit Results of Antrim County** - 68% error rate of DVS machines. DVS designed to commit election fraud [See: video of GA demonstration of DVS machines as evidence of intentional design for error rate to easily manipulate ballots in adjudication process].
2. **Ballot Dump** - On (11/04/20), at or around 4 AM the morning after Election Day, multiple eyewitnesses observed vans pull up and unload approximately multiple boxes of ballots, totaling about 138,000 ballots, all reportedly for Biden (many without down-ballot votes), which were placed in the tabulation machines and counted without the requisite attendance of GOP Poll Challengers and received AFTER the cutoff period as required by state legislature - 8 PM (or 9 PM if include grace period) on Election Day (11/03/20). [See Chart: 138,339 Biden Votes Found - No Votes for Trump: https://www.dropbox.com/s/gh6wo8kduhu5nw1/123635090_10102264646138494_47979090_69374599873_n.jpg?dl=0]
3. **#DetroitLeaks** - Video taken of training by state employee to Poll Workers on how to lie to voters, destroy ballots, and stop Poll Challengers, evidence of pre-planned coordinated effort to commit voter / election fraud [See FULL VIDEO: <https://rumble.com/vaxwob-detroit-leaks-video-was-taken-down-from-screwtube.html>]. Publisher of video, reporter Shane Trejo, threatened with Cease and Desist Order and criminal prosecution by AG Nessel if video was not scrubbed from Internet [See: <https://www.thegatewaypundit.com/2020/11/crazed-vicious-michigan-ag-threatens-criminally-charge-gop-lawmakers-meeting-trump-stolen-election/>].
4. **Multiple Ballots with Same Signature** - Video of MI SOS official directing volunteers to count "multiple ballots with very same signature" during "audit" of votes in Antrim County, MI. [See: <https://www.thegatewaypundit.com/2020/12/mi-sec-state-official-caught-video-telling-volunteers-count-multiple-ballots-signature-audit-votes-antrim-county/>]
5. **Poll Challenger Exclusion** - On (11/04/20), morning after Election Day, at TCF Center (locally a/k/a, "Cobo Hall"), GOP and Independent Poll Challengers were prohibited entry by threats, violence (some pushed, one GOP Poll Challenger arrested - ***SHOW video of James Frego arrested while Poll Watchers cheered, as posted on Twitter and shown on Hannity***) and deception (told

maximum reached when only or most Poll Challengers inside were Democrats). The few GOP and Independent Poll Challengers inside TCF Center for limited time permitted were not permitted to be within 6 feet of ballot counting, in direct violation of recent MI court case overriding COVID-19 as excuse, which was known by Poll Workers but trained to ignore.

6. **Back Dating** - Poll Workers, including Jessy Jacob, provided affidavits of supervisor(s) ordering Poll Workers to backdate documents on or before Election Day (11/03/20). USPS Whistleblower ordered to backdate by Supervisor.
[Poll Workers - See Videos: <https://www.newsmax.com/t/newsmax/article/996212/18> and <https://justthenews.com/politics-policy/elections/lawsuit-filed-michigan-alleges-election-fraud-including-backdating> and <https://justthenews.com/politics-policy/elections/detroit-city-worker-blows-whistle-claims-ballots-were-ordered-backdated>].
[USPS- See Video: <https://twitter.com/JamesOKeefeIII/status/1324174186366074880?s=20>]
7. **Canvasser Threatened** - Monica Palmer (GOP Canvasser) and children were threatened by Democrats if Palmer and GOP colleague did not certify votes. GOP Canvassers reluctantly certified subject to audit by MI SOS Benson, who later stated not bound to condition to which GOP Canvassers filed affidavits of threats.
8. **Dead "Voted"** - [*enter amount*] dead people "voted," according to witnesses who provided affidavits on findings of official government records on MI SOS website for deceased in MI as correlated to electronic poll books and/or supplemental books [*need confirmation of witnesses and evidence. One witness with videos is not responding to calls but I have video evidence*].
[See: https://charliekirk.com/news/graveyard-vote-check-out-the-massive-list-of-joe-bidens-dead-supporters-in-michigan/?fbclid=IwAR3DARbFABWmu1lu1t6feNU3c_lTtyPc1KxKyvdoi5_Hlkps3GtMT8geNzU]
9. **Same Old Birth Date** - January 1, 1900 entered as birth date on a large number of ballots.
10. **Electioneering** - On (11/04/20), Poll Workers at TCF Center wore masks stating "Biden / Harris," shirts stating "BLM / Black Lives Matter," an organization directly associated with Democrat Party, in direct violation of electioneering rules enacted by state legislature.

GEORGIA

1. **"Suitcase Gate"** - Video of "ballot stuffing" when "suitcases" (container type) filled with ballots (approximately 6,000 in each container) were rolled out from under table at GA arena and placed in tabulation machines (one batch repeatedly tabulated at least 3 times) by [X number] of poll workers who remained AFTER all Poll Watchers (GOP and the like), press and all third parties were required to leave the premises per announcement at or about [___ AM] until [___ AM] in violation of election laws enacted by GA state legislature. Ruby Freeman (woman in purple shirt on video), now under arrest and providing evidence against GA SOS Stacey Abrams and DNC on advanced coordinated effort to commit voter / election fraud [*need confirmation of arrest and evidence*].

2. **Dominion Voting Systems** - Per analyses of Dr. Shiva, similar or same algorithm likely used in DVS machines in GA as in Antrim County, MI, resulting in fractional votes weighted to favor Biden.
3. **Pristine Ballots** - Per testimony and affidavit of [enter name], [enter amount] of "returned" absentee and/or mail-in ballots were in pristine condition (not folded), all with identical markings for Biden (with white speck in same location on all ballots - i.e., apparent copies of same ballot).
4. **Poll Challenger Exclusion** - On (11/04/20), morning after Election Day, GOP (and possibly Independent) Poll Challengers (or Watchers depending on title in PA) were prohibited entry into counting location and corralled.
5. **Water Leak** - Basis to stop calculation of votes on (11/03/20) for water leak later proved false as merely a toilet leak remedied within [enter time] minutes (clear attempt at cover up).
6. **Dumped Military Ballots** - Mail-in ballots by military found in GA dumpster.
[See Video: <https://twitter.com/KimonaQ/status/1324867267927158786?s=20>]
7. **Dead "Voted"** - 10,315 dead people "voted, in violation of election laws enacted by GA state legislature, per Ray Smith, GA attorney [See: <https://djhimedia.com/rich/trump-lawyer-reads-long-list-of-voter-fraud-allegations-in-georgia-will-ask-court-for-new-election-have-legislature-select-electors-video/>]
8. **Felons Voted** - 2,506 voted, in violation of election laws enacted by GA state legislature.
9. **Unregistered Voted** - 2,423 unregistered people voted, in violation of election laws enacted by GA state legislature.
10. **Underaged Registrations** - 66,248 underaged people were registered to vote, in violation of election laws enacted by GA state legislature.

PENNSYLVANIA

1. **Dominion Voting Systems** - Per analyses of Dr. Shiva, similar or same algorithm likely used in DVS machines in GA as in Antrim County, MI, resulting in fractional votes weighted to favor Biden.
2. **PA Constitution Violation** - PA state legislature arguably violated own PA Constitution, which prohibits mail-in ballots with minor exceptions.
3. **SCOTUS Violation** - PA governmental officials REFUSED to comply with TWO Orders issued by Justice Samuel Alito of SCOTUS to segregate ALL ballots received after 8 PM on Election Day

(11/03/20), as required by election law enacted by PA state legislature. ALL ballots received after this time and date, totaling over [enter number] hundred thousand, are invalid by law.

4. **Back Dating** - USPS Whistleblower admits supervisor ordered backdate of ballots.
[See Video: <https://twitter.com/bennyjohnson/status/1324850528279474176?s=20>]
5. **Poll Challenger Exclusion** - On (11/04/20), morning after Election Day, GOP (and possibly Independent) Poll Challengers (or Watchers depending on title in PA) were prohibited entry into counting location and/or corralled at great distance where Poll Challengers used binoculars.
[See Video: <https://twitter.com/matthewtyrmand/status/1324786382733254658?s=21>].
6. **Ballots Returned Before Day Mailed** - Tens of thousands of ballots were "returned" earlier than day ballots were mailed [See: https://www.theepochtimes.com/pennsylvania-100000-ballots-with-implausible-return-dates_3572942.html].
7. **Trump Ballots Tossed** - Democrats caught throwing out Trump votes.
[See: <https://thenewamerican.com/voter-fraud-pennsylvania-democrats-caught-throwing-out-trump-votes/>]
8. **Statistical Anomalies** - S. Stanley Young, PhD, FASA, FAAAS, provided PA County Voting Anomaly Analysis, revised (11/08/20) [See: <https://thenationalpulse.com/politics/pennsylvania-vote-anomalies/>].
9. **Military Ballots Dumped** - Military mail-in ballots were found in PA dumpster, mostly Trump votes. [See: https://pjmedia.com/election/matt-margolis/2020/09/24/military-ballots-found-in-the-trash-in-pennsylvania-all-were-trump-votes-n964614?fbclid=IwAR38rNPjbNxK8odDGWPu7KuRSrH4hrf_gebcL4C22JasIRRP1v3MRsJfD1E]
10. **Multiple Votes** - PA voter admits to voting twice.
[See: <https://www.bitchute.com/video/iCb3m8GGx5Yk/>]

See also: <https://ifapray.org/blog/voter-fraud-across-the-nation-state-by-state-examples/>

See also: <https://worldpopulationreview.com/state-rankings/number-of-registered-voters-by-state>

EXHIBIT 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendants.

Civil Action No. 21-3354 (BAH)

Chief Judge Beryl A. Howell

DEFENDANTS RUDOLPH W. GIULIANI'S AMENDED
RULE 26(a)(1) INITIAL DISCLOSURES

Defendant Rudolph W. Giuliani (“Giuliani” or “Defendant”), pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, provides the following amended initial disclosures based on current knowledge and information reasonably available to him at this time. Giuliani reserves the right to revise, supplement or otherwise update these disclosures.

Initial Disclosure (i): *The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.*

The following individuals are believed to likely have discoverable information that Giuliani may use to support his claims and/or defenses. Giuliani reserves the right to modify or supplement this list of witnesses, to call at trial or for deposition any additional or different witnesses, including rebuttal and impeachment witnesses, and to present testimony from witnesses concerning other subject areas if the need for such testimony arises. By identifying any potential witness, Giuliani does not adopt any testimony offered by such witness.

Name and Contact Information (if known)	Subjects of Discoverable Information
1. Rudolph Giuliani c/o Joseph D. Sibley IV 1108 Lavaca St, Ste 110263 Austin, TX 78701	All causes of action.
2. Ruby Freeman c/o WILLKIE FARR & GALLAGHER LLP 1875 K Street NW Washington, DC 20006 Tel: (202) 303-1000 Fax: (202) 303-2000	All causes of action.
3. Wandrea Moss c/o WILLKIE FARR & GALLAGHER LLP 1875 K Street NW Washington, DC 20006 Tel: (202) 303-1000 Fax: (202) 303-2000	All causes of action.
4. Brian Kemp 206 Washington Street, Ste 203 State Capitol Atlanta, GA 30334	Information regarding Fulton County's vote tabulation.
5. Brad Raffensperger Georgia Secretary of State 214 State Capitol Atlanta, GA 30334	Information regarding Fulton County's vote tabulation.
6. Jordan Fuchs Georgia Deputy Secretary of State 214 State Capitol Atlanta, GA 30334	Information regarding Fulton County's vote tabulation.
7. Richard Barron	Information regarding Fulton County's vote tabulation.

8. Jackie Pick	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
9. William Smith	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
10. Burt Jones (Lieutenant Governor of Georgia)	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
11. Unknown Associates of Burt Jones	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
12. Unknown GOP Operatives	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
13. Jenna Ellis	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
14. Bernard Kerik	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs.
15. Ray Smith https://www.smithliss.com/lawyers/ray-smith.html	Smith may have a copy of the video of Plaintiffs that Giuliani initially reviewed.
16. Any witness disclosed by Plaintiffs	N/A

Initial Disclosure (ii): *A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.*

- a. Documents pertaining to the dispute surrounding vote counting in Fulton County, Georgia and evidence provided to government authorities.
- b. Witness statements regarding the vote counting in Fulton County, Georgia;

- c. Video recordings of Plaintiffs and others in the election facilities of Fulton County, Georgia;
- d. News reports regarding Plaintiffs and others in reference to their election work;
- e. Giuliani's paper files that may contain information regarding Fulton County, Georgia and the 2020 Election; and
- f. Giuliani's cell phones, iPad, laptops, and desktop computers to the extent they contain emails, messages, or other documents regarding Fulton County, Georgia and the 2020 Election.

Initial Disclosure (iii): *A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34, the documents or other evidentiary material, unless privileged or protected from disclosures, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.*

N/A

Initial Disclosure (iv): *For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.*

None.

Respectfully submitted,

By: /s/ Joseph D. Sibley IV

CAMARA & SIBLEY L.L.P.

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ATTORNEYS FOR RUDOLPH W. GIULIANI

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2023, I served the foregoing document via email to all counsel of record by agreement.

/s/ Joseph D. Sibley IV
Joseph D. Sibley IV

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendants.

Civil Action No. 21-3354 (BAH)

Chief Judge Beryl A. Howell

DEFENDANTS RUDOLPH W. GIULIANI'S SECOND AMENDED
RULE 26(a)(1) INITIAL DISCLOSURES

Defendant Rudolph W. Giuliani (“Giuliani” or “Defendant”), pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, provides the following second amended initial disclosures based on current knowledge and information reasonably available to him at this time. Giuliani reserves the right to revise, supplement or otherwise update these disclosures.

Initial Disclosure (i): *The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.*

The following individuals are believed to likely have discoverable information that Giuliani may use to support his claims and/or defenses. Giuliani reserves the right to modify or supplement this list of witnesses, to call at trial or for deposition any additional or different witnesses, including rebuttal and impeachment witnesses, and to present testimony from witnesses concerning other subject areas if the need for such testimony arises. By identifying any potential witness, Giuliani does not adopt any testimony offered by such witness.

