

1 /s/Anthony T. Caso

2 Anthony T. Caso (Cal. Bar #88561)
3 CONSTITUTIONAL COUNSEL GROUP
4 174 W Lincoln Ave # 620
5 Anaheim, CA 92805-2901
6 Phone: 916-601-1916
7 Fax: 916-307-5164
8 Email: atcaso@ccg1776.com

8 /s/ Charles Burnham

9 Charles Burnham (D.C. Bar # 1003464)
10 BURNHAM & GOROKHOV PLLC
11 1424 K Street NW, Suite 500
12 Washington, D.C. 20005
13 Email: charles@burnhamgorokhov.com
14 Telephone: (202) 386-6920

15 *Counsel for Plaintiff*

17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19 **SOUTHERN DIVISION**

21 JOHN C. EASTMAN

22 Plaintiff,

23 vs.

24 BENNIE G. THOMPSON, *et al.*,

25 Defendants.
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Case No. 8:22-cv-00099-DOC-DFM

PLAINTIFF’S RESPONSE TO DEFENDANTS’ MAY 6 STATUS REPORT

Plaintiff hereby submits the following response to the congressional defendants’ May 6 status report:

1. The congressional defendants have advised in their May 6 status report that they are withdrawing or “hold[ing] in abeyance” their privilege challenges to all but 721 documents (2,945 pages). ECF 336.
2. The congressional defendants state that they will provide Plaintiff a list of Bates numbers for the objections being withdrawn or held abeyance. *Id.* Plaintiff has not yet received these numbers from defendants.
3. Without knowing which documents remain at issue, Plaintiff is unable to offer a position on the continuing need for discovery, an appropriate briefing schedule, or whether further narrowing of the disputed privilege issues may be possible. Plaintiff will file a prompt status with the Court upon receipt of the Bates numbers and preliminary review of remaining documents.
4. The congressional defendants request for immediate *in camera* review or an “expedited” briefing schedule is premature. Although Plaintiff will continue to work with defendants to narrow the issues, it remains a distinct possibility that novel legal issues may remain to be briefed to the Court.
5. Moreover, the congressional defendants’ claimed “need” to “present the conclusions of its investigation to the public through hearings, scheduled to being

1 in June 2022” is not cognizable by this Court. The committee has not identified
2 any prospective legislation delayed due to want of Dr. Eastman’s emails.
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4 Presenting “conclusions” in “public hearings” is not a valid legislative purpose.

5 May 7, 2022

Respectfully submitted,

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8 /s/ Anthony T. Caso

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12 Anaheim, CA 92805-2901
13 Phone: 916-601-1916
14 Fax: 916-307-5164
15 Email: atcaso@ccg1776.com

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18 BURNHAM & GOROKHOV PLLC
19 1424 K Street NW, Suite 500
20 Washington, D.C. 20005
21 Email: charles@burnhamgorokhov.com
22 Telephone: (202) 386-6920

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25
26
27
28 *Counsel for Plaintiff*

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6 **CERTIFICATE OF SERVICE**

7 I hereby certify that a copy of this filing has been served on opposing counsel by ecf.

8 By: /s/ Charles Burnham
9 Charles Burnham
10 D. Md. Bar 12511
11 *Attorney for Defendant*
12 BURNHAM & GOROKHOV, PLLC
13 1424 K Street NW, Suite 500
14 Washington, DC 20005
15 (202) 386-6920 (phone)
16 (202) 265-2173 (fax)
17 Charles@burnhamgorokhov.com
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19
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21
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