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5 **ATTORNEY FOR DEFENDANTS**

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10)	Case No. 2:23-CV-07593-HDV-KSx
11	ROBERT HUNTER BIDEN,)	
12	Plaintiff,)	SECOND DECLARATION OF
13	v.)	JENNIFER HOLLIDAY IN SUPPORT
14	GARRETT ZIEGLER, ICU, LLC)	OF OPPOSITION TO EX PARTE
15	(d/b/a Marco Polo),)	APPLICATION
16	Defendants.)	
17)	THE HON. HERNÁN D. VERA
18)	JURY TRIAL: SEPT. 9, 2025
19)	FPTC: AUG. 19, 2025
20)	
21)	
22)	
23)	
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25)	
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DECLARATION OF JENNIFER LINSLEY HOLLIDAY

- 1
2 1. I am counsel of record for Defendants ICU, LLC and Garrett Ziegler in this
3 action. I submit this declaration in opposition to Plaintiff’s *Ex Parte*
4 Application to Voluntarily Dismiss Action Pursuant to Fed. Rule Civ. Proc.
5 41(A)(2) and in sur reply to Plaintiff’s Reply papers filed this morning to
6 correct false statements. If called as a witness, I could and would testify
7 truthfully to the matters contained herein.
- 8 2. Plaintiff claims Defendants’ opposition papers were untimely, stating they
9 were approximately “thirty minutes” late and should be disregarded on that
10 basis. [ECF 89, FN1]. This is inaccurate.
- 11 3. According to the Chambers’ website, Judge Vera requires opposition papers
12 to be filed within twenty-four hours of an ex parte application. Defendants
13 timely filed their opposition papers at 1:31 PM on March 6, 2025 according to
14 the confirmation e-mail from the ECF system. Although Plaintiff’s filing on
15 ECF occurred a little after 1:00 PM, Plaintiff submitted moving papers to the
16 Court and to me as required by Local Rule 7-19 and 7-19.1 at 1:36 PM and
17 1:50 PM on Wednesday, March 5, 2025 – over twenty-four hours prior to
18 Defendants’ filing. A true and correct copy of time-stamped e-mails showing
19 the service times is attached hereto as **Exhibit A**. My moving papers were
20 timely filed at 1:31 PM, well within the twenty-four-hour period following
21 Defendants’ last submission to Chambers at 1:51 PM on Wednesday, March
22 5, 2025.
- 23 4. Plaintiff implies Defendants could have responded to a motion to dismiss
24 (filed March 5, 2025) *prior to* drafting the Motion for Summary Judgment
25 (served March 4, 2025). This is inaccurate based on the plain dates of service
26 and filing. On February 21, 2026, over a week prior to the filing of Plaintiff’s
27 ex parte application, Plaintiff served a letter pursuant to Local Rule 7-3
28 requesting to meet and confer on the Motion and waited ten days for any

1 response. Plaintiff’s counsel continued to meet and confer on the outstanding
2 discovery issues and make promises to attend deposition the week of March
3 10-17, never indicating any intent to dismiss the case. In fact, Plaintiff Mr.
4 Biden’s declaration includes his sworn statement that he considered this
5 prospect on March 1-2, and thus, the motion was not even contemplated until
6 *this week* when it was filed. By that time, Defendants’ Opening Brief portion
7 of the Motion for Summary Judgment was already drafted and was served on
8 March 4, 2025.

- 9 5. Plaintiff’s Reply illustrates why this motion should have been brought
10 pursuant to noticed motion procedures as Plaintiff makes extensive arguments
11 about Defendants’ specific fees and costs and Mr. Morris’s missed deposition
12 – none of which should be briefed within the twenty-four-hour window that
13 this Court permits for opposition papers to an ex parte application.
- 14 6. It is outrageous that Plaintiff claims I have “falsely stated” that Defendants
15 diligently engaged in discovery while also admitting we propounded
16 discovery requests five weeks ago – over sixty days prior to fact discovery
17 cutoff. This is *gaslighting* and is sanctionable. See e.g. *In re: Facebook, Inc.*
18 *Consumer Privacy User Profile Litigation*, Case No. 3:18-md-02843 (N.D.
19 Cal. Feb. 9, 2023). Making a serious accusation against counsel like this is
20 outrageous, but it is apparently not unprecedented in this case which has been
21 characterized by Plaintiff’s strategic delays, misdirection, and frivolous
22 arguments – including today’s egregiously frivolous argument that
23 Defendants’ papers should not even be considered because they are “late”
24 while withholding from the Court the fact that documents were actually
25 served and submitted to Chambers by Plaintiff up and until 1:50 PM on
26 Wednesday.
- 27 7. Plaintiff’s counsel’s handwringing about having to actually respond to
28 Defendants’ motion for summary judgment in the next fourteen days is

1 nonsense. I specifically explained the Court’s procedures and asked
2 Plaintiff’s counsel if they required additional time to brief the matters, and if
3 so, to contact me to work out a reasonable briefing schedule – keeping in
4 mind the deadlines set forth in the Scheduling Order. The representation to
5 the Court that Plaintiff would necessarily have to brief the motion before a
6 noticed motion could be heard is inaccurate, although Plaintiff should be
7 required to honor the deadlines set forth by the Court.