Name and Contact Information (if known)	Subjects of Discoverable Information
<p>1. Rudolph Giuliani c/o Joseph D. Sibley IV 1108 Lavaca St, Ste 110263 Austin, TX 78701</p>	<p>All causes of action.</p>
<p>2. Ruby Freeman c/o WILLKIE FARR & GALLAGHER LLP 1875 K Street NW Washington, DC 20006 Tel: (202) 303-1000 Fax: (202) 303-2000</p>	<p>All causes of action.</p>
<p>3. Wandrea Moss c/o WILLKIE FARR & GALLAGHER LLP 1875 K Street NW Washington, DC 20006 Tel: (202) 303-1000 Fax: (202) 303-2000</p>	<p>All causes of action.</p>
<p>4. Jacki Pick 10134 Waller Drive, Dallas, TX 75229</p>	<p>Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in forming a good faith belief regarding the truth of any factual allegations regarding Plaintiffs and his opinions based on disclosed facts. See Giuliani's deposition transcript and interrogatory answers for more detailed information.</p>
<p>5. Burt Jones Lieutenant Governor of Georgia 240 State Capitol Atlanta, GA 30334</p>	<p>Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in forming a good faith belief regarding the truth of any factual allegations regarding Plaintiffs and his opinions based on disclosed facts. See Giuliani's deposition transcript and interrogatory answers for more detailed information.</p>

6. Jenna Ellis 309 W. Washington Street Suite 1250 Chicago, IL 60606	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in forming a good faith belief regarding the truth of any factual allegations regarding Plaintiffs and his opinions based on disclosed facts. See Giuliani's deposition transcript and interrogatory answers for more detailed information.
7. Bernard Kerik c/o Timothy Parlatore One World Trade Center Suite 8500 New York, New York 10007	Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in forming a good faith belief regarding the truth of any factual allegations regarding Plaintiffs and his opinions based on disclosed facts. See Giuliani's deposition transcript and interrogatory answers for more detailed information.
8. Ray Smith https://www.smithliss.com/lawyers/ray-smith.html	Smith may have a copy of the video of Plaintiffs that Giuliani initially reviewed.
9. Any witness disclosed by Plaintiffs	N/A

Initial Disclosure (ii): *A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.*

- a. Documents pertaining to the dispute surrounding vote counting in Fulton County, Georgia and evidence provided to government authorities.
- b. Witness statements regarding the vote counting in Fulton County, Georgia;
- c. Video recordings of Plaintiffs and others in the election facilities of Fulton County, Georgia;
- d. News reports regarding Plaintiffs and others in reference to their election work;
- e. Giuliani's paper files that may contain information regarding Fulton County, Georgia and the 2020 Election; and
- f. Giuliani's cell phones, iPad, laptops, and desktop computers to the extent they contain

emails, messages, or other documents regarding Fulton County, Georgia and the 2020 Election.

Initial Disclosure (iii): *A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34, the documents or other evidentiary material, unless privileged or protected from disclosures, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.*

N/A

Initial Disclosure (iv): *For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.*

None.

Respectfully submitted,

By: /s/ Joseph D. Sibley IV

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ATTORNEYS FOR RUDOLPH W. GIULIANI

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of April, 2023, I served the foregoing document via email to all counsel of record by agreement.

/s/ Joseph D. Sibley IV
Joseph D. Sibley IV

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

-----x

RUBY FREEMAN and

WANDREA MOSS,

Plaintiffs,

v.

Civil Action No.

21-3354 (BAH)

RUDOLPH W. GIULIANI,

Defendant.

-----x

DEPOSITION OF RUDOLPH W. GIULIANI

March 1, 2023

Reported by:

MARY F. BOWMAN, RPR, CRR

JOB NO. 5786854

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 March 1, 2023</p> <p>6 9:30 a.m.</p> <p>7</p> <p>8</p> <p>9 Deposition of RUDOLPH W. GIULIANI,</p> <p>10 held at Willkie, Farr & Gallagher, LLP, 787</p> <p>11 Seventh Avenue, New York, New York, before</p> <p>12 Mary F. Bowman, a Registered Professional</p> <p>13 Reporter, Certified Realtime Reporter, and</p> <p>14 Notary Public of the States of New Jersey</p> <p>15 and New York.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 CAMARA & SIBLEY</p> <p>5 Attorneys for Defendant</p> <p>6 1108 Lavaca Street, Suite 110263</p> <p>7 Austin, TX 78701</p> <p>8 BY: JOE SIBLEY, ESQ.</p> <p>9 -and-</p> <p>10 DAVIDOFF HUTCHER & CITRON LLP</p> <p>11 605 Third Avenue</p> <p>12 New York, New York 10158</p> <p>13 BY: ROBERT J. COSTELLO, ESQ.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 Also Present:</p> <p>19 Deverell Write, Legal Videographer</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3</p> <p>4 WILLKIE FARR & GALLAGHER, LLP</p> <p>5 Attorneys for Plaintiffs</p> <p>6 1875 K Street, NW</p> <p>7 Washington DC 20006</p> <p>8 BY: MICHAEL J. GOTTLIEB, ESQ.</p> <p>9 M. ANNIE HOUGHTON-LARSEN, ESQ.</p> <p>10 MAGGIE MacCURDY, ESQ.</p> <p>11 MERYL GOVERSKI, ESQ. (Via Zoom)</p> <p>12 JOHN KNOBLETT, ESQ. (Via Zoom)</p> <p>13 -and-</p> <p>14 DUBOSE MILLER LLC</p> <p>15 75 14th Street NE, Suite 2110</p> <p>16 Atlanta, Georgia 30309</p> <p>17 BY: VON A. DUBOSE, ESQ. (Via Zoom)</p> <p>18 -and-</p> <p>19 UNITED TO PROTECT DEMOCRACY, INC.</p> <p>20 82 Nassau Street, #601</p> <p>21 New York, NY 10038</p> <p>22 BY: JOHN LANGFORD, ESQ. (Via Zoom)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Giuliani</p> <p>2 THE VIDEOGRAPHER: We are on the</p> <p>3 record at 9:36 a.m. on March 1, 2023.</p> <p>4 Please note that the microphones</p> <p>5 are sensitive and may pick up whispers</p> <p>6 and private conversations. Audio and</p> <p>7 video recording will continue to take</p> <p>8 place unless all parties agree to go</p> <p>9 off the record.</p> <p>10 This is media unit 1 of the</p> <p>11 video-recorded deposition of Rudolph</p> <p>12 Giuliani. This the taken by counsel</p> <p>13 for the plaintiff in the matter of Ruby</p> <p>14 Freeman, et al., versus Rudolph W.</p> <p>15 Giuliani.</p> <p>16 This case is pending in the</p> <p>17 United States District Court for the</p> <p>18 District of Columbia. We're at the</p> <p>19 offices the Willkie Farr & Gallagher</p> <p>20 located at 787 Seventh Avenue.</p> <p>21 My name is Deverell Write from</p> <p>22 Veritext Legal Solutions. The court</p> <p>23 reporter is Mary Bowman from Veritext</p> <p>24 Legal Solutions.</p> <p>25 At this time, will counsel please</p>

<p style="text-align: right;">Page 190</p> <p>1 Giuliani</p> <p>2 into machines, counting machines, to affect</p> <p>3 the vote.</p> <p>4 It wasn't only them. There were</p> <p>5 other pictures and other people doing it,</p> <p>6 maybe three -- three different groups.</p> <p>7 I asked, Are we talking about the</p> <p>8 voting machine? Or are we talking about</p> <p>9 the counting machine? Because the counting</p> <p>10 machines were Dominion also.</p> <p>11 And they said they weren't sure.</p> <p>12 But by looking at the -- by looking at the</p> <p>13 drive, they couldn't tell which it was,</p> <p>14 whether it was the counting machine or the</p> <p>15 voting machine.</p> <p>16 Q. When you say, "by looking at the</p> <p>17 drive," you're saying by looking at the</p> <p>18 thumb drive that was allegedly seen --</p> <p>19 A. When they looked at the thumb</p> <p>20 drive, they said it didn't show them</p> <p>21 anything as to whether or not it was for</p> <p>22 one machine or the other, and they didn't</p> <p>23 think there was much of a distinction</p> <p>24 between the thumb drives that you use.</p> <p>25 So I guess the end result of it</p>	<p style="text-align: right;">Page 192</p> <p>1 Giuliani</p> <p>2 machines?</p> <p>3 A. Counting machines, yes.</p> <p>4 Q. So the idea was --</p> <p>5 A. But it wasn't clear.</p> <p>6 Q. Okay. The idea was -- I just</p> <p>7 want to make sure I understand the theory.</p> <p>8 The idea was these flash drives</p> <p>9 or hard drives were being used and placed</p> <p>10 in either the voting machines or the</p> <p>11 counting machines to then alter the count</p> <p>12 at the end of -- when all was said and done</p> <p>13 with counting the votes that happened on</p> <p>14 Election Day, is that right?</p> <p>15 A. Yeah, but I mean -- yeah, I mean,</p> <p>16 that was implied, but I'm not sure that was</p> <p>17 said.</p> <p>18 Q. So it might have been the</p> <p>19 machines at the polling places?</p> <p>20 A. Yeah, I think that was what I</p> <p>21 took out of it, that it was the polling</p> <p>22 places.</p> <p>23 Q. And it might have been the</p> <p>24 machines at State Farm?</p> <p>25 A. I can't exclude that.</p>
<p style="text-align: right;">Page 191</p> <p>1 Giuliani</p> <p>2 is, it was impossible to tell whether these</p> <p>3 were being prepared for the machines on</p> <p>4 Election Day or then the calculating</p> <p>5 machines that were going to be used</p> <p>6 afterwards.</p> <p>7 Q. When you say, "the calculating</p> <p>8 machines," you're talking about -- I just</p> <p>9 want to make sure we are on the same page</p> <p>10 on terminology -- there are voting machines</p> <p>11 at the polling places that voters use to</p> <p>12 cast a ballot.</p> <p>13 A. Right.</p> <p>14 Q. And then there are scanning and</p> <p>15 tabulation machines that occur that state</p> <p>16 officials have access to.</p> <p>17 So when you say the -- which of</p> <p>18 those machines --</p> <p>19 A. They were confused about which of</p> <p>20 those machines they were to be used for.</p> <p>21 If I could give you the consensus of</p> <p>22 opinion is that they were being used for</p> <p>23 the election machines, the actual election</p> <p>24 machines.</p> <p>25 Q. The counting and tabulation</p>	<p style="text-align: right;">Page 193</p> <p>1 Giuliani</p> <p>2 Q. But in any event, the idea was</p> <p>3 essentially, these workers are passing off</p> <p>4 these thumb drives or hard drives to each</p> <p>5 other. They are then going into some</p> <p>6 machines somewhere and that is altering the</p> <p>7 way votes are tabulated and counted when</p> <p>8 all is said and done?</p> <p>9 A. Yeah, that they had been doing</p> <p>10 this during that big, long -- big, long</p> <p>11 period for sending in your votes. They had</p> <p>12 been -- they started -- they started the</p> <p>13 manipulation of the votes right from the</p> <p>14 beginning of the absentee ballots being</p> <p>15 sent in.</p> <p>16 Q. Okay. And so you're saying that</p> <p>17 you saw video that was from the start of</p> <p>18 that period?</p> <p>19 A. No, this was -- this appeared to</p> <p>20 be -- well, actually, I should describe</p> <p>21 what I saw.</p> <p>22 I saw a video, fairly dark room,</p> <p>23 looked like an office room, and they were</p> <p>24 handing off these drives. They described</p> <p>25 it as -- they described it as thumb drives</p>

<p style="text-align: right;">Page 194</p> <p>1 Giuliani</p> <p>2 that were -- that are being used to</p> <p>3 recalculate the vote, and reiterated to me,</p> <p>4 you know, that thing about Dominion not</p> <p>5 being able to be accessed by the internet</p> <p>6 is bullshit.</p> <p>7 I say, Yeah, I know that. I've</p> <p>8 seen the videos of them accessed by it.</p> <p>9 And I've even seen the manual which allows</p> <p>10 it. And I've seen the movie -- what the</p> <p>11 heck is the name of it -- Killing Field</p> <p>12 back in 2017 that warns people that the</p> <p>13 Dominion machine can do this.</p> <p>14 And Senator Klobuchar wants them</p> <p>15 banned.</p> <p>16 Yeah, I said, I know all about</p> <p>17 that.</p> <p>18 Q. Sorry, sir, you said, "they" said</p> <p>19 this to you. Who is "they"?</p> <p>20 A. The people who were showing it to</p> <p>21 me.</p> <p>22 Q. Do you remember any of the</p> <p>23 specific people involved in that</p> <p>24 presentation?</p> <p>25 A. I don't. I could probably</p>	<p style="text-align: right;">Page 196</p> <p>1 Giuliani</p> <p>2 people could see it. So I've seen it maybe</p> <p>3 three or four times, but that was the first</p> <p>4 time I saw it. And there were no different</p> <p>5 observations the second or third time.</p> <p>6 Q. Did you all then show this video</p> <p>7 in any of the subsequent hearings in</p> <p>8 Georgia?</p> <p>9 A. I think it's in Ligon's report.</p> <p>10 Q. Sorry --</p> <p>11 A. I'm sorry, Senator Ligon and</p> <p>12 conducted the investigation. He had about</p> <p>13 a hundred witnesses of fraud in Georgia,</p> <p>14 and then he wrote up a summary report</p> <p>15 alleging that the vote was inaccurate.</p> <p>16 And I don't know if he came to</p> <p>17 the conclusion that it was outcome</p> <p>18 determinative. He came to the conclusion</p> <p>19 that it was inaccurate enough that it had</p> <p>20 to be recounted and forensically audited.</p> <p>21 I believe in that, he came to the</p> <p>22 conclusion that these votes were</p> <p>23 manipulated this way. I'm pretty sure of</p> <p>24 that.</p> <p>25 Q. And --</p>
<p style="text-align: right;">Page 195</p> <p>1 Giuliani</p> <p>2 reconstruct them by talking maybe to Jenna</p> <p>3 or --</p> <p>4 Q. And "Jenna" is who, I'm sorry?</p> <p>5 A. Jenna Ellis, who is my assistant</p> <p>6 in -- because they brought me over to them,</p> <p>7 you've got to see this.</p> <p>8 Q. Okay. Do you recall when this</p> <p>9 meeting was where you were shown this</p> <p>10 video?</p> <p>11 A. I'm going to say, without great</p> <p>12 assurance, but some, that it was the same</p> <p>13 day that I testified. The same date that I</p> <p>14 testified on December 3rd. December 3rd.</p> <p>15 Q. In Georgia?</p> <p>16 A. In Atlanta. I saw it in Atlanta.</p> <p>17 Q. You saw it in Atlanta. Okay.</p> <p>18 So you saw this video at the</p> <p>19 RNC -- some RNC offices in Atlanta, right</p> <p>20 around the time you were testifying?</p> <p>21 A. Yeah, it could have been. And it</p> <p>22 could have been at the lawyers' office,</p> <p>23 too.</p> <p>24 I saw it again, it was replayed</p> <p>25 for me again in Washington, so that other</p>	<p style="text-align: right;">Page 197</p> <p>1 Giuliani</p> <p>2 A. And this stuff was being prepared</p> <p>3 for his committee.</p> <p>4 Q. Okay. So just to make sure I</p> <p>5 understand, you don't -- you don't</p> <p>6 presently have a recollection of who might</p> <p>7 have presented this information to you at</p> <p>8 the Republican committee offices but you</p> <p>9 think Jenna Ellis might be able to --</p> <p>10 A. Yeah, it would have been among</p> <p>11 the group of lawyers presenting evidence to</p> <p>12 the Republican Senate subcommittee</p> <p>13 investigating election fraud that</p> <p>14 culminated in a report that he submitted in</p> <p>15 early January.</p> <p>16 Q. Was Jackie Pick involved with</p> <p>17 that?</p> <p>18 A. I don't know.</p> <p>19 It does cover -- it does cover</p> <p>20 the video. So I guess the answer to that</p> <p>21 is, I imagine she was. Otherwise, who else</p> <p>22 would have taken him through the video.</p> <p>23 I didn't. My contribution of the</p> <p>24 video was watching it with him.</p> <p>25 Q. Is it your view -- I know you've</p>

50 (Pages 194 - 197)

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

EXHIBIT 5

People v. Jenna Lynn Ellis. 23PDJ004. March 8, 2023.

