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6 **ATTORNEY FOR DEFENDANTS**

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 ROBERT HUNTER BIDEN,
12 Plaintiff,
13 v.
14 GARRETT ZIEGLER, ICU, LLC
15 (d/b/a Marco Polo),
16 Defendants.

) Case No. 2:23-CV-07593-HDV-KSx

) **DEFENDANTS' NOTICE OF**
) **MOTION AND MOTION FOR**
) **ATTORNEYS' FEES AND COSTS AS**
) **THE PREVAILING PARTY UNDER**
) **F.R.C.P. 54(B) AND CALIFORNIA**
) **PENAL CODE § 502;**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES; DECLARATION OF**
) **HOLLIDAY**

) **THE HON. HERNÁN D. VERA**

) **DATE: May 1, 2025**
) **TIME: 10:00 AM**
) **CRTRM: 5B**

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DATE: March 27, 2025

_____/s/_____

JENNIFER L. HOLLIDAY
COUNSEL FOR DEFENDANTS

MEMORANDUM OF POINTS AND AUTHORITIES

1
2 Plaintiff R. Hunter Biden is the son of former President Joseph R. Biden, Jr.,
3 and Mr. Biden filed this lawsuit against Defendants Garrett Ziegler and ICU, LLC
4 (“Marco Polo”) in September 2023 alleging damages under the Computer Fraud and
5 Abuse Act and the California Comprehensive Computer Data Access and Fraud Act.
6 After incurring substantial fees over the course of approximately 18 months, and in
7 advance of depositions, Defendants elected to replace their counsel in February
8 2025. New counsel noticed an appearance and immediately met and conferred with
9 Mr. Biden’s counsel on February 21, 2025 who had an opportunity to avoid any
10 further fees or costs by offering to dismiss the case at that time which would have
11 obviated Defendant Garrett Ziegler from traveling from Illinois to California the
12 following week when depositions were scheduled and indeed terminating the action
13 entirely. Instead, Mr. Biden’s team did not seek to dismiss the case and explained
14 Mr. Biden would need to move his deposition to mid-March due to a conflict with
15 another trial. On February 21, 2025, Defendants sent a Rule 7-3 letter seeking to
16 meet and confer on a Motion for Summary Judgment.
17

18
19 Once again, Plaintiff could have obviated all of the unnecessary work, filings,
20 and missed depositions simply by dismissing the case upon receiving the 7-3 letter
21 at that time. Instead, Mr. Biden did not move to dismiss the case until March 5,
22 2025, and Mr. Biden did so not by noticed motion, as indicated on March 3, 2025 as
23 indicated in a 7-3 letter received just prior to the conference before Chief Magistrate
24 Judge Stevenson, but in a manner that required Defendant’s counsel to drop
25 everything and respond to the filing within twenty-four hours or risk losing
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1 important legal rights for her clients (including a dismissal without prejudice) and
2 risk failing to inform the Court of the context of the abrupt dismissal – the initiation
3 of the motion for summary judgment.

4 **Defendants reasonably seek fees and costs not for the *entire* litigation but**
5 **rather the portion of the litigation that could have been avoided by seeking**
6 **dismissal at an earlier time or in a more reasonable manner: preparing for**
7 **depositions that were ultimately missed, responding to the ex parte application,**
8 **and drafting and serving the motion for summary judgment.** Given the
9 deadlines set forth in the Scheduling Order, Defendant’s counsel had to move
10 quickly and dedicate significant time to these tasks.

11
12 **REASONABLE INFERENCE OF A BAD FAITH ACTION**

13
14 At the time of filing this action, Mr. Biden was widely reported as publicly
15 disputing that the data and computer at issue in this case was even his, creating
16 substantial and unnecessary confusion throughout the litigation. See [Decl. of
17 Holliday, Ex. 2] Moreover, neither Mr. Ziegler nor Marco Polo had been indicted
18 for, much less convicted of, violating the California Comprehensive Computer Data
19 Access and Fraud Act (“CDAFA”), Cal. Penal Code § 502; Computer Fraud and
20 Abuse Act (“CFAA”), 18 U.S.C. § 1030. In fact, there was no evidence that Mr.
21 Ziegler had accessed a protected computer as that term is defined under the
22 Computer Fraud and Abuse Act. Nevertheless, the Court denied Defendants’
23 motion to dismiss and special motion to strike, ruling that Defendants’ objections
24 would be better addressed in “post-discovery briefing,” and awarding Plaintiff’s
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1 counsel over \$17,000 in fees on the motion. Defendants paid the fee sanction in
2 good faith and continued the litigation in anticipation of vindication.

