OFFICE OF GENERAL COUNSEL U.S. HOUSE OF REPRESENTATIVES 5140 O'Neill House Office Building Washington, D.C. 20515 3 SHER TREMONTE LLP 90 Broad Street, 23rd Floor New York, New York 10004 5 ARNOLD & PORTER 601 Massachusetts Ave, NW Washington, D.C. 20001 8 Counsel for the Congressional Defendants 9 10 UNITED STATES DISTRICT COURT 11 CENTRAL DISTRICT OF CALIFORNIA 12 13 **SOUTHERN DIVISION** 14 JOHN C. EASTMAN Case No. 8:22-cv-00099-DOC-DFM 15 Plaintiff, **NOTICE** 16 VS. 17 BENNIE G. THOMPSON, et al., 18 Defendants. 19 20 21 On April 19, 2022, this Court issued an Order Re: Remaining Privilege 1. 22 Claims (Dkt. 328) directing the parties to compile and submit a consolidated 23 privilege log with only the remaining challenged documents and objections. 24 On April 29, 2022, after seeking (Dkt. 333) and receiving (Dkt. 334) an 2. 25 extension of time to file the consolidated privilege log, Plaintiff filed a Joint 26 Status Report (Dkt. 335). In the Joint Status Report, Plaintiff noted that he 27 would withdraw privilege claims with respect to several hundred documents 28 **NOTICE**

- totaling over 10,000 pages. Plaintiff also requested discovery of all defendants. Defendants Bennie G. Thompson and the Select Committee to Investigate the January 6th Attack on the United States Capitol (collectively, the "Select Committee") requested an opportunity to review the remaining privilege claims in light of the documents Plaintiff intended to produce and to submit to the Court a proposal for next steps no later than May 6, 2022.
- 3. On May 2, 2022, the Select Committee received from Plaintiff a production of 933 documents totaling approximately 15,616 pages along with a consolidated privilege log identifying 2,018 documents totaling approximately 20,110 pages. The Select Committee has since reviewed both the documents as well as the consolidated privilege log produced by Plaintiff.
- 4. Based on that review, the Select Committee hereby notifies Plaintiff that it withdraws its objections to 721 documents, totaling approximately 13,929 pages. Further, the Select Committee hereby notifies Plaintiff that of the remaining documents, the Select Committee is willing to hold in abeyance its objections to 576 documents, totaling approximately 3,236 pages.

 Although the Select Committee does not withdraw its objections to these 576 documents, it does not intend to pursue *in camera* review of these documents at this time. The Select Committee reserves the right to request *in camera* review of the documents held in abeyance at a later date.
- 5. The Select Committee stands on its objections to the remaining **721** documents, totaling approximately **2,945** pages. The Select Committee believes these **721** documents are appropriate for the Court's *in camera* review and consideration at this time.
- 6. The Select Committee will provide to Plaintiff a list of the bates numbers of documents for which it is withdrawing its objections or holding its objections in abeyance. The Select Committee respectfully suggests that

- Plaintiff provide to the Court the further revised consolidated privilege log contemplated in the Joint Status Report (Dkt. 335) containing only the **721** documents that the Select Committee believes at this time are appropriate for *in camera* review.
- 7. The Select Committee believes that the legal issues underlying Plaintiff's claims of attorney-client privilege or work product protection have largely, if not entirely, been determined by the Court's Order of March 28, 2022 (Dkt. 260). However, should Plaintiff believe that additional briefing is necessary, and should this Court agree, the Select Committee respectfully requests that the Court set an expedited briefing schedule. The Select Committee's need for the documents at issue has only become more significant in light of its review of the documents produced following the Court's Order of March 28, 2022, and as the Select Committee prepares to present the conclusions of its investigation to the public through hearings, scheduled to begin in June 2022, and forthcoming reports. *See* H. Res. 503, 117th Cong. (2021). Thus, the Select Committee proposes the following briefing schedule:

Friday, May 13, 2022: Plaintiff's opening brief
Friday, May 20, 2022: Select Committee's response brief
Tuesday, May 24, 2022: Plaintiff's reply brief

8. For the reasons stated in the Select Committee's Response to Plaintiff's Motion for Exculpatory Evidence (Dkt. 178), its Response to Plaintiff's Motion for Early Discovery (Dkt. 237), and Chapman University's Opposition to Plaintiff's Motion for Early Discovery (Dkt. 232), the Select Committee objects to discovery as inappropriate and unnecessary to resolve these issues. As this Court has already held, Plaintiff, not the Select Committee, is in the best position to present evidence to rebut the assertion that his legal counsel was used to further a crime or fraud. *See* Order, Dkt.

182 at 2. 1 2 Respectfully submitted, 3 4 /s/ Douglas N. Letter DOUGLAS N. LETTER 5 General Counsel 6 TODD B. TATELMAN Principal Deputy General Counsel 7 ERIC R. COLUMBUS 8 Special Litigation Counsel MICHELLE S. KALLEN 9 Special Litigation Counsel 10 STACIE M. FAHSEL Associate General Counsel 11 12 OFFICE OF GENERAL COUNSEL U.S. HOUSE OF 13 **REPRESENTATIVES** 14 5140 O'Neill House Office Building Washington, D.C. 20515 15 (202) 225-9700 16 Douglas.Letter@mail.house.gov 17 -and-18 SHER TREMONTE LLP 19 Justin M. Sher 20 Michael Tremonte Noam Biale 21 Maya Brodziak 22 Kathryn E. Ghotbi 90 Broad Street, 23rd Floor 23 New York, New York 10004 24 (212) 202-2600 JSher@shertremonte.com 25 MTremonte@shertremonte.com 26 NBiale@shertremonte.com MBrodziak@shertremonte.com 27 KGhotbi@shertremonte.com 28

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1 **CERTIFICATE OF SERVICE** 2 WASHINGTON, DISTRICT OF COLUMBIA 3 I am employed in the aforesaid county, District of Columbia; I am over the age of 18 years and not a party to the within action; my business address is: 4 OFFICE OF GENERAL COUNSEL 5 U.S. HOUSE OF REPRESENTATIVES 6 5140 O'Neill House Office Building Washington, D.C. 20515 7 On May 6, 2022, I served the **NOTICE** on the interested parties in this action: 8 9 Anthony T. Caso Constitutional Counsel Group 10 174 W Lincoln Ave #620 11 Anaheim, CA 92805-2901 atcaso@ccg1776.com 12 13 Charles Burnham Burnham & Gorokhov PLLC 14 1424 K Street NW, Suite 500 15 Washington, DC 20005 charles@burnhamgorokhov.com 16 17 Attorneys for Plaintiff John C. Eastman 18 (BY E-MAIL OR ELECTRONIC TRANSMISSION) 19 The document was served on the following via The United States District Court – 20 Central District's CM/ECF electronic transfer system which generates a Notice of Electronic Filing upon the parties, the assigned judge, and any registered user 21 in the case: 22 I declare under penalty of perjury that the foregoing is true and (FEDERAL) 23 correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made. 24 25 Executed on May 6, 2022 here, at Bethesda, Maryland. 26 /s/ Douglas N. Letter 27 28

CERTIFICATE OF SERVICE