The Presiding Disciplinary Judge approved the parties' stipulation to discipline and publicly censured Jenna Lynn Ellis (attorney registration number 44026). The public censure is effective March 8, 2023.

In November and December 2020, while serving as a senior legal advisor to the then-President of the United States and as counsel for his reelection campaign, Ellis made misrepresentations on national television and on Twitter regarding the 2020 presidential election.

Through this conduct, Ellis violated Colo. RPC 8.4(c) (it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation).

The case file is public per C.R.C.P. 242.41(a). Please see the full opinion below.

SUPREME COURT, STATE OF COLORADO ORIGINAL PROCEEDING IN DISCIPLINE BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1300 BROADWAY, SUITE 250 DENVER, CO 80203	
Complainant: THE PEOPLE OF THE STATE OF COLORADO Respondent: JENNA LYNN ELLIS, #44026	Case Number: 23PDJ004
OPINION APPROVING STIPULATION TO DISCIPLINE UNDER C.R.C.P. 242.19(c)	

While serving as a senior legal advisor to the then-President of the United States and as counsel for his reelection campaign, Jenna Lynn Ellis ("Respondent") repeatedly made misrepresentations on national television and on Twitter, undermining the American public's confidence in the 2020 presidential election. The parties stipulate that Respondent's misconduct warrants public censure, and the Presiding Disciplinary Judge ("the Court") approves the parties' stipulation.

I. STIPULATED FACTS AND ARGUMENT

On February 13, 2023, Jessica E. Yates and Jacob M. Vos, Office of Attorney Regulation Counsel ("the People"), and Michael W. Melito, counsel for Respondent, filed a "Stipulation to Discipline Pursuant to C.R.C.P. 242.19." In the stipulation, the parties agree that Respondent should be publicly censured.

The parties stipulate to the following facts. From February 2019 to January 15, 2021, Respondent was a senior legal advisor to the then-serving President of the United States. She "was a member of President Trump's legal team . . . that made efforts to challenge President Biden's victory in the 2020 Presidential Election."¹ Though Respondent "was part of the legal team . . . she was not counsel of record for any of the lawsuits challenging the election results."² Respondent made ten public misrepresentations in November and December 2020 in her capacity as counsel for the then-President's reelection campaign and as personal counsel to the then-President, while also advertising her status as a lawyer.

¹ Stip. ¶ 6(a).

² Stip. ¶ 6(c).

Respondent agrees she made the following ten misrepresentations:

- On November 13, 2020, Respondent claimed that “Hillary Clinton still has not conceded the 2016 election.”
- On November 20, 2020, Respondent appeared on Mornings with Maria on Fox Business and stated: “We have affidavits from witnesses, we have voter intimidation, we have the ballots that were manipulated, we have all kinds of statistics that show that this was a coordinated effort in all of these states to transfer votes either from Trump to Biden, to manipulate the ballots, to count them in secret . . .”
- On November 20, 2020, Respondent appeared on Spicer & Co. and stated, “with all those states [Nevada, Michigan, Pennsylvania, Wisconsin, Georgia] combined we know that the election was stolen from President Trump and we can prove that.”
- On November 21, 2020, Respondent stated on Twitter under her handle @JennaEllisEsq., “ . . . SECOND, we will present testimonial and other evidence IN COURT to show how this election was STOLEN!”
- On November 23, 2020, Respondent appeared on The Ari Melber Show on MSNBC and stated, “The election was stolen and Trump won by a landslide.”
- On November 30, 2020, Respondent appeared on Mornings with Maria on Fox Business and stated, “President Trump is right that there was widespread fraud in this election, we have at least six states that were corrupted, if not more, through their voting systems. . . We know that President Trump won in a landslide.” She also stated, “The outcome of this election is actually fraudulent it's wrong, and we understand than when we subtract all the illegal ballots, you can see that President Trump actually won in a landslide.”
- On December 3, 2020, Respondent appeared on Mornings with Maria on Fox Business and stated, “The outcome of this election is actually fraudulent it's wrong, and we understand than when we subtract all the illegal ballots, you can see that President Trump actually won in a landslide.”
- On December 5, 2020, Respondent appeared on Justice with Judge Jeanine on Fox News and stated, “We have over 500,000 votes [in Arizona] that were cast illegally . . .”
- On December 15, 2020, Respondent appeared on Greg Kelly Reports on Newsmax and stated, “The proper and true victor, which is Donald Trump . . .”
- On December 22, 2020, Respondent stated on Twitter, through her handle @JennaEllisEsq., “I spent an hour with @DanCapiis for an in-depth discussion about President @realDonaldTrump's fight for election integrity, the overwhelming evidence proving this was stolen, and why fact-finding and truth—not politics—matters!”

Respondent made these misrepresentations on Twitter and on various television programs, including Fox Business, MSNBC, Fox News, and Newsmax.³ The parties agree that by making these misrepresentations, Respondent violated Colo. RPC 8.4(c), which provides that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

³ Stip. ¶ 6(e). The Court understands that these television programs are nationally televised broadcasts.

The parties ask the Court to approve their stipulation and to publicly censure Respondent for this misconduct. In doing so, the parties rely on *Standard* 5.13 under the American Bar Association *Standards for Imposing Lawyer Sanctions* ("ABA *Standards*"),⁴ which provides that "[public censure] is generally appropriate when a lawyer knowingly⁵ engages in any [non-criminal] conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law."

On February 15, 2023, the Court ordered the parties to set this matter for a hearing on the stipulation. The Court asked the parties to address whether ABA *Standard* 5.13 is the most fitting ABA *Standard* for Respondent's misconduct. The Court also directed the parties to address the applicability of other ABA *Standards*, including ABA *Standards* 7.1, 7.2, and 5.11(b). At the hearing, which took place on March 1, 2023, the Court heard legal argument from both parties as to the appropriate ABA *Standards* and in support of their proposed sanction.⁶ The parties represented that they could not locate published lawyer discipline cases that present facts akin to those to which they stipulate, noting that this case is novel and one of first impression. Throughout the hearing, the parties also signaled that First Amendment considerations, including limitations on lawyers' speech, were an important part of their analysis in reaching the terms of their negotiated settlement.

II. STANDARD OF REVIEW AND LEGAL ANALYSIS

In considering a stipulation to discipline, the Court "may either reject the stipulation and order that the disciplinary proceeding go forward . . . or approve the stipulation and enter an appropriate order."⁷ The Court endeavors to accord parties broad latitude to fashion mutually agreeable resolutions, wishes to honor parties' agreements, and is favorably inclined to accept targeted and proportionate stipulations that protect the public and promote confidence in the legal profession.

Reviewing stipulations "[u]sing discretion and in accordance with the considerations governing imposition of disciplinary sanctions,"⁸ the Court looks to the ABA *Standards* as its guiding authority in imposing an appropriate sanction, unless doing so would contradict Colorado Supreme Court case law.⁹ The Court is also guided by the Colorado Supreme Court's

⁴ Found in ABA *Annotated Standards for Imposing Lawyer Sanctions* (2d ed. 2019).

⁵ The parties stipulate that Respondent acted with a mental state that was "at least reckless." Stip. ¶ 13(b). For disciplinary purposes, recklessness is treated as equivalent to a knowing state of mind, with a limited exception not applicable here. *See* Colo. RPC 1.0 cmt. 7A; *People v. Small*, 962 P.2d 258, 260 (Colo. 1998).

⁶ Yates and Vos appeared on the People's behalf, and Melito appeared for Respondent, who did not attend the hearing.

⁷ C.R.C.P. 242.19(c).

⁸ C.R.C.P. 242.19(c).

⁹ *See In re Roose*, 69 P.3d 43, 46-47 (Colo. 2003). The ABA *Standards* were created to "enhance the consistency of the sanctions imposed in attorney disciplinary proceedings." *Id.* at 47.

stated regulatory objectives to increase public understanding of and confidence in the rule of law and to ensure lawyers' compliance with the rules of professional conduct and other rules in a manner that is fair, efficient, effective, targeted, and proportionate.¹⁰ This Court is thus cognizant that disciplinary decisions serve to guide and educate the members of the legal profession.¹¹

The Court understands that this matter presents unique facts, and it is keenly aware that it does not have the benefit of factually analogous cases imposing discipline. Absent comparable prior cases, the Court's analysis centers exclusively on the ABA *Standards* and interpretive Colorado Supreme Court case law, which provide a framework to assess the stipulation.

The ABA *Standard* 5.0 series sanctions lawyers for violations of duties owed to the public, and the ABA *Standard* 5.1 series specifically focuses on lawyers' failure to maintain personal integrity. ABA *Standard* 5.1 appears singular in that it takes no account of the type or quantum of harm a lawyer's misconduct causes. Under ABA *Standard* 5.11(b), disbarment is generally appropriate when a lawyer engages in intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice. ABA *Standard* 5.12 provides for suspension when a lawyer's dishonesty implicates criminal misconduct. Under a strict reading of the *Standards*, it is not applicable here.¹² ABA *Standard* 5.13 provides that reprimand is generally appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and that adversely reflects on the lawyer's fitness to practice law.¹³

¹⁰ Preamble to Chapters 18 to 20 of the Colorado Rules of Civil Procedure, ¶¶ 1- 2.

¹¹ See *In Re Attorney C.*, 47 P.3d 1167, 1174 (Colo. 2002).

¹² See *In re Convisser*, 242 P.3d 299, 313 (N.M. 2010) ("Under Standard 5.13, a reprimand is generally considered appropriate when a lawyer knowingly engages in non-criminal conduct involving dishonesty, fraud, deceit, or misrepresentation that adversely reflects on his or her fitness to practice law."); *In re Schaeffer*, 45 A.3d 149, at *9 (Del. 2012) ("The main distinction between Standard 5.12 and Standard 5.13 appears to be the seriousness of the conduct, with Standard 5.12 focused on 'criminal conduct' that 'seriously adversely reflects on the lawyer's fitness to practice' and Standard 5.13 focused on 'other [presumably non-criminal] conduct.'") (alteration in original).

¹³ Significant gaps exist between ABA *Standards* 5.13 and 5.11(b). Those gaps include the distinction in the mental state—intentional versus knowing—and whether the lawyer's conduct "adversely reflects" or "seriously adversely reflects" on a lawyer's fitness to practice law. Moreover, suspension under ABA *Standard* 5.1 is limited to certain criminal conduct, leaving the binary option of disbarment or public censure as the only available sanctions for noncriminal conduct under this ABA *Standard*. Courts have repeatedly struggled with this aspect of ABA *Standard* 5.1's design. See *People v. Steinman*, 452 P.3d 240, 250 (Colo. O.P.D.J. 2019) (imposing suspension under ABA *Standard* 7.2 after a prosecutor made misrepresentations to his supervisors and to another lawyer regarding his work on a civil matter, finding that an analysis under ABA *Standard* 5.1 "suggests that the presumptive sanction should occupy a middle ground between disbarment and public censure" because the conduct, though intentional, did not seriously adversely reflect on the lawyer's fitness to practice law); see also *In re Graeff*, 485 P.3d 258, 265 (Or. 2021) (recognizing that analysis under *Standard* 5.1 is "not a perfect fit"); *In re*

In contrast, ABA *Standard* 7.0 implicates violations of the duties lawyers owe as professionals, which generally involve “false or misleading communication about the lawyer or the lawyer’s services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.” Under ABA *Standard* 7.2, suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

Although ABA *Standard* 7.2 seemingly fits the fact pattern at hand, the Colorado Supreme Court’s opinion in *In re Rosen* counsels against relying on that *Standard* outside the context of lawyers’ misrepresentations while executing their professional duties.¹⁴ *Rosen* further counsels against imposing a sanction in the gap left between ABA *Standards* 5.11(b) and 5.13. Indeed, the *Rosen* court addressed at length the appropriate *Standards* to apply when faced with instances of lawyer misrepresentation:

Unless deceit or misrepresentation is directed toward a client, *see* ABA Standard 4.6, a tribunal, *see* ABA Standard 6.1, or the legal profession itself (as, for example, by making false representations in applying for admission to the bar), *see* ABA Standard 7.0, it is considered by the ABA Standards to be the violation of a duty owed to the public, *see* ABA Standard 5.0. As the violation of a duty owed to the public (as distinguished from a client, a court, or the profession), even conduct involving dishonesty, fraud, deceit, or misrepresentation, *as long as it falls short of actual criminality or comparable intentional conduct seriously adversely reflecting on one’s fitness to practice law*, should generally be sanctioned only by reprimand, or censure.¹⁵

With these authorities in mind, the Court turns to the parties’ stipulation. Respondent and the People agree that Respondent made ten misrepresentations on Twitter and to nationally televised audiences in her capacity as personal counsel to the then-President of the United States and as counsel for his reelection campaign. The parties agree that Respondent made these statements, which violated Colo. RPC 8.4(c), with at least a reckless state of mind. The parties agree that Respondent was not counsel of record in any lawsuits challenging the 2020 election results. The parties agree that Respondent, through her conduct, undermined the American public’s confidence in the presidential election, violating her duty of candor to the public. Finally, the parties agree that two aggravators apply—Respondent had a selfish motive and she engaged in a pattern of misconduct—while one factor, her lack of prior discipline, mitigates her misconduct.

Flannery, 47 P.3d 891, 895 (Or. 2002) (same); *In re Complaint as to Conduct of Carpenter*, 95 P.3d 203, 211 (Or. 2004) (same); *In re Discipline of Walton*, 287 P.3d 1098, 1103 (same).

¹⁴ 198 P.3d 116 (Colo. 2008).

¹⁵ *Id.* at 120 (emphasis added).

Based on the parties' agreements and *Rosen's* clear directives, the Court concludes that ABA *Standard* 5.13 applies in this circumstance. Though the aggravating factors outweigh the mitigators, the factors are not so out of balance as to warrant departing from the presumptive sanction of public censure. Given the limited information before the Court—which includes only the four corners of the parties' stipulation and their arguments supporting this outcome at the hearing on March 1, 2023—the Court finds the terms of the stipulation to be consistent with the considerations governing imposition of disciplinary sanctions and **APPROVES** the parties' stipulation in this case.



DATED THIS 8th DAY OF MARCH, 2023.

A handwritten signature in blue ink, appearing to read "Bryon M. Large", is written over a horizontal line.

BRYON M. LARGE
PRESIDING DISCIPLINARY JUDGE

EXHIBIT 6



John Langford <john.langford@protectdemocracy.org>

Rule 45 Subpoena for Jenna Ellis

Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Wed, Dec 14, 2022 at 12:31 PM

To: Joshua Voss <jvoss@kleinbard.com>

Cc: Shohin Vance <svance@kleinbard.com>, "Governski, Meryl Conant" <MGovernski@willkie.com>, "Gottlieb, Michael" <MGottlieb@willkie.com>, "Knoblett, John Tyler" <JKnoblett@willkie.com>, "Ryan, Timothy" <TRyan@willkie.com>, Matt Haverstick <mhaverstick@kleinbard.com>, John Langford <john.langford@protectdemocracy.org>

Josh,

Following a productive meet and confer, Plaintiffs offered to narrow the scope of their requests for production to Numbers 1, 6, 8, 13, and 15. Could you please confirm whether this proposal is acceptable to Ms. Ellis and provide a date certain by which Ms. Ellis will produce documents responsive to these requests.