8 8. Plaintiff still ignores Defendants’ suggestion to participate in a free ADR
9 program offered by the Court to reach reasonable terms for dismissal.

10 Defendants are currently informed that Mr. Biden plans on relocating to
11 South Africa for the next ninety days, or may already be there, potentially
12 explaining why he is attempting to avoid his deposition in this case and
13 ignored the suggestion to mediate or participate in a settlement conference.
14 Defendants, however, have been unable to immediately confirm this
15 development.

16 9. Plaintiff’s counsel’s final word – that “Plaintiff is not the only person dealing
17 with the harsh reality of being a victim of the catastrophic Palisades Fire...”
18 and claiming that Defendants are insinuating that Plaintiff is lying is
19 distracting the Court from the plain fact that Defendants have failed to meet
20 their burden on exigency. However, as Plaintiff has once again raised the
21 matter of the Palisades Fire, Defendants are working to confirm facts
22 published in the *New York Post* with a recent photograph purportedly of Mr.
23 Biden’s unscathed rental home in the Pacific Palisades. The *New York Post*
24 claims Mr. Biden’s rental home was the only home in the area that did not
25 burn down. We note that Mr. Biden did not expressly claim to have lost his
26 home or belongings, and we appreciate the truly tragic, severe, and
27 threatening circumstances of the January fire. It does not, however, serve as
28 an excuse to avoid litigation responsibilities when simple accommodations

1 can be made to avoid prejudice to Defendants – particularly if Mr. Biden is
2 actually going on a three month vacation to South Africa.

3 10. Mr. Biden has made very serious allegations against Mr. Ziegler and Marco
4 Polo, and in the Reply Papers, Plaintiff does not dispute that they failed to
5 make even a cursory investigation into the technical aspects of the facts of
6 this case prior to making these accusations and representations to the Court.

7

8 I swear under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct. Executed at Los Angeles, California on 7th of March,
10 2025.

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JENNIFER L. HOLLIDAY

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EXHIBIT A

Activity in Case 2:23-cv-07593-HDV-KS Robert Hunter Biden v. Garrett Ziegler et al Objection/Opposition (Motion related)

From cacd_ecfmail@cacd.uscourts.gov <cacd_ecfmail@cacd.uscourts.gov>
To ecfnef@cacd.uscourts.gov
Date Thursday, March 6th, 2025 at 1:31 PM

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered by Holliday, Jennifer on 3/6/2025 at 1:31 PM PST and filed on 3/6/2025

Case Name: Robert Hunter Biden v. Garrett Ziegler et al
Case Number: [2:23-cv-07593-HDV-KS](#)
Filer: Garrett Ziegler
ICU, LLC
Document Number: [88](#)

Docket Text:

OPPOSITION in opposition to re: EX PARTE APPLICATION for Order for TO VOLUNTARILY DISMISS ACTION PURSUANT TO FED. RULE CIV. PROC. 41(a)(2) [85] filed by Defendants Garrett Ziegler, ICU, LLC. (Attachments: # (1) Declaration OF HOLLIDAY, # (2) Declaration OF TYLER)(Holliday, Jennifer)

2:23-cv-07593-HDV-KS Notice has been electronically mailed to:

Abbe David Lowell abbelowellpublicoutreach@winston.com

Bryan M Sullivan bsullivan@earlysullivan.com, ecfnoticing@earlysullivan.com, rjones@earlysullivan.com

Jennifer Holliday JLHolliday@proton.me, jhollidayesq@gmail.com

Robert H. Tyler btyler@faith-freedom.com, rtyler@tylerlawllp.com, skenney@faith-freedom.com, spadilla@faith-freedom.com

Zachary Hansen zhansen@earlysullivan.com, ecfnoticing@earlysullivan.com, rjones@earlysullivan.com

2:23-cv-07593-HDV-KS Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

Paul Benedict Salvaty
Winston and Strawn LLP
333 South Grand Avenue 38th Floor
Los Angeles, CA 90071

