

# **Exhibit A**

**From:** Anthony Caso <atcaso@ccg1776.com>  
**Date:** October 28, 2022 at 2:52:19 PM EDT  
**To:** Judge\_lkuta@ca9.uscourts.gov  
**Cc:** "Fred M. Plevin" <fplevin@paulplevin.com>, "Letter, Douglas" <Douglas.Letter@mail.house.gov>, charles@burnhamgorokhov.com  
**Subject:** Emergency Motion to Stay ordered disclosure of privileged documents

Dear Chambers and Counsel,  
Please accept the attached Emergency Motion for Stay submitted pursuant to Federal Rule of Appellate Procedure 8(a)(2)(D)(allowing motion to be "made to and considered by a single judge"). By separate email, without copy to opposing counsel, we are transmitting to you the affidavit that is being filed *ex parte*, under seal  
We will follow up with a filing on ECF. Opposing counsel is included on this email. Thank you for your attention.

Sincerely,  
Anthony T. Caso

\*\*\*\*\*  
CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. If you receive this transmission in error please return or destroy it and notify the sender at the address above, or by telephone at [\(916\) 601-1916](tel:9166011916)

IRS Circular 230 Notice: Unless specifically stated otherwise, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. Further, the materials communicated herein are intended solely for the addressee and are not intended for distribution to any other person or entity, or to support the promotion or marketing of the transaction or matters addressed herein. Any subsequent reader should seek advice from an independent tax advisor with respect to the transaction or matters addressed herein based on the reader's particular circumstances.

**From:** Charles Burnham <charles@burnhamgorokhov.com>  
**Sent:** Friday, October 28, 2022 4:53 PM  
**To:** Letter, Douglas; Fahsel, Stacie; Tatelman, Todd  
**Subject:** 8:22cv99 - production

Counsel,

Here is a link to the documents we are required to produce under the Court's October 19 order with the exception of those that are the subject of our motion to reconsider.

[https://www.dropbox.com/sh/lqxau1c8y0blqih/AAC2sm56mZ\\_lorA9C88ARYaWa?dl=0](https://www.dropbox.com/sh/lqxau1c8y0blqih/AAC2sm56mZ_lorA9C88ARYaWa?dl=0)

--

Charles Burnham  
Burnham & Gorokhov PLLC  
1424 K St. NW  
Washington, DC 20005  
phone 202-386-6920  
fax 202-765-2173  
[www.burnhamgorokhov.com](http://www.burnhamgorokhov.com)  
<https://www.facebook.com/BurnhamGorokhov>

**From:** Charles Burnham <charles@burnhamgorokhov.com>  
**Sent:** Friday, October 28, 2022 5:05 PM  
**To:** Letter, Douglas; Fahsel, Stacie; Tatelman, Todd  
**Subject:** 8:22cv99 - production

Counsel,

Here is a link to the documents for which we intend to seek a stay from Ninth Circuit. We are producing them to maintain compliance with the district court order but request that you decline from reviewing them until the Ninth Circuit has a chance to rule.

<https://www.dropbox.com/scl/fo/s91cofytdovuphdx4azm8/h?dl=0&rlkey=s9pj24e9d3mmhbdcd12p5vs2g>

--

Charles Burnham  
Burnham & Gorokhov PLLC  
1424 K St. NW  
Washington, DC 20005  
phone 202-386-6920  
fax 202-765-2173  
[www.burnhamgorokhov.com](http://www.burnhamgorokhov.com)  
<https://www.facebook.com/BurnhamGorokhov>

---

**From:** Letter, Douglas  
**Sent:** Saturday, October 29, 2022 7:35 PM  
**To:** Charles Burnham; fplevin@paulplevin.com; Anthony Caso  
**Cc:** Tatelman, Todd; Columbus, Eric  
**Subject:** RE: Eastman v. Thompson

Charlie

We just received an order from the Ninth Circuit that we must respond to your motion for an emergency stay by Tuesday, November 1, and you must reply by Wednesday November 2.

In light of my notice to you last night (see below), we strongly recommend that you notify the Ninth Circuit as soon as possible that you provided the relevant documents to us, and the Select Committee has already downloaded and examined them. As I said to you yesterday in my notice, the Select Committee did so because: the district court had on October 19, 2022, ordered you to turn them over by 5:00 pm ET yesterday; you had belatedly nine days later (on the eve of the deadline) sought a stay from the district court; that court swiftly denied your motion for a stay; you therefore provided the documents to us; you had not yet sought a stay from the Ninth Circuit; and no stay order had been issued. Under those circumstances, and considering the lengthy delay since the time the Committee had originally sought these documents, the Select Committee moved forward.

In the emergency stay papers you filed with the Ninth Circuit, you said that a stay was needed in order to prevent this matter from becoming moot. Because the Select Committee has already downloaded the documents and analyzed them, this matter is now indeed moot. As I said, we therefore urge you to update the Ninth Circuit about these events and immediately withdraw your motion for a stay so that neither the court nor the parties waste any time or resources on this matter.

We hope to hear from you soon about this.

*Douglas N. Letter*  
*General Counsel*  
*Office of General Counsel*  
*U.S. House of Representatives*  
*5140 O'Neill House Office Building*  
*Washington, DC 20515*  
[Douglas.Letter@mail.house.gov](mailto:Douglas.Letter@mail.house.gov)  
*202-225-9700*

---

**From:** Letter, Douglas  
**Sent:** Friday, October 28, 2022 9:41 PM  
**To:** Charles Burnham <charles@burnhamgorokhov.com>  
**Cc:** Tatelman, Todd <Todd.Tatelman@mail.house.gov>; Columbus, Eric <Eric.Columbus@mail.house.gov>  
**Subject:** RE: Eastman v. Thompson

Mr. Burnham

I should have added that the documents were downloaded and examined several hours before you filed your stay motion with the court of appeals. Thus, no such motion was pending when the Select Committee acted.

---

**From:** Letter, Douglas  
**Sent:** Friday, October 28, 2022 9:27 PM  
**To:** Charles Burnham <[charles@burnhamgorokhov.com](mailto:charles@burnhamgorokhov.com)>  
**Cc:** Tatelman, Todd <[Todd.Tatelman@mail.house.gov](mailto:Todd.Tatelman@mail.house.gov)>; Columbus, Eric <[Eric.Columbus@mail.house.gov](mailto:Eric.Columbus@mail.house.gov)>  
**Subject:** Eastman v. Thompson

Mr. Burnham

I am hereby formally alerting you that when you provided the relevant documents from Professor Eastman earlier this evening in this case, the Select Committee downloaded and examined all of those documents. The Select Committee did so because the district court had ordered that these documents be disclosed to the Select Committee by 5 pm ET today, and the district court had summarily denied your request for reconsideration or a stay (which had not been filed by you until the very eve of the disclosure deadline). There was thus no court order prohibiting the Select Committee from examining the documents that the district court had ordered your client to produce. Any controversy about those particular documents is thus now moot.

*Douglas N. Letter*  
*General Counsel*  
*Office of General Counsel*  
*U.S. House of Representatives*  
*5140 O'Neill House Office Building*  
*Washington, DC 20515*  
[Douglas.Letter@mail.house.gov](mailto:Douglas.Letter@mail.house.gov)  
*202-225-9700*