Thank you,

Annie

M.Annie Houghton-Larsen**Willkie Farr & Gallagher LLP**

787 Seventh Avenue | New York, NY 10019-6099

Direct: +1 212 728 8164 | Fax: +1 212 728 9164

mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com bio

Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>**Sent:** Friday, September 30, 2022 12:31 PM**To:** 'Joshua Voss' <jvoss@kleinbard.com>**Cc:** Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Matt Haverstick <mhaverstick@kleinbard.com>; 'John Langford' <john.langford@protectdemocracy.org>**Subject:** RE: Rule 45 Subpoena for Jenna Ellis

Hi Josh,

Following up again on the below proposal. Included here again: we would be willing to instead limit our requests to Numbers 1, 6, 8, 13, and 15.

Thanks

M.Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: +1 212 728 8164 | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | vCard | www.willkie.com bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Tuesday, September 27, 2022 8:18 AM
To: 'Joshua Voss' <jvoss@kleinbard.com>
Cc: Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Matt Haverstick <mhaverstick@kleinbard.com>; 'John Langford' <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis

Hi Josh,

Just following up on the below.

Thanks,

Annie

M.Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: +1 212 728 8164 | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | vCard | www.willkie.com bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Wednesday, September 21, 2022 3:36 PM
To: 'Joshua Voss' <jvoss@kleinbard.com>
Cc: Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Matt Haverstick <mhaverstick@kleinbard.com>; 'John Langford' <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis

Hi Josh,

That's helpful context thank you. Given that, we would be willing to instead limit our requests to Numbers 1, 6, 8, 13, and 15.

Thank you,

Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: +1 212 728 8164 | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | vCard | www.willkie.com bio
Pronouns: she, her, hers

From: Joshua Voss <jvoss@kleinbard.com>
Sent: Wednesday, September 21, 2022 3:23 PM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Cc: Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Matt Haverstick <mhaverstick@kleinbard.com>; 'John Langford' <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis

*** EXTERNAL EMAIL ***

Thanks for this and thanks for speaking with us. I'm not sure the search terms remedy the concern we articulated on the call. Ms. Ellis does not have her records in a search-term reviewable tool, so it would require meaningful expense to convert her files, and we are not sure if your terms would even yield anything. So perhaps we can handle it this way, which records exactly regarding the Plaintiffs are you seeking? Alternatively, which of the original 15 request(s) is/are critical for your purposes?

Happy to discuss further.

Josh

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Tuesday, September 20, 2022 8:10 AM
To: 'John Langford' <john.langford@protectdemocracy.org>; Matt Haverstick <mhaverstick@kleinbard.com>
Cc: Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Joshua Voss <jvoss@kleinbard.com>
Subject: RE: Rule 45 Subpoena for Jenna Ellis

This message was received from an external sender.

Matt, Shohin, Josh,

Thank you again for getting on the phone with us last week to discuss the scope of our subpoena to Ms. Ellis. Given our conversation, we ask that, rather than responding to the requests as articulated in our subpoena, Ms. Ellis runs the attached search terms for the date range of November 1, 2020 – present.

Please confirm whether this is acceptable and whether you can accept service on Ms. Ellis' behalf.

Thanks very much,

Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: +1 212 728 8164 | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | vCard | www.willkie.com bio
Pronouns: she, her, hers

From: John Langford <john.langford@protectdemocracy.org>
Sent: Friday, September 16, 2022 11:35 AM
To: Matt Haverstick <mhaverstick@kleinbard.com>
Cc: Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Joshua Voss <jvoss@kleinbard.com>
Subject: Re: Rule 45 Subpoena for Jenna Ellis

*** EXTERNAL EMAIL ***

Great, I just sent you all a link/dial-in we can use to talk then.

On Fri, Sep 16, 2022 at 5:59 AM Matt Haverstick <mhaverstick@kleinbard.com> wrote:

We're free at 2:30 today.

Matthew H. Haverstick

Managing Partner

Kleinbard LLC

Three Logan Square, 5th Floor

[1717 Arch Street | Philadelphia, PA 19103](#)

D | 215.496.7225

M | 484.753.1355

F | 215.568.0140

E | mhaverstick@kleinbard.com

W | www.kleinbard.com

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On Sep 15, 2022, at 9:32 PM, John Langford <john.langford@protectdemocracy.org> wrote:

This message was received from an external sender.

Matt,

Please advise on when you are available tomorrow to speak.

Thank you,

John

On Wed, Sep 14, 2022 at 9:56 AM John Langford <john.langford@protectdemocracy.org> wrote:

Matt,

I'm happy to talk Friday, if that's the earliest you're available. What time works for you?

Thanks,

John

On Wed, Sep 14, 2022 at 7:18 AM Matt Haverstick <mhaverstick@kleinbard.com> wrote:

John:

Are you available for a call Friday?

Matthew H. Haverstick

Managing Partner

Kleinbard LLC

From: John Langford <john.langford@protectdemocracy.org>
Sent: Tuesday, September 6, 2022 1:03 PM
To: Matt Haverstick <mhaverstick@kleinbard.com>
Cc: Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Knoblett, John Tyler <JKnoblett@willkie.com>; Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Ryan, Timothy <tryan@willkie.com>
Subject: Re: Rule 45 Subpoena for Jenna Ellis

This message was received from an external sender.

Matt,

We are now more than two weeks past the listed date of production. We would like to connect with you as soon as possible. Are you available to talk today or tomorrow?

Best,

John

On Tue, Aug 23, 2022 at 11:05 AM John Langford <john.langford@protectdemocracy.org> wrote:

Hi Matt,

Are you all available to talk some time tomorrow or Thursday?

Best,

John

On Fri, Aug 19, 2022 at 4:03 PM John Langford <john.langford@protectdemocracy.org> wrote:

Matt, I'm sorry we weren't able to connect today. Please let me know when you're able to talk next week.

Best,

John

On Wed, Aug 17, 2022 at 10:21 AM John Langford <john.langford@protectdemocracy.org> wrote:

Thanks, Matt. Just let me know what time(s) work on Friday for a conversation. The only blocks I can't do are before 10 a.m. ET and between 2:30–4:30 p.m. ET. Otherwise, I should be free to chat whenever.

On Tue, Aug 16, 2022 at 5:51 PM Matt Haverstick <mhaverstick@kleinbard.com> wrote:

John: We'll represent Ms Ellis for this. Give me a day or so to review the subpoena and we can discuss, perhaps Friday.

Matthew H. Haverstick

Managing Partner

Kleinbard LLC

Three Logan Square, 5th Floor

[1717 Arch Street | Philadelphia, PA 19103](#)

D | [215.496.7225](tel:215.496.7225)

M | [484.753.1355](tel:484.753.1355)

F | [215.568.0140](tel:215.568.0140)

E | mhaverstick@kleinbard.com

W | www.kleinbard.com

On Aug 11, 2022, at 4:00 PM, John Langford <john.langford@protectdemocracy.org> wrote:

This message was received from an external sender.

Thank you, Matt. I appreciate the update and will look out for your email.

Best,

John

On Thu, Aug 11, 2022 at 12:43 PM Matt Haverstick <mhaverstick@kleinbard.com> wrote:

John:

We may be representing Jenna in this matter. Give us a day or so and I think we'll be in a position to tell you we represent her and arrange what to do with the subpoena. Sorry it's taken so long -

Matthew H. Haverstick

Managing Partner

Kleinbard LLC

Three Logan Square, 5th Floor

1717 Arch Street |Philadelphia, PA 19103

D | 215.496.7225

M| 484.753.1355

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On Aug 5, 2022, at 2:47 PM, John Langford
<john.langford@protectdemocracy.org> wrote:

This message was received from an external sender.

Mssrs. Haverstick and Vance,

I am writing to re-up this request. When you have a moment, I would very much appreciate it if you would please advise whether you would be willing to accept service of the subpoena on behalf of Ms. Ellis and, if so, if you would accept service via this email.

Best,

John

On Wed, Aug 3, 2022 at 1:25 PM John Langford
<john.langford@protectdemocracy.org> wrote:

Mssrs. Haverstick and Vance,

I understand that you represented Jenna Ellis in *Savage v. Trump*, No. 02495 (Pa. C.C.P.), and I am writing you in that capacity. I represent Ruby Freeman and Shaye Moss in *Freeman v. Giuliani*, No. 21-cv-3354 (D.D.C.), and we have been trying to serve Ms. Ellis with the attached subpoena pursuant to Federal Rule of Civil Procedure 45.

Would you please advise whether you would be willing to accept service of the subpoena on behalf of Ms. Ellis and, if so, if you would accept service via this email?

We are, of course, happy to confer on the timing of Ms. Ellis's production at your convenience.

Best,

John

--

John Langford

Counsel, Protect Democracy

john.langford@protectdemocracy.org | (919) 619-9819

--

John Langford

Counsel, Protect Democracy

john.langford@protectdemocracy.org | (919) 619-9819

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[REDACTED]

--

John Langford

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[REDACTED]

--

John Langford

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[REDACTED]

--

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[REDACTED]

--

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john.langford@protectdemocracy.org | (919) 619-9819



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EXHIBIT 7

From: [Houghton-Larsen, M Annie](#)
To: "Matt Haverstick"
Cc: [Joshua Voss](#); [Shohin Vance](#); [Gottlieb, Michael](#); [Dorner, Alexis](#); [John Langford](#); [Governski, Meryl Conant](#); [Ryan, Timothy](#)
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance
Date: Friday, April 28, 2023 5:26:10 PM
Attachments: [Re Rule 45 Subpoena for Jenna Ellis.msg](#)

Matt,

You have been negotiating with us since last August and confirmed your representation of Ms. Ellis in this matter in writing on August 16, 2022. See email attached in which you write "We'll represent Ms Ellis for this." At no time during the past 8 months have you ever suggested that you ceased representing Ms. Ellis in this matter.

Please promptly confirm the precise date on which you ceased to represent Ms. Ellis in this matter and why you did not notify us of that fact. Additionally, please direct us to the attorney who is representing Ms. Ellis in this matter.

Given this record, we have no concerns about seeking relief from the court.

Thank you,
Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Matt Haverstick <mhaverstick@kleinbard.com>
Sent: Friday, April 28, 2023 3:31 PM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Dorner, Alexis <ADorner@willkie.com>; John Langford <john.langford@protectdemocracy.org>; Governski, Meryl Conant <MGovernski@willkie.com>; Ryan, Timothy <TRyan@willkie.com>
Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

*** EXTERNAL EMAIL ***

Annie:

I understand your position, but we represented Ms. Ellis for only a limited matter in Pennsylvania that has since ended. She has counsel for the various open matters throughout the country, and we aren't actively representing her. I could not get assent to accept service of any of your subpoenas, including the instant one. I'm sorry I'm not able to be of more help.

Matthew H. Haverstick
Managing Partner
Kleinbard LLC

Three Logan Square, 5th Floor
1717 Arch Street | Philadelphia, PA 19103
D | 215.496.7225
M | 484.753.1355
F | 215.568.0140
E | mhaverstick@kleinbard.com
W | www.kleinbard.com

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employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system.

On Apr 27, 2023, at 9:42 PM, Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

This message was received from an external sender.

Matt,

Since you declined to accept service of Plaintiffs' deposition subpoena for Ms. Ellis last week, we have made numerous attempts to serve Ms. Ellis personally. These attempts have been unsuccessful. Our server reports that on at least one occasion Ms. Ellis appeared to be at home, but refused to come to the door when they knocked.

To date, we have tried to work collaboratively with you to limit the burden on Ms. Ellis. Indeed, we only determined to serve a deposition subpoena on Ms. Ellis after Defendant updated his initial disclosure to include Ms. Ellis. Mr. Giuliani describes Ms. Ellis as: "Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in forming a good faith belief regarding the truth of any factual allegations regarding Plaintiffs and his opinions based on disclosed facts. See Giuliani's deposition transcript and interrogatory answers for more detailed information."

It is, of course, our preference that we not have to waste thousands of dollars and time attempting to serve Ms. Ellis personally, particularly when she is represented and is already aware of our efforts and where discovery is set to close in less than a month. We are hopeful that you will reconsider your position on accepting service via email. As discussed previously, we are willing to negotiate the date of the deposition, plan to take it virtually, and have already provided the limited topics on which we seek Ms. Ellis' testimony. If you do not agree to accept service via email, we will promptly move for alternative service. Please advise by the end of the day tomorrow.

Thanks,
Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | <vCard> | www.willkie.com bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Sent: Friday, April 21, 2023 1:07 PM

To: 'Matt Haverstick' <mhaverstick@kleinbard.com>

Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Dorner, Alexis <ADorner@willkie.com>; John Langford <john.langford@protectdemocracy.org>; Goversnki, Meryl Conant <MGoversnki@willkie.com>

Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

Hi Matt,

Just tried your number and got your voicemail. It would save time if we could agree on a date of the deposition today, but otherwise we will move forward with personal service with the date of our choosing. We plan to conduct the deposition via zoom, and as discussed previously, intend it to be a limited deposition. We are available May 10-17.

Please let us know. Thank you,
Annie

M. Annie Houghton-Larsen
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mhoughton-larsen@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Friday, April 21, 2023 10:10 AM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Dorner, Alexis <ADorner@willkie.com>; John Langford <john.langford@protectdemocracy.org>; Governski, Meryl Conant <MGovernski@willkie.com>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

Matt, are you available to speak today? I am generally free this afternoon.

M. Annie Houghton-Larsen
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mhoughton-larsen@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Matt Haverstick <mhaverstick@kleinbard.com>
Sent: Friday, April 21, 2023 10:08 AM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Dorner, Alexis <ADorner@willkie.com>; John Langford <john.langford@protectdemocracy.org>; Governski, Meryl Conant <MGovernski@willkie.com>
Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

*** **EXTERNAL EMAIL** ***

We do not accept service of this subpoena. Happy to discuss.

Matthew H. Haverstick
Managing Partner
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W | www.kleinbard.com

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On Apr 21, 2023, at 9:59 AM, Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

This message was received from an external sender.

All,

I write to confirm that you will accept service of Plaintiffs' deposition subpoena on Ms. Ellis. If we do not receive confirmation today, we will move forward with personal service on Ms. Ellis.

Thank you,
Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | yCard | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Wednesday, April 19, 2023 12:10 PM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>; Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>
Cc: Gottlieb, Michael <MGottlieb@willkie.com>; Dorner, Alexis <ADorner@willkie.com>; John Langford <john.langford@protectdemocracy.org>; Governski, Meryl Conant <MGovernski@willkie.com>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

All,

Please see attached a deposition subpoena for Ms. Ellis. Please confirm that you will accept service on her behalf.