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\OPP Final.pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=3/6/2025] [FileNumber=39650143-0]
[7f7659cadead8cb604f6b5c0cbbecf7e23c293c42288cbc1d302377a0b002923bc64
3d0b1f96052a4f9ee6bb0eb296fe3ddb4ba292512fc772e6740368108a57]]

Document description:Declaration OF HOLLIDAY

Original filename:C:\fakepath\DECLARATION OF HOLLIDAY Binder.pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=3/6/2025] [FileNumber=39650143-1]
[3e633fec8123c0202626ca0130a4b693cbdd1c37b009a5b3dd1011cb72a86baae78b
1c8f000fd35e731377d4c4047de138e43abdfcc47e229ea9750664c9b67a]]

Document description:Declaration OF TYLER

Original filename:C:\fakepath\Decl RHT ISO Oppo (1).pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=3/6/2025] [FileNumber=39650143-2]
[5dd2218674a355573ea04c6089c5eeaac1f395ed0786fe3b2ad9a12de6d96e5ab59d
c6adf00175e75f8ea097c446b37cda5479b0b6c9b0d0cdc799baf47f5a83]]

RE: Robert Hunter Biden v. Garrett Ziegler (Case 2:23-cv-07593-HDV-KS)
- Plaintiff's Ex Parte Application (Dkt. No. 85)

From Zachary Hansen <zhanzen@earlysullivan.com>
To hdv_chambers@cacd.uscourts.gov
CC Bryan Sullivan<bsullivan@earlysullivan.com>,
Abbe Lowell Public Outreach<abbelowellpublicoutreach@winston.com>,
jHolliday@proton.me<JLHolliday@proton.me>, Robert Tyler - Advocates<btyler@faith-freedom.com>
, Robie Atienza-Jones<rjones@earlysullivan.com>, April Wright<awright@earlysullivan.com>
Date **Wednesday, March 5th, 2025 at 1:50 PM**

Dear Honorable District Judge Vera:

Pursuant to Section XIII of the Court's Civil Standing Order in this matter (Dkt. No. 13), attached to this email please find PDF versions of Plaintiff's *Ex Parte* Application (Dkt. No. 85) filed today, as well as all corresponding documents. Additionally, please find a Word version of the Proposed Order.

Please be advised, Defendants' counsel has indicated their intent to oppose this *Ex Parte* Application, as noted in the Application itself. Thank you.

Respectfully,

Zachary Hansen



ZACHARY HANSEN | ASSOCIATE ATTORNEY

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2025.03.05 #085 Ex Parte Application to Voluntarily Dismiss Action(5804175.1).pdf 730.75 KB

2025.03.05 #85-1 Declaration of Robert H. Biden(5804176.1).pdf 699.56 KB

2025.03.05 #85-2 Declaration of Bryan M. Sullivan(5804177.1).pdf 502.59 KB

2025.03.05 #85-3 Exhibit A(5804178.1).pdf 361.96 KB

2025.03.05 #85-4 Exhibit B(5804179.1).pdf 171.26 KB

2025.03.05 #85-5 Exhibit C(5804180.1).pdf 357.75 KB

2025.03.05 #85-6 Exhibit D(5804181.1).pdf 154.82 KB

2025.03.05 #85-7 Exhibit E(5804182.1).pdf 918.24 KB

2025.03.05 #85-8 Proposed Order(5804183.1).pdf 387.93 KB

2025.03.05 Proposed Order Granting Plaintiff's Ex Parte Application(5804160.1).docx 83.17 KB

ROBERT HUNTER BIDEN vs. GARRETT ZIEGLER - Service email re Case 2:23-cv-07593-HDV-KS

From April Wright <awright@earlysullivan.com>

To jlholliday@proton.me<jlholliday@proton.me>, Robert Tyler - Advocates<btyler@faith-freedom.com>

CC Bryan Sullivan<bsullivan@earlysullivan.com>, Zachary Hansen<zhanzen@earlysullivan.com>, Robie Atienza-Jones<rjones@earlysullivan.com>, Abbe Lowell Public Outreach<abbelowellpublicoutreach@winston.com>

Date **Wednesday, March 5th, 2025 at 1:36 PM**

Counsel,

Please see attached service documents regarding PLAINTIFF ROBERT HUNTER BIDEN'S NOTICE OF EX PARTE APPLICATION FOR AN ORDER AND EX PARTE APPLICATION FOR AN ORDER MOTION AND MOTION TO VOLUNTARILY DISMISS ACTION PURSUANT TO FED. RULE CIV. PROC. 41(a)(2). Thank you.

Best regards,



April Wright | Paralegal

[Early Sullivan Wright Gizer & McRae LLP](#)

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