Thank you,
Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | yCard | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Governski, Meryl Conant <MGovernski@willkie.com>
Sent: Wednesday, April 12, 2023 12:18 PM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>
Cc: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

All,

Please confirm whether you are available for a quick call to discuss this week, we are generally available. It also would be helpful to understand dates when your client would be available for a deposition this month or the first or second week of May.

Best,
Meryl

Meryl Conant Governski
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Direct: +1 202 303 1016 | Fax: +1 202 303 2000
mgovernski@willkie.com | [vCard](#) | www.willkie.com/bio

From: Governski, Meryl Conant <MGovernski@willkie.com>
Sent: Monday, April 10, 2023 7:58 AM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>
Cc: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

All,

Checking in about below, as we had hoped for an update and follow-up conversation last week. Are you available Wednesday or Thursday to discuss?

Thanks very much,
Meryl

Meryl Conant Governski
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Direct: +1 202 303 1016 | Fax: +1 202 303 2000
mgovernski@willkie.com | [vCard](#) | www.willkie.com/bio

From: Governski, Meryl Conant <MGovernski@willkie.com>
Sent: Thursday, March 30, 2023 8:58 AM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>
Cc: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

Matt and Shohin,

Thanks again for speaking yesterday and for working with us to reach an efficient solution for your client and ours. As discussed, we are hopeful that, in lieu of seeking a document production from Ms. Ellis, we can find a way to secure her testimony (whether in the form of an affidavit, deposition, and/or a deposition by written question, to be determined based on subsequent discussions- all rights reserved) about the following categories of information. Our memorialization of your client's positions below is based on our understanding from the call – please correct any inaccuracies.

Video Allegedly Showing the Passing of Thumb, Flash, and/or Hard Drives

As we discussed, Mr. Giuliani has claimed that he relied on a video to state (falsely) that our clients passed a thumb drive(s), flash drive(s), or hard drive(s) between them on or around election day in November 2020. Mr. Giuliani testified that his allegations were not based on this [video](#) from *The Hill* ("*The Hill* video excerpt") (*see also* [here](#)), and that he believes he saw a *different* video on December 3, 2020 at the RNC offices in Atlanta, GA, and he testified that your client either was involved in bringing him the video or could help reconstruct who did. Tr. at 192–194. As discussed, *The Hill* video excerpt is separate from the wider-circulated surveillance footage from State Farm Arena, which was shown at the December 3, 2020, hearing. (*see* [here](#) at 34:06) ("State Farm Arena Video").

We understand based on our call that your client does not recall viewing *any* videos at the RNC office with Defendant Giuliani and believes that he may have been confusing your client for Christina Bobb. We would like to better understand your client's positions, including whether: (1) she attended any meeting at the RNC offices with Defendant Giuliani and, if so, whether and which specific videos they watched (including but not limited to *The Hill* video excerpt and the State Farm Arena Video); (2) whether she has any further information she can provide about who may have been present at such a meeting, including why she believes Defendant Giuliani is confusing her and Ms. Bobb; (3) whether she has, at any time, watched or discussed with Defendant Giuliani any videos of our clients (including but not limited to *The Hill* video excerpt and the State Farm Arena Video) and, if so, which ones; and 4) whether she has any other information about who may have had any such conversations.

Giuliani Strategic Plan

The second category of information concerns the Giuliani Strategic Communications plan, a copy of which was attached to our subpoena to your client. At his deposition, Mr. Giuliani testified that your client was aware of the plan and that there was some sort of disagreement between your client and Ms. Bobb on the one hand, and Katherine Friess on the other. Tr. at 270. We are hoping to understand from your client whether and what she could testify to about the Giuliani Strategic Plan.

Other Conversations About Plaintiffs

In the amended initial disclosures Mr. Giuliani provided last week, he listed your client and specified, as the subjects of discoverable information: "Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs." We are hoping to understand from your client whether any such information exists and, if so, its nature (i.e. whether in the form of documents and communications, or oral conversations). We also would hope to understand the substance of these communications.

Finally, we meant but neglected to mention that we would also ask for your client to confirm the accuracy of her submission in Colorado as part of whatever testimony we are able to secure. See [here](#).

We understand that you will effort speaking with your client and providing us an update early next week. We appreciate your promptness and hope we can reconvene by the end of next week to discuss how best and most efficiently to capture the testimony described above.

Best,

Meryl

Meryl Conant Governski
Willkie Farr & Gallagher LLP
 1875 K Street, N.W. | Washington, DC 20006-1238
 Direct: [+1 202 303 1016](tel:+12023031016) | Fax: +1 202 303 2000
mgovernski@willkie.com | [vCard](tel:+12023031016) | www.willkie.com/bio

From: Matt Haverstick <mhaverstick@kleinbard.com>

Sent: Tuesday, March 28, 2023 10:26 AM

To: Governski, Meryl Conant <MGovernski@willkie.com>

Cc: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>

Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

*** EXTERNAL EMAIL ***

Yes. Pick a time.

Matthew H. Haverstick
Managing Partner
Kleinbard LLC

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On Mar 27, 2023, at 6:10 PM, Governski, Meryl Conant
<MGovernski@willkie.com> wrote:

This message was received from an external sender.

I apologize- I am in a deposition tomorrow but am pretty available anytime on Wednesday if that would work on your end?

Meryl Conant Governski
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mgovernski@willkie.com | vCard | [www.willkie.com bio](http://www.willkie.com/bio)

From: Matt Haverstick <mhaverstick@kleinbard.com>
Sent: Monday, March 27, 2023 6:09 PM
To: Governski, Meryl Conant <MGovernski@willkie.com>
Cc: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>; Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

***** EXTERNAL EMAIL *****

Yes, how about tomorrow afternoon?

Matthew H. Haverstick
Managing Partner
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W | www.kleinbard.com

On Mar 27, 2023, at 6:07 PM, Governski, Meryl Conant
<MGovernski@willkie.com> wrote:

This message was received from an external sender.

Matt,

Following up on my colleague Annie's requests, do you have time to connect this week?

Thanks in advance,
Meryl

Meryl Conant Governski
Willkie Farr & Gallagher LLP
1875 K Street, N.W. | Washington, DC 20006-1238
Direct: [+1 202 303 1016](tel:+12023031016) | Fax: +1 202 303 2000
mgovernski@willkie.com | [vCard](tel:+12023031016) | [www.willkie.com bio](http://www.willkie.com/bio)

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Friday, March 24, 2023 10:43 AM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

Matt, are you available to discuss today?

M. Annie Houghton-Larsen
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mhoughton-larsen@willkie.com | [vCard](tel:+12127288164) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Thursday, March 23, 2023 8:36 AM
To: 'Matt Haverstick' <mhaverstick@kleinbard.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for Jenna Ellis - Noncompliance

Thank you. Please see transcript attached which is being provided on an attorneys' eyes only basis.

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
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mhoughton-larsen@willkie.com | [vCard](tel:+12127288164) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Matt Haverstick <mhaverstick@kleinbard.com>
Sent: Thursday, March 23, 2023 8:34 AM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford

<john.langford@protectdemocracy.org>

Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

*** EXTERNAL EMAIL ***

Agreed. I will not share it outside my Kleubard colleagues.

Matthew H. Haverstick
Managing Partner
Kleinbard LLC

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E | mhaverstick@kleinbard.com
W | www.kleinbard.com

On Mar 23, 2023, at 8:33 AM, Houghton-Larsen, M
Annie <MHoughton-Larsen@willkie.com> wrote:

This message was received from an external sender.

At this time, we are happy to provide you with a copy of the transcript on an attorneys' eyes only basis if you are amenable to that?

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mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Matt Haverstick <mhaverstick@kleinbard.com>

Sent: Thursday, March 23, 2023 8:30 AM

To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Goverski, Meryl Conant <MGoverski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>

Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

*** EXTERNAL EMAIL ***

Sure, but first can I get an answer to my question please?
I'd really like to see at least the relevant portion to the transcript before we talk.

Matthew H. Haverstick
Managing Partner
Kleinbard LLC

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W | www.kleinbard.com

On Mar 22, 2023, at 10:31 PM, Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

This message was received from an external sender.

Hi Matt,

Would you be able to speak briefly tomorrow? I am generally available.

Thanks,
Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
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mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Matt Haverstick
<mhaverstick@kleinbard.com>
Sent: Wednesday, March 22, 2023 1:09 PM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Cc: Joshua Voss <jvoss@kleinbard.com>; Shohin Vance <svance@kleinbard.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Gottlieb, Michael <MGottlieb@willkie.com>; Kenney, Logan <LKenney@willkie.com>; John Langford <john.langford@protectdemocracy.org>
Subject: Re: Rule 45 Subpoena for Jenna Ellis - Noncompliance

***** EXTERNAL EMAIL *****

Annie:

We are discussing this with Ms. Ellis. Can you provide us with Giuliani's deposition transcript for us to use with her?

Matthew H. Haverstick
Managing Partner
Kleinbard LLC

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On Mar 14, 2023, at 10:44 AM,
Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com> wrote:

This message was received from an external sender.

Josh,

I am writing to follow up regarding Plaintiffs' subpoena to Ms. Ellis. Ms. Ellis has not complied with the subpoena—she has not formally responded or objected despite being served *almost seven months ago*. We continue to believe that Ms. Ellis possess responsive, non-privileged documents and information. This is particularly so in light of Mr. Giuliani's recent deposition, in which he specifically directed us to speak to Ms. Ellis in order to get answers to certain questions, particularly regarding the video that allegedly shows Plaintiffs passing a USB of illegal ballots.

Additionally, Plaintiffs are aware of the stipulation Ms. Ellis entered into on March 8, 2023, in which she admits was a member of President Trump's legal team that made efforts to challenge the 2020 presidential election and that she made public misrepresentations in connection with that representation.

Please promptly respond with your availability to meet and confer regarding Plaintiffs' subpoena to Ms. Ellis. Plaintiffs reserve all rights.

Thank you,
Annie

M.Annie Houghton-Larsen
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mhoughton-larsen@willkie.com |
[vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>
Sent: Wednesday, December 14,
2022 3:31 PM
To: 'Joshua Voss'
<jvoss@kleinbard.com>
Cc: 'Shohin Vance'
<svance@kleinbard.com>;
Goverski, Meryl Conant
<MGoverski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
'Matt Haverstick'
<mhaverstick@kleinbard.com>;
'John Langford'
<john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for
Jenna Ellis

Josh,

Following a productive meet and confer, Plaintiffs offered to narrow the scope of their requests for production to Numbers 1, 6, 8, 13, and 15. Could you please confirm whether this proposal is acceptable to Ms. Ellis and provide a date certain by which Ms. Ellis will produce documents responsive to these requests.

Thank you,
Annie

M.Annie Houghton-Larsen
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[vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>
Sent: Friday, September 30, 2022
12:31 PM
To: 'Joshua Voss'
<jvoss@kleinbard.com>
Cc: Shohin Vance
<svance@kleinbard.com>;
Governski, Meryl Conant
<MGovernski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
Matt Haverstick
<mhaverstick@kleinbard.com>;
'John Langford'
<john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for
Jenna Ellis

Hi Josh,

Following up again on the below
proposal. Included here again: we
would be willing to instead limit
our requests to Numbers 1, 6, 8,
13, and 15.

Thanks

M.Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York,
NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1
212 728 9164
mhoughton-larsen@willkie.com |
[vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>
Sent: Tuesday, September 27,
2022 8:18 AM

To: 'Joshua Voss'
<jvoss@kleinbard.com>
Cc: Shohin Vance
<svance@kleinbard.com>;
Governski, Meryl Conant
<MGovernski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
Matt Haverstick
<mhaverstick@kleinbard.com>;
'John Langford'
<john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for
Jenna Ellis

Hi Josh,

Just following up on the below.

Thanks,
Annie

M.Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York,
NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1
212 728 9164
mhoughton-larsen@willkie.com |
[vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>
Sent: Wednesday, September 21,
2022 3:36 PM
To: 'Joshua Voss'
<jvoss@kleinbard.com>
Cc: Shohin Vance
<svance@kleinbard.com>;
Governski, Meryl Conant
<MGovernski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
Matt Haverstick
<mhaverstick@kleinbard.com>;
'John Langford'
<john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for
Jenna Ellis

Hi Josh,

That's helpful context thank you.
Given that, we would be willing to
instead limit our requests to
Numbers 1, 6, 8, 13, and 15.

Thank you,
Annie

M.Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York,
NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1
212 728 9164
mhoughton-larsen@willkie.com |
[vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: Joshua Voss
<jvoss@kleinbard.com>
Sent: Wednesday, September 21,
2022 3:23 PM
To: Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>
Cc: Shohin Vance
<svance@kleinbard.com>;
Goverski, Meryl Conant
<MGoverski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
Matt Haverstick
<mhaverstick@kleinbard.com>;
'John Langford'
<john.langford@protectdemocracy.org>
Subject: RE: Rule 45 Subpoena for
Jenna Ellis

*** EXTERNAL EMAIL ***

Thanks for this and thanks for
speaking with us. I'm not sure
the search terms remedy the
concern we articulated on the
call. Ms. Ellis does not have her
records in a search-term
reviewable tool, so it would
require meaningful expense to
convert her files, and we are not
sure if your terms would even
yield anything. So perhaps we
can handle it this way, which
records exactly regarding the

Plaintiffs are you seeking?
Alternatively, which of the
original 15 request(s) is/are
critical for your purposes?

Happy to discuss further.

Josh

From: Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>
Sent: Tuesday, September 20,
2022 8:10 AM
To: 'John Langford'
<john.langford@protectdemocracy.org>;
Matt Haverstick
<mhaverstick@kleinbard.com>
Cc: Shohin Vance
<svance@kleinbard.com>;
Goverski, Meryl Conant
<MGoverski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
Joshua Voss
<jvoss@kleinbard.com>
Subject: RE: Rule 45 Subpoena for
Jenna Ellis

**This message was received from an
external sender.**

Matt, Shohin, Josh,

Thank you again for getting on the
phone with us last week to discuss
the scope of our subpoena to Ms.
Ellis. Given our conversation, we
ask that, rather than responding to
the requests as articulated in our
subpoena, Ms. Ellis runs the
attached search terms for the date
range of November 1, 2020 –
present.

Please confirm whether this is
acceptable and whether you can
accept service on Ms. Ellis' behalf.

Thanks very much,
Annie

M.Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York,

NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1
212 728 9164
mhoughton-larsen@willkie.com |
[vCard](#) | www.willkie.com/bio
Pronouns: she, her, hers

From: John Langford
<john.langford@protectdemocracy.org>
Sent: Friday, September 16, 2022
11:35 AM
To: Matt Haverstick
<mhaverstick@kleinbard.com>
Cc: Shohin Vance
<svance@kleinbard.com>;
Goverski, Meryl Conant
<MGoverski@willkie.com>;
Gottlieb, Michael
<MGottlieb@willkie.com>;
Knoblett, John Tyler
<JKnoblett@willkie.com>;
Houghton-Larsen, M Annie
<MHoughton-Larsen@willkie.com>; Ryan,
Timothy <TRyan@willkie.com>;
Joshua Voss
<jvoss@kleinbard.com>
Subject: Re: Rule 45 Subpoena for
Jenna Ellis

*** EXTERNAL EMAIL ***

Great, I just sent you all a
link/dial-in we can use to talk
then.

On Fri, Sep 16, 2022 at 5:59 AM
Matt Haverstick
<mhaverstick@kleinbard.com>
wrote:

We're free at 2:30 today.

Matthew H. Haverstick
Managing Partner
Kleinbard LLC

Three Logan Square, 5th Floor
1717 Arch
Street | Philadelphia, PA
19103
D | 215.496.7225
M | 484.753.1355
F | 215.568.0140
E
| mhaverstick@kleinbard.com
W | www.kleinbard.com

This e-mail message,
including any attachment(s),
is intended only for the use of

the individual or entity to which it is addressed and may contain information that is privileged and/or confidential. If you are not the intended recipient or the employee or agent responsible for delivering the communication to the intended recipient, please notify us immediately by replying to this message and then delete this message from your system.

On Sep 15, 2022,
at 9:32 PM, John
Langford
<john.langford@protectdemocracy.org>
wrote:

**This message was
received from an
external sender.**

Matt,

Please advise on
when you are
available
tomorrow to
speak.

Thank you,

John

On Wed, Sep 14,
2022 at 9:56 AM
John Langford
<john.langford@protectdemocracy.org>
wrote:

Matt,

I'm happy to
talk Friday, if
that's the
earliest you're
available. What
time works for
you?

Thanks,

John

On Wed, Sep
14, 2022 at
7:18 AM Matt
Haverstick
<mhaverstick@kleinbard.com>
wrote:

John:

Are you
available
for a call
Friday?

Matthew H.
Haverstick
Managing
Partner
Kleinbard
LLC

From: John
Langford
<john.langford@protectdemocracy.org>
Sent:
Tuesday,
September 6,
2022 1:03
PM
To: Matt
Haverstick
<mhaverstick@kleinbard.com>
Cc: Shohin
Vance
<svance@kleinbard.com>;
Governski,
Meryl
Conant
<MGovernski@willkie.com>;
Gottlieb,
Michael
<MGottlieb@willkie.com>;
Knoblett,
John Tyler
<JKnoblett@willkie.com>;
Houghton-
Larsen, M
Annie
<MHoughton-Larsen@willkie.com>;
Ryan,
Timothy
<tryan@willkie.com>
Subject: Re:
Rule 45
Subpoena for
Jenna Ellis

**This message
was received
from an
external
sender.**

Matt,

We are now
more than
two weeks
past the
listed date of
production.
We would
like to
connect with
you as soon
as possible.
Are you
available to
talk today or
tomorrow?

Best,

John

On Tue, Aug
23, 2022 at
11:05 AM

John

Langford

<john.langford@protectdemocracy.org>

wrote:

Hi Matt,

Are you all
available
to talk
some time
tomorrow
or
Thursday?

Best,

John

On Fri,
Aug 19,
2022 at
4:03 PM

John

Langford

<john.langford@protectdemocracy.org>

wrote:

Matt,
I'm
sorry we
weren't
able to
connect
today.
Please
let me
know
when
you're
able to
talk next

week.

Best,

John

On

Wed,

Aug 17,

2022 at

10:21

AM

John

Langford

<john.langford@protectdemocracy.org>

wrote:

Thanks,

Matt.

Just

let me

know

what

time(s)

work

on

Friday

for a

conversation.

The

only

blocks

I can't

do are

before

10

a.m.

ET

and

between

2:30–

4:30

p.m.

ET.

Otherwise,

I

should

be

free to

chat

whenever.

On

Tue,

Aug

16,

2022

at

5:51

PM

Matt

Haverstick

<mhaverstick@kleinbard.com>

wrote:

John:
We'll
represent
Ms
Ellis
for
this.
Give
me
a
day
or
so
to
review
the
subpoena
and
we
can
discuss,
perhaps
Friday.

Matthew
H.
Haverstick
Managing
Partner
**Kleinbard
LLC**

Three
Logan
Square,
5th Floor
1717
Arch
Street |Philadelphia,
PA
19103
D
| 215.496.7225
M| 484.753.1355
F
| 215.568.0140
E
| mhaverstick@kleinbard.com
W| www.kleinbard.com

On
Aug
11,
2022,
at
4:00
PM,
John
Langford
<john.langford@protectdemocracy.org>
wrote:

This
message
was
received
from
an
external
sender.

Thank
you,
Matt.
I
appreciate
the
update
and
will
look
out
for
your
email.

Best,

John

On
Thu,
Aug
11,
2022
at
12:43
PM
Matt
Haverstick
<mhaverstick@kleinbard.com>
wrote:

John:

We
may
be
representing
Jenna
in
this
matter.
Give
us
a
day
or
so
and
I
think
we'll
be
in
a
position

to
tell
you
we
represent
her
and
arrange
what
to
do
with
the
subpoena.
Sorry
it's
taken
so
long
-

Matthew
H.
Haverstick
Managing
Partner
**Kleinbard
LLC**

Three
Logan
Square,
5th Floor
1717
Arch
Street |Philadelphia,
PA
19103
D
| 215.496.7225
M| 484.753.1355
F
| 215.568.0140
E
| mhaverstick@kleinbard.com
W| www.kleinbard.com

This
e-
mail
message,
including
any
attachment(s),
is
intended
only
for
the
use
of
the
individual

or
entity
to
which
it
is
addressed
and
may
contain
information
that
is
privileged
and/or
confidential.
If
you
are
not
the
intended
recipient
or
the
employee
or
agent
responsible
for
delivering
the
communication
to
the
intended
recipient,
please
notify
us
immediately
by
replying
to
this
message
and
then
delete
this
message
from
your
system.

On
Aug
5,
2022,
at
2:47
PM,
John

Langford
<john.langford@protectdemocracy.org>
wrote:

**This
message
was
received
from
an
external
sender.**

Mssrs.
Haverstick
and
Vance,

I
am
writing
to
re-
up
this
request.
When
you
have
a
moment,
I
would
very
much
appreciate
it
if
you
would
please
advise whether
you
would
be
willing
to
accept
service
of
the
subpoena
on
behalf
of
Ms. Ellis and,
if
so,
if
you
would
accept

service
via
this
email.

Best,

John

On
Wed,
Aug
3,
2022
at
1:25
PM
John
Langford
<john.langford@protectdemocracy.org>
wrote:

Mssrs.
Haverstick and
Vance,

I
understand
that
you
represented
Jenna
Ellis
in *Savage*
v.

Trump,
No.
02495
(Pa.
C.C.P.),
and

I
am
writing
you
in
that
capacity.

I
represent
Ruby
Freeman
and
Shaye
Moss
in *Freeman*
v.

Giuliani,
No.
21-
cv-

3354
(D.D.C.),
and
we
have
been
trying
to
serve
Ms.
Ellis
with
the
attached
subpoena
pursuant
to
Federal
Rule
of
Civil
Procedure
45.

Would
you
please
advise
whether
you
would
be
willing
to
accept
service
of
the
subpoena
on
behalf
of
Ms.
Ellis
and,
if
so,
if
you
would
accept
service
via
this
email?

We
are,
of
course,

happy
to
confer
on
the
timing
of
Ms.
Ellis's
production
at
your
convenience.

Best,

John

-

-

John
Langford
Counsel,
Protect
Democracy
john.langford@protectdemocracy.org
|
(919)
619-
9819

<image001.jpg>

-

-

John
Langford
Counsel,
Protect
Democracy
john.langford@protectdemocracy.org
|
(919)
619-
9819

<image001.jpg>

-

-

John
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Democracy
john.langford@protectdemocracy.org
|
(919)
619-
9819

<image001.jpg>

--

John
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john.langford@protectdemocracy.org
| (919)
619-
9819

<image001.jpg>

--

John
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john.langford@protectdemocracy.org
| (919)
619-
9819

<image001.jpg>

--

John
Langford
Counsel,
Protect
Democracy
john.langford@protectdemocracy.org
| (919)
619-9819

<image001.jpg>

--

John
Langford
Counsel,
Protect
Democracy
john.langford@protectdemocracy.org
| (919) 619-
9819

<image001.jpg>

--

John Langford
Counsel,
Protect

Democracy
john.langford@protectdemocracy.org
| (919) 619-
9819

<image001.jpg>

--

John Langford
Counsel, Protect
Democracy
john.langford@protectdemocracy.org
| (919) 619-9819

<image001.jpg>

--

John Langford
Counsel, Protect Democracy
john.langford@protectdemocracy.org
| (919) 619-9819

<image001.jpg>

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EXHIBIT 8

Ruby Freeman, et al.

Plaintiff(s)

Civil Action No.: 1:21-cv-3354

vs.

Rudolph W. Giuliani

Defendant

AFFIDAVIT OF DUE DILIGENCE

I, James Archuleta, a Private Process Server, having been duly authorized to make service of the Deposition Subpoena and Witness fee check in the amount of \$40.00 in the above entitled case, hereby depose and say:

That I am over the age of eighteen years and not a party to or otherwise interested in this matter.

That after due search, careful inquiry and diligent attempt(s), I have been unable to serve Jenna Ellis with the above named process.

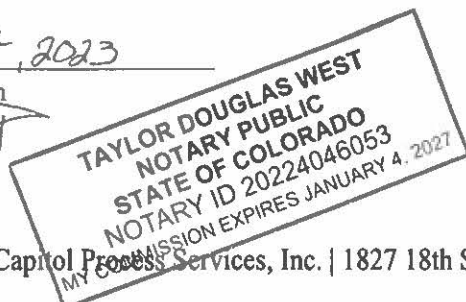
That on April 24, 2023 at 4:15 PM, I attempted to serve Jenna Ellis at 2171 Burbank Street, Berthoud, Colorado 80513. On this occasion, although I observed the blinds were open, I received no answer at the door after knocking for several minutes.

That on April 24, 2023 at 6:15 PM, I attempted to serve Jenna Ellis at 2171 Burbank Street, Berthoud, Colorado 80513. On this occasion, again, although I observed the blinds were open, I received no answer at the door.

That on April 26, 2023 at 9:50 AM, I attempted to serve Jenna Ellis at 2171 Burbank Street, Berthoud, Colorado 80513. On this occasion, although I observed the lights were on and heard a woman's voice coming from within the house, I received no answer at the door.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

May 8th, 2023
Executed On
[Signature]



[Signature]
James Archuleta

Client Ref Number: N/A
Job #: 1617516

Capitol Process Services, Inc. | 1827 18th Street, NW, Washington, DC 20009 | (202) 667-0050

4020

EXHIBIT 9



Tweet

Case 1:21-cv-03354-BAH Document 58-10 Filed 05/09/23 Page 2 of 2



Jenna Ellis



@JennaEllisEsq



LIFE UPDATE:

Just touched down in the FREE STATE OF FLORIDA! ✈️

For the first time in my entire life, I'm changing residency and voter registration.

Dear @GovofCO, I just massively upgraded to @GovRonDeSantis. 😎🐊

5:07 PM · Apr 23, 2023 · 319.9K Views

398 Retweets

112 Quotes

5,181 Likes

9 Bookmarks



EXHIBIT 10

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RUBY FREEMAN and WANDREA MOSS, Plaintiffs, v. RUDOLPH W. GIULIANI, Defendant.	Civil Action No. 21-3354 (BAH) Chief Judge Beryl A. Howell
---	---

AFFIDAVIT OF DUE DILIGENCE

I, Harlin Parker, having been duly authorized to make service of the Plaintiffs' Notice of Subpoena Duces Tecum to Jenna Ellis in the above captioned action, hereby depose and say:

That I am a licensed private investigator with over 30 years of experience.

That I am over the age of eighteen years and not a party to or otherwise interested in this matter.

That I am the Custodian of Records of Target Research & Investigation Corporation.

That after due search and careful inquiry, we have been unable to locate a current address for Ms. Ellis and therefore have been unable to serve Ms. Ellis with the above named process.

That we understand that Ms. Ellis's parents reside at the address listed for Ms. Ellis in Berthoud Colorado.

That we learned through Ms. Ellis's public Twitter account that she moved states, from Colorado to Florida.

That we have undertaken a thorough and exhaustive search of available public and proprietary data sources, including information on her residential and business addresses, telephone numbers, professional licenses, voter records, driver license and vehicle registrations, civil and criminal court matters in which she is or was a party, social media, including professional sites such as LinkedIn.com, Facebook.com, Google.com., requests made to the United States Postal Service.

That we can offer no assurances as to how soon we will be able to locate a current address for Ms. Ellis in Florida.

That Target Legal Process Worldwide has incurred approximately \$500 in costs to locate Jenna Ellis to date.

I declare under penalty of perjury that this information is true.

5/9/2023

Executed On

Harlin Parker

EXHIBIT 11

From: [Joe Sibley](#)
To: [Houghton-Larsen, M Annie](#)
Cc: [John Langford](#); [Gottlieb, Michael](#); [Goverski, Meryl Conant](#); [Ryan, Timothy](#); [Dorner, Alexis](#)
Subject: Re: Freeman v. Giuliani - Jenna Ellis
Date: Wednesday, May 3, 2023 6:37:44 PM

*** **EXTERNAL EMAIL** ***

Annie -- I'm ok with it in the sense it forecloses calling her as a witness or using her testimony, but he can't be precluded from saying that he was provided information by her at trial or otherwise.

On Wed, May 3, 2023 at 4:58 PM Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

Joe,

Please confirm whether you consent to the draft stipulation I sent earlier today. As you know, time is of the essence. If you do not consent, we will have to consider seeking relief from the Court.

Thanks,

Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP
787 Seventh Avenue | New York, NY 10019-6099
Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164
mhoughton-larsen@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Sent: Wednesday, May 3, 2023 9:51 AM
To: 'Joe Sibley' <sibley@camarasibley.com>
Cc: John Langford <john.langford@protectdemocracy.org>; Gottlieb, Michael <MGottlieb@willkie.com>; Goverski, Meryl Conant <MGoverski@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Dorner, Alexis <ADorner@willkie.com>
Subject: RE: Freeman v. Giuliani - Jenna Ellis

Joe, please confirm that you consent to the attached stipulation re Jenna Ellis. If so, we will get it on file today. Thanks!

M.Annie Houghton-Larsen

Willkie Farr & Gallagher LLP

787 Seventh Avenue | New York, NY 10019-6099

Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164

mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com/bio

Pronouns: she, her, hers

From: Joe Sibley <sibley@camarasibley.com>

Sent: Tuesday, May 2, 2023 1:21 PM

To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Cc: John Langford <john.langford@protectdemocracy.org>; Gottlieb, Michael <MGottlieb@willkie.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Dorner, Alexis <ADorner@willkie.com>

Subject: Re: Freeman v. Giuliani - Jenna Ellis

*** EXTERNAL EMAIL ***

We can take Jenna Ellis off.

On Tue, May 2, 2023 at 8:10 AM Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

Joe, following up on Ms. Ellis. Thanks.

M.Annie Houghton-Larsen

Willkie Farr & Gallagher LLP

787 Seventh Avenue | New York, NY 10019-6099

Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164

mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com/bio

Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Sent: Monday, May 1, 2023 1:06 PM

To: 'Joe Sibley' <sibley@camarasibley.com>

Cc: John Langford <john.langford@protectdemocracy.org>; Gottlieb, Michael

<MGottlieb@willkie.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Ryan, Timothy <TRyan@willkie.com>; Dorner, Alexis <ADorner@willkie.com>

Subject: RE: Freeman v. Giuliani - Jenna Ellis

Thank you Joe. If you remove Ms. Ellis, please also confirm that Mr. Giuliani will execute a stipulation that he will not rely on Ms. Ellis in any way in litigation this case. We would be happy to provide the draft stipulation.

M. Annie Houghton-Larsen

Willkie Farr & Gallagher LLP

787 Seventh Avenue | New York, NY 10019-6099

Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164

mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com/bio

Pronouns: she, her, hers

From: Joe Sibley <sibley@camarasibley.com>

Sent: Monday, May 1, 2023 12:55 PM

To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Cc: John Langford <john.langford@protectdemocracy.org>; Gottlieb, Michael

<MGottlieb@willkie.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Ryan, Timothy

<TRyan@willkie.com>; Dorner, Alexis <ADorner@willkie.com>

Subject: Re: Freeman v. Giuliani - Jenna Ellis

*** EXTERNAL EMAIL ***

I've asked the client if we can remove her -- I should know the answer by tonight. Thx,
Joe.

On Mon, May 1, 2023 at 11:34 AM Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com> wrote:

Joe,

We are considering seeking relief from the court regarding Ms. Ellis, whether in the form of a request for a discovery conference or a motion for alternative service. Please advise whether you would oppose either.

Please also advise whether you have been able to contact Ms. Ellis or her attorney as requested below.

Thanks

M. Annie Houghton-Larsen

Willkie Farr & Gallagher LLP

787 Seventh Avenue | New York, NY 10019-6099

Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164

mhoughton-larsen@willkie.com | [vCard](#) | www.willkie.com/bio

Pronouns: she, her, hers

From: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>

Sent: Friday, April 28, 2023 5:28 PM

To: 'Joe Sibley' <sibley@camarasibley.com>

Cc: John Langford <john.langford@protectdemocracy.org>; Gottlieb, Michael <MGottlieb@willkie.com>; Governski, Meryl Conant <MGovernski@willkie.com>; Ryan, Timothy <TRyan@willkie.com>

Subject: Freeman v. Giuliani - Jenna Ellis

Joe,

We wanted to make you aware that we have been attempting to serve Ms. Jenna Ellis with a deposition subpoena without success.

Of course, Plaintiffs would be significantly prejudiced if we are unable to depose Ms. Ellis prior to trial given that Mr. Giuliani recently included her on his amended disclosures, describing Ms. Ellis as “Was involved with providing Giuliani with information and discussing with Giuliani allegations regarding Plaintiffs that Giuliani relied on in forming a good faith belief regarding the truth of any factual allegations regarding Plaintiffs and his opinions based on disclosed facts. See Giuliani’s deposition transcript and interrogatory answers for more detailed information.”

We are writing to request that you or your client please promptly speak to Ms. Ellis and/or her counsel about accepting our deposition subpoena in light of Mr. Giuliani’s intent to rely on her testimony. Alternatively, please confirm whether Mr. Giuliani still intends to rely on Ms. Ellis in any way for purposes of this case or if he is considering removing her from his amended initial disclosures.

Thank you,
Annie

M. Annie Houghton-Larsen
Willkie Farr & Gallagher LLP

787 Seventh Avenue | New York, NY 10019-6099

Direct: [+1 212 728 8164](tel:+12127288164) | Fax: +1 212 728 9164

mhoughton-larsen@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)

Pronouns: she, her, hers

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Important Notice: This email message is intended to be received only by persons entitled to receive the confidential information it may contain. Email messages to clients of Willkie Farr & Gallagher LLP presumptively contain information that is confidential and legally privileged; email messages to non-clients are normally confidential and may also be legally privileged. Please do not read, copy, forward or store this message unless you are an intended recipient of it. If you have received this message in error, please forward it back. Willkie Farr & Gallagher LLP is a limited liability partnership organized in the United States under the laws of the State of Delaware, which laws limit the personal liability of partners.

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EXHIBIT 12

From: Harlin Parker <harlin@targetresearch.com>
Sent: Monday, May 8, 2023 4:57 PM
To: Houghton-Larsen, M Annie <MHoughton-Larsen@willkie.com>
Subject: FW: [EXTERNAL] USPS request form on Jenna Ellis

*** **EXTERNAL EMAIL** ***

See below. And annexed. A bit odd.

Harlin Parker
Licensed and Bonded New York and New Jersey
Target Research & Investigation Corporation
100 Church Street, 8th floor
New York, NY 10007 USA
www.targetresearch.com
t: 212.227.9600
c: 646.765.3355

From: Gelona, Christopher - Berthoud, CO <Christopher.Gelona@usps.gov>
Sent: Monday, May 8, 2023 4:18 PM
To: Harlin Parker <harlin@targetresearch.com>
Subject: RE: [EXTERNAL] USPS request form on Jenna Ellis

See attachment. Donald and Valerie Ellis do receive mail at this address. We don't get mail for Jenna and carrier does not recall ever delivering anything for Jenna.

From: Harlin Parker <harlin@targetresearch.com>
Sent: Monday, May 8, 2023 1:06 PM
To: Gelona, Christopher - Berthoud, CO <Christopher.Gelona@usps.gov>
Subject: RE: [EXTERNAL] USPS request form on Jenna Ellis

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Hi Mr. Gelona,

First, thank you very much for your understanding and your help on this. Attorneys will be going to court this week concerning this witness. I'm just a bit confused about what "the carrier confirmed that Ellis is at that address" when Jennis Ellis is not, if that is the case, receiving mail there. Can you please clarify what the carrier means?

Thanks very much,

Harlin Parker

Licensed and Bonded New York and New Jersey

Target Research & Investigation Corporation

100 Church Street, 8th floor

New York, NY 10007 USA

www.targetresearch.com

t: 212.227.9600

c: 646.765.3355

From: Gelona, Christopher - Berthoud, CO <Christopher.Gelona@usps.gov>

Sent: Friday, May 5, 2023 12:28 PM

To: Harlin Parker <harlin@targetresearch.com>

Subject: RE: [EXTERNAL] USPS request form on Jenna Ellis

The carrier confirmed that Ellis is at that address, however he is not %100 that Jenna receives mail there. There was nothing addressed to Jenna in today's mail. Do you want me to monitor this until Monday morning? That will give 2 more days of mail to verify this.

Thoughts??

From: Harlin Parker <harlin@targetresearch.com>

Sent: Friday, May 5, 2023 8:55 AM

To: Gelona, Christopher - Berthoud, CO <Christopher.Gelona@usps.gov>

Subject: RE: [EXTERNAL] USPS request form on Jenna Ellis

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

Good Morning,

I'm hoping you may have some information for me this morning?

Harlin Parker
Licensed and Bonded New York and New Jersey
Target Research & Investigation Corporation
100 Church Street, 8th floor
New York, NY 10007 USA
www.targetresearch.com
t: 212.227.9600
c: 646.765.3355

From: Gelona, Christopher - Berthoud, CO <Christopher.Gelona@usps.gov>
Sent: Thursday, May 4, 2023 4:50 PM
To: Harlin Parker <harlin@targetresearch.com>
Subject: RE: [EXTERNAL] USPS request form on Jenna Ellis

I will reply to this tomorrow morning. The carrier for this route is off today and he will have accurate information for this address.

From: Harlin Parker <harlin@targetresearch.com>
Sent: Thursday, May 4, 2023 2:40 PM
To: Gelona, Christopher - Berthoud, CO <Christopher.Gelona@usps.gov>
Subject: [EXTERNAL] USPS request form on Jenna Ellis

CAUTION: This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

To: USPS, Berthoud, CO
Christopher Gelona

Ms. Gelona,
Thank you for accepting the request form via email. As I mentioned, I've been informed that we now only have until next week to locate the current address for a witness, Jenna Ellis. She used to reside at 2171 Burbank Street, Berthoud, CO 80513.

Please be so kind as to ascertain if there is any change of address information available. And please respond by email asap.

Harlin Parker
Licensed and Bonded New York and New Jersey
Target Research & Investigation Corporation
100 Church Street, 8th floor
New York, NY 10007 USA
www.targetresearch.com

t: 212.227.9600

c: 646.765.3355

EXHIBIT 13

CHRISTOPHER, GELONACUSPS.GOV.

Target Legal Process Worldwide Corporation
100 Church Street, 8th floor
New York, NY 10007 USA
t. 212.227.9600 info@targetlpw.com

Our Ref: R88981

The Postal Service does not have a database with the current address of all of its customers. It doesn't need that information since it delivers to addresses, rather than to individuals. However, if a customer moves and files a change of address order, that information is kept at the post office serving the last known address. The disclosure of customer name and address information is contained at section 265.6(d) of our regulations (39 CFR 265), which can be accessed from the FOIA home page. Change of address information about individuals or families is available only to government agency requesters, to persons needing the information to serve legal process who meet certain requirements, or pursuant to a court order.

The Postal Service suggests the following format to be used in conjunction with regulations at 39 CFR 265.6(d)(4)(ii) by persons empowered by law to serve legal process when requesting change of address or boxholder information.

The request should be forwarded to the Postmaster of the last known address.

4/27/23

Postmaster 970 532 5379 Date March 22, 2023

Berthoud, CO 80513

City, State, ZIP Code 425 3rd St

REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: Jenna Ellis - not at address

Address: 2171 Burbank Street, Berthoud, CO 80513

Note: Only one request may be made per completed form. The name and last known address are required for change of address information. The name, if known and Post Office box address are required for boxholder information. The following information is provided in accordance with 39 CFR 265.6(d)(4)(ii). There is no fee charged for change of address or boxholder information.

1. Capacity of requester (process server, attorney, party representing self): Process Server
2. Statute or regulation that empowers me to serve process (not required for attorney's or a party acting pro se—except a corporation acting pro se must cite statute: CPLR section 308 FRCP Rule 4
3. The names of all known parties to the litigation: Ruby Freeman v Rudolph Giuliani
4. The court in which the case has been or will be heard: US District Court, District of Columbia
5. The docket or other identifying number if one has been issued: 21 CV 3354
6. The capacity in which this individual is to be served (defendant or witness) witness

WARNING: THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.

Signature [Signature] Address 100 Church Street, 8th floor

Printed Name Harlin Parker New York, NY 10007

City, State, ZIP Code

FOR POST OFFICE USE ONLY

☒ No change of address on file

☐ Moved and left no forwarding address

☐ No such address

☐ Good As Addressed

New Address or Boxholder Name and Street Address

BERTHOUD CO
MAY 8 2023
80513

please provide the street address associated with this PO Box and Mr. Samiel Hanasab. As we discussed, there is a court order that must be served to Samiel Hanasab by March 23 and we MUST have the street address in order to serve him. Please, if at all possible, email back to me the street address or complete this USPS form and send a pdf today. Thank you very much for your understanding and help.

EXHIBIT 14

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Case No. 1:21-cv-03354 (BAH)

Chief Judge Beryl A. Howell

**PLAINTIFFS' NOTICE OF DEPOSITION OF GIULIANI PARTNERS, LLC PURSUANT
TO RULE 30(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs Ruby Freeman and Wandrea' ArShaye ("Shaye") Moss, by and through its attorneys, will take the deposition of Giuliani Partners, LLC ("Giuliani Partners") on Wednesday, May 17, 2023, at 9:30 am.

The deposition shall be conducted at the offices of Willkie Farr & Gallagher LLP, Willkie Farr & Gallagher LLP 1875 K Street NW, #100, Washington, DC 20006, or in such other manner as may be agreed to by the parties, before a person authorized to administer oaths. The deposition will be recorded by stenographic and audiovisual means and shall continue day-to-day until completed.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Giuliani Partners shall designate one or more officers, directors, managing agents or other persons who consent to testify on its behalf with respect to the matters set forth in Schedule A. Giuliani Partners is also requested to provide counsel for Plaintiffs with written notice at least five (5) days prior to the date of the deposition of the name(s) and position(s) of the designee(s) who will testify on behalf of Giuliani Partners and to identify the matters to which each designee will testify.

DATED: April 24, 2023

/s/ Michael J. Gottlieb

WILLKIE FARR & GALLAGHER LLP
MICHAEL J. GOTTLIEB (D.C. Bar No.
974960)

MERYL C. GOVERNSKI (D.C. Bar No.
1023549)

1875 K Street NW, #100

Washington, DC 20006

Tel: (202) 303-1000

Fax: (202) 303-2000

mgottlieb@willkie.com

mgovernski@willkie.com

***Attorneys for Plaintiffs Ruby Freeman and
Wandrea' Moss***

UNITED STATES DISTRICT COURT

for the
District of Columbia

Ruby Freeman et al.

Plaintiff

v.

Rudolph W. Giuliani

Defendant

Civil Action No. 1:21-cv-3354

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Giuliani Partners, LLC c/o National Registered Agents, Inc.
1209 Orange Street, Wilmington, DE 19801*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: See Schedule A, attached below

Place: Willkie Farr & Gallagher LLP
1875 K Street NW, Washington, DC 20006Date and Time:
05/17/2023 9:30 am

The deposition will be recorded by this method: Stenographic and Video

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/24/2023

CLERK OF COURT

OR

/s/ Michael J. Gottlieb

*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Ruby Freeman et al

, who issues or requests this subpoena, are:
Michael J. Gottlieb; Willkie Farr & Gallagher LLP, 1875 K Street, N.W. Washington, DC 20006; mgottlieb@willkie.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:21-cv-3354

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

DEFINITIONS

Plaintiffs incorporate by reference all the instructions, definitions, and rules contained in the Federal Rules of Civil Procedure (“FRCP”) and for purposes of this Subpoena, the following definitions shall apply:

1. Unless words or terms have been given a specific definition herein, each word or term used herein shall be given its usual and customary dictionary definition.
2. The terms defined herein should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with the FRCP.
3. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Requests all information that might otherwise be construed to be outside of their scope.
4. “You,” “Your,” or “Yours” refers to “You,” “Your,” or “Yours” refers to Giuliani Partners, LLC and includes any persons or entities acting for Giuliani Partners, LLC or on Giuliani Partners, LLC’s behalf, including but not limited to all representatives, servants, agents, employees, officers, affiliates, subsidiaries, parent companies, third parties, as well as any entities over which Giuliani Partners, LLC has control.
5. “Communication” means, in addition to its customary and usual meaning, every contact of any nature, whether documentary, electronic, written or oral, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred by any means, including, but not limited to letters, memoranda, reports, emails, text messages, instant messages, social media, telegrams, invoices, telephone conversations, voicemail messages, audio recordings, face-to-face

meetings and conversations, or any other form of communication, and any Document relating to such contact, including but not limited to correspondence, memoranda, notes or logs of telephone conversations, e-mail, electronic chats, text messages on any platform, instant messages, direct or private messages, correspondence in “meet ups” or chat rooms, and all other correspondence on Social Media. Without limiting the foregoing in any manner, commenting as well as any act of expression that is not directed at a specific person, or otherwise may not be intended to provoke a response (such as a social media posting, “likes,” “shares,” or any other form of reacting to another’s use of Social Media), are forms of communication.

6. “Document” or “Documents” means documents broadly defined in Rule 34 of the FRCP and includes (i) papers of all kinds, including, but not limited to, originals and copies, however made, of letters, memoranda, hand-written notes, notebooks, work-pads, messages, agreements, rough drafts, drawings, sketches, pictures, posters, pamphlets, publications, news articles, advertisements, sales literature, brochures, announcements, bills, receipts, bank checks, credit card statements, and (ii) non-paper information of all kinds, including but not limited to, any computer generated or electronic data such as digital videos, digital photographs, audio recordings, podcasts, Internet files (including “bookmarks” and browser history), word documents, note taken electronically, online articles and publications, website content, electronic mail (e-mail), electronic chats, instant messages, text messages, uploads, posts, status updates, comments, “likes”, “shares”, direct messages, all Social Media activity, or any other use of ephemeral communications services or Social Media, and (iii) any other writings, records, or tangible objects produced or reproduced mechanically, electrically, electronically, photographically, or chemically. Without limiting the foregoing in any way,

every Communication is also a Document.

7. “Relating to” means “concerning,” “referring to,” “describing,” “evidencing,” or “constituting.”

8. “Social Media” means any forum, website, application, or other platform on which persons can create, transmit, share, communicate, or comment upon any information, ideas, or opinions, or otherwise engage in social networking, including but not limited to: Twitter, Rumble, Gab, MeWe, Periscope, Facebook, Discord, Reddit, Imgur, SnapChat, Instagram, Google+, 4chan, 8chan, Tumblr, Youtube, LinkedIn, Flickr, Reddit, Quora, Disqus, Slack, Whisper, Yik Yak, Medium, WordPress, WeChat, and instant messaging services such as Signal, WhatsApp, Facebook Messenger, Hangouts, Skype, Line, KakaoTalk, Telegram, CyberDust. Without limiting the foregoing in any manner, and by way of example only, the following are Social Media activity: uploading, posting, commenting, reacting (e.g., “liking” a post), sharing, and communicating on comment sections of Social Media.

9. “Amended Complaint” means the amended complaint filed in the above-captioned litigation as ECF docket entry 22 and attached hereto as Exhibit 2.

10. “Plaintiffs” means Ruby Freeman and Wandrea ArShaye (“Shaye”) Moss, the plaintiffs in the above-captioned matter.

11. “Defendant” means Rudolph Giuliani, the defendant in the above-captioned matter.

12. “2020 Presidential Election” means the election held on November 3, 2020, to determine the President of the United States of America, and of which President Joseph R. Biden Jr. was certified the winner by the House of Representatives on January 6, 2021.

DEPOSITION TOPICS

1. All viewer and listener metrics for all of the Actionable Statements (as defined in the Amended Complaint) on Social Media and your Podcast, *Rudy Giuliani's Common Sense*, from the date of original publication through today, including reach, count, page visits, posts, shares, time spent, impressions, and listener numbers.

2. Your financial information, including: Your tax returns; revenue; all sources of revenue; ownership structure; any advertising contracts, whether formal or informal, written or oral; any other sources of income; and any payments to Defendant.

3. Your agreements, whether formal or informal, written or oral, with any content distributors or media outlets.

4. Any and all statements Defendant published on any of Your platforms relating to allegations of fraud during the 2020 Presidential Election, including but not limited to on episodes of Common Sense which aired on December 23, 2020, December 25, 2020, December 30, 2020, and January 12, 2022, including materials relied upon and research conducted.

5. Any of Your correspondence with any media outlet, including Fox News and OAN, relating to any allegations of fraud during the 2020 Presidential Election and any refutations thereof, including but not limited to the correspondence sent to Your counsel on April 21, 2023 titled "Fox News request re: Georgia investigator's affidavit."

6. Your communications with and efforts relating to booking or scheduling interviews, appearances, or conversations, or the provision or discussion of any information relating to allegations of fraud during the 2020 Presidential Election with any media outlets, including but not limited to Fox News.

7. Your knowledge and communications relating to Fox News' decision on or around December 12, 2020 to discontinue inviting Defendant from appearing on its network (temporarily or otherwise).

8. Your email list-serves, email domains, and websites.

9. Your employee job titles, roles, and organizational charts.

10. Your decision-making structure, internal or external policies or procedures, human resource handbooks, and codes of conduct.

EXHIBIT 15

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN, *et al.*,

Plaintiffs,

v.

RUDOLPH W. GIULIANI,

Defendant.

Case No. 1:21-cv-03354 (BAH)

Chief Judge Beryl A. Howell

**PLAINTIFFS' NOTICE OF DEPOSITION OF GIULIANI COMMUNICATIONS, LLC
PURSUANT TO RULE 30(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs Ruby Freeman and Wandrea' ArShaye ("Shaye") Moss, by and through its attorneys, will take the deposition of Giuliani Communications, LLC ("Giuliani Communications") on Thursday, May 18, 2023, at 9:30 am.

The deposition shall be conducted at the offices of Willkie Farr & Gallagher LLP, Willkie Farr & Gallagher LLP 1875 K Street NW, #100, Washington, DC 20006, or in such other manner as may be agreed to by the parties, before a person authorized to administer oaths. The deposition will be recorded by stenographic and audiovisual means and shall continue day-to-day until completed.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Giuliani Communications shall designate one or more officers, directors, managing agents or other persons who consent to testify on its behalf with respect to the matters set forth in Schedule A. Giuliani Communications is also requested to provide counsel for Plaintiffs with written notice at least five (5) days prior to the date of the deposition of the name(s) and position(s) of the designee(s) who will testify on behalf of Giuliani Communications and to identify the matters to which each designee will testify.

DATED: April 24, 2023

/s/ Michael J. Gottlieb

WILLKIE FARR & GALLAGHER LLP
MICHAEL J. GOTTLIEB (D.C. Bar No.
974960)

MERYL C. GOVERNSKI (D.C. Bar No.
1023549)

1875 K Street NW, #100

Washington, DC 20006

Tel: (202) 303-1000

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mgottlieb@willkie.com

mgovernski@willkie.com

***Attorneys for Plaintiffs Ruby Freeman and
Wandrea' Moss***

UNITED STATES DISTRICT COURT

for the
District of Columbia

Ruby Freeman et al.

Plaintiff

v.

Rudolph W. Giuliani

Defendant

Civil Action No. 1:21-cv-3354

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Giuliani Communications, LLC c/o National Registered Agents, Inc.
1209 Orange Street, Wilmington, DE 19801*(Name of person to whom this subpoena is directed)*

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: See Schedule A, attached below

Place: Willkie Farr & Gallagher LLP
1875 K Street NW, Washington, DC 20006Date and Time:
05/18/2023 9:30 am

The deposition will be recorded by this method: Stenographic and Video

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 04/24/2023

CLERK OF COURT

OR

/s/ Michael J. Gottlieb

*Signature of Clerk or Deputy Clerk**Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Ruby Freeman et al, who issues or requests this subpoena, are:
Michael J. Gottlieb; Willkie Farr & Gallagher LLP, 1875 K Street, N.W. Washington, DC 20006; mgottlieb@willkie.com**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:21-cv-3354

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____ .

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____ ; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SCHEDULE A

DEFINITIONS

Plaintiffs incorporate by reference all the instructions, definitions, and rules contained in the Federal Rules of Civil Procedure (“FRCP”) and for purposes of this Subpoena, the following definitions shall apply:

1. Unless words or terms have been given a specific definition herein, each word or term used herein shall be given its usual and customary dictionary definition.
2. The terms defined herein should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with the FRCP.
3. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Requests all information that might otherwise be construed to be outside of their scope.
4. “You,” “Your,” or “Yours” refers to “You,” “Your,” or “Yours” refers to Giuliani Communications, LLC and includes any persons or entities acting for Giuliani Communications, LLC or on Giuliani Communications, LLC’s behalf, including but not limited to all representatives, servants, agents, employees, officers, affiliates, subsidiaries, parent companies, third parties, as well as any entities over which Giuliani Communications, LLC has control.
5. “Communication” means, in addition to its customary and usual meaning, every contact of any nature, whether documentary, electronic, written or oral, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred by any means, including, but not limited to letters, memoranda, reports, emails, text messages, instant messages, social media, telegrams,

invoices, telephone conversations, voicemail messages, audio recordings, face-to-face meetings and conversations, or any other form of communication, and any Document relating to such contact, including but not limited to correspondence, memoranda, notes or logs of telephone conversations, e-mail, electronic chats, text messages on any platform, instant messages, direct or private messages, correspondence in “meet ups” or chat rooms, and all other correspondence on Social Media. Without limiting the foregoing in any manner, commenting as well as any act of expression that is not directed at a specific person, or otherwise may not be intended to provoke a response (such as a social media posting, “likes,” “shares,” or any other form of reacting to another’s use of Social Media), are forms of communication.

6. “Document” or “Documents” means documents broadly defined in Rule 34 of the FRCP and includes (i) papers of all kinds, including, but not limited to, originals and copies, however made, of letters, memoranda, hand-written notes, notebooks, work-pads, messages, agreements, rough drafts, drawings, sketches, pictures, posters, pamphlets, publications, news articles, advertisements, sales literature, brochures, announcements, bills, receipts, bank checks, credit card statements, and (ii) non-paper information of all kinds, including but not limited to, any computer generated or electronic data such as digital videos, digital photographs, audio recordings, podcasts, Internet files (including “bookmarks” and browser history), word documents, note taken electronically, online articles and publications, website content, electronic mail (e-mail), electronic chats, instant messages, text messages, uploads, posts, status updates, comments, “likes”, “shares”, direct messages, all Social Media activity, or any other use of ephemeral communications services or Social Media, and (iii) any other writings, records, or tangible objects produced or reproduced mechanically, electrically,

electronically, photographically, or chemically. Without limiting the foregoing in any way, every Communication is also a Document.

7. “Relating to” means “concerning,” “referring to,” “describing,” “evidencing,” or “constituting.”

8. “Social Media” means any forum, website, application, or other platform on which persons can create, transmit, share, communicate, or comment upon any information, ideas, or opinions, or otherwise engage in social networking, including but not limited to: Twitter, Rumble, Gab, MeWe, Periscope, Facebook, Discord, Reddit, Imgur, SnapChat, Instagram, Google+, 4chan, 8chan, Tumblr, Youtube, LinkedIn, Flickr, Reddit, Quora, Disqus, Slack, Whisper, Yik Yak, Medium, WordPress, WeChat, and instant messaging services such as Signal, WhatsApp, Facebook Messenger, Hangouts, Skype, Line, KakaoTalk, Telegram, CyberDust. Without limiting the foregoing in any manner, and by way of example only, the following are Social Media activity: uploading, posting, commenting, reacting (e.g., “liking” a post), sharing, and communicating on comment sections of Social Media.

9. “Amended Complaint” means the amended complaint filed in the above-captioned litigation as ECF docket entry 22 and attached hereto as Exhibit 2.

10. “Plaintiffs” means Ruby Freeman and Wandrea ArShaye (“Shaye”) Moss, the plaintiffs in the above-captioned matter.

11. “Defendant” means Rudolph Giuliani, the defendant in the above-captioned matter.

12. “2020 Presidential Election” means the election held on November 3, 2020, to determine the President of the United States of America, and of which President Joseph R. Biden Jr. was certified the winner by the House of Representatives on January 6, 2021.

DEPOSITION TOPICS

1. All viewer and listener metrics for all of the Actionable Statements (as defined in the Amended Complaint) on Social Media and your Podcast, *Rudy Giuliani's Common Sense*, from the date of original publication through today, including reach, count, page visits, posts, shares, time spent, impressions, and listener numbers.

2. Your financial information, including: Your tax returns; revenue; all sources of revenue; ownership structure; any advertising contracts, whether formal or informal, written or oral; any other sources of income; and any payments to Defendant.

3. Your agreements, whether formal or informal, written or oral, with any content distributors or media outlets.

4. Any and all statements Defendant published on any of Your platforms relating to allegations of fraud during the 2020 Presidential Election, including but not limited to on episodes of Common Sense which aired on December 23, 2020, December 25, 2020, December 30, 2020, and January 12, 2022, including materials relied upon and research conducted.

5. Any of Your correspondence with any media outlet, including Fox News and OAN, relating to any allegations of fraud during the 2020 Presidential Election and any refutations thereof, including but not limited to the correspondence sent to Your counsel on April 21, 2023 titled "Fox News request re: Georgia investigator's affidavit."

6. Your communications with and efforts relating to booking or scheduling interviews, appearances, or conversations, or the provision or discussion of any information relating to allegations of fraud during the 2020 Presidential Election with any media outlets, including but not limited to Fox News.

7. Your knowledge and communications relating to Fox News' decision on or around December 12, 2020 to discontinue inviting Defendant from appearing on its network (temporarily or otherwise).

8. Your email list-serves, email domains, and websites.

9. Your employee job titles, roles, and organizational charts.

10. Your decision-making structure, internal or external policies or procedures, human resource handbooks, and codes of conduct.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RUBY FREEMAN <i>and</i> WANDREA MOSS, <i>Plaintiffs,</i> v. RUDOLPH W. GIULIANI, <i>Defendant.</i>	Civil Action No. 21-3354 (BAH) Judge Beryl A. Howell
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[PROPOSED] ORDER APPROVING PLAINTIFFS' UNOPPOSED MOTION FOR AN ORDER PERMITTING PLAINTIFFS TO SERVE A RULE 45 SUBPOENA ON THIRD-PARTY JENNA ELLIS VIA ALTERNATIVE SERVICE AND AMEND THE SCHEDULING ORDER TO PERMIT PLAINTIFFS TO TAKE THREE DEPOSITIONS AFTER THE CLOSE OF FACT DISCOVERY

Upon consideration of the Plaintiffs' Unopposed Motion for Order Permitting Plaintiffs to Serve a Rule 45 Subpoena on Third-Party Jenna Ellis via Alternative Service and Amend the Scheduling Order to Permit Plaintiffs to Take Three Depositions After the Close of Fact Discovery (the "Motion"), it is hereby:

ORDERED that the Motion be **GRANTED**; and it is further

ORDERED that Plaintiffs are permitted to serve a subpoena ("Subpoena") on third-party Jenna Ellis by: (1) emailing a copy of any order authorizing alternative service and the subpoena to Kleinbard Counsel, (2) sending a copy of the order and confirmatory copy of the subpoena to the Colorado address at which Plaintiffs have attempted to serve Ms. Ellis, (3) emailing a copy of the order and confirmatory copy of the subpoena to the email addresses Plaintiffs have for Ms. Ellis, (4) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct

message to her Twitter account, (5) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Instagram account, and (6) sending a copy of the order and confirmatory copy of the subpoena to Ms. Ellis via direct message to her Facebook account.

ORDERED that Plaintiffs may take the deposition of Ms. Ellis, Giuliani Partners LLC, and Giuliani Communications LLC after fact discovery closes.

IT IS SO ORDERED.

Date

Hon. Beryl A. Howell, Judge
United States District Court for the District of Columbia