3 Due to Plaintiff's obstruction and abrupt dismissal of the case, Defendants
4 never had an opportunity to reach post-discovery briefing to vindicate their position.
5 After approximately eighteen months of litigation, and – more importantly – after
6 Defendants noticed depositions of Mr. Biden and third-party witness P. Kevin
7 Morris, and after Marco Polo served its opening brief on a Motion for Summary
8 Judgment, Mr. Biden suddenly moved ex parte to voluntarily dismiss the case
9 without prejudice citing financial difficulties exacerbated by the Palisades Fire.
10 [ECF 85-1] Mr. Biden could have, and should have, sought a stipulation to dismiss
11 the case with prejudice and offer to pay the costs of the missed depositions to
12 Defendants. Instead, Mr. Biden requested that the Court dismiss the case without
13 prejudice, prompting further unnecessary conflict.

14 Defendants opposed this motion [ECF 88], successfully arguing that they
15 would suffer legal prejudice as ICU, LLC had already begun the process of filing a
16 Motion for Summary Judgment and expressed concerns that Mr. Biden had
17 reportedly traveled to South Africa prior to obtaining a ruling on the motion and
18 during a week when he agreed to appear for deposition. [ECF 91] In replying to
19 Defendants' opposition papers, Mr. Biden's counsel audaciously described
20 Defendants' counsel as "despicable" for her concerns about Mr. Biden's
21 representations to the Court amid reports that Mr. Biden had traveled to South
22 Africa on vacation before the Court even had an opportunity to rule on the Motion.
23 [See Decl. of Holliday]

1 The Court ultimately agreed with Defendants that they would suffer legal
2 prejudice if the Court granted the Motion without prejudice. **The Court dismissed**
3 **the action with prejudice.** [ECF 91] Following dismissal, Defendants learned that
4 Mr. Biden had, indeed, left the United States while the motion was pending and was
5 on a reported “ultra luxury vacation” in South Africa.
6

7 Under the Court’s Standing Order, a party seeking summary judgment under
8 Rule 56 must first serve its portion of the motion to the opposing party who then has
9 fourteen days to respond, and then the moving party can reply, and the papers are
10 filed as one omnibus filing. Defendant Marco Polo had served its portion of the joint
11 filing before Plaintiff moved to dismiss. Although Defendant’s portion of the joint
12 filing made clear that it was entitled to summary judgment on the merits, the action
13 was dismissed with prejudice, and Defendants are the prevailing party.
14

15 Because Defendants successfully defended against the CDAFA claim,
16 Defendants are entitled under California Penal Code § 502(e)(2) to all reasonable
17 attorney’s fees incurred in connection with that and all related claims. Defendants
18 thus request \$93,000, an amount reflecting only a reasonable *portion* of fees
19 Defendants incurred in this litigation for litigating the CDAFA and related claims,
20 and also consistent with prevailing market rates for complex civil litigation in the
21 Los Angeles Area given the 120 hours expended on those claims and in prevailing
22 in this action.
23

24 **I. FACTUAL BACKGROUND**

25 **A. Biden Filed a Complaint with No Evidentiary Support**
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1 In 2022, P. Kevin Morris, Plaintiff’s “general counsel,” (who claiming attorney-
2 client privilege, served untimely objections to a Rule 45 subpoena) sent obscene text
3 messages threatening Garrett Ziegler with *criminal* prosecution based on Mr.
4 Ziegler’s work on investigating a purportedly abandoned laptop computer seized by
5 the Federal Bureau of Investigation and having once belonged to Plaintiff Hunter
6 Biden. [See ECF 88]

7 In 2023, Mr. Ziegler was designated an expert witness in an unrelated proceeding
8 against Mr. Biden in Arkansas where Mr. Biden was accused of failing to pay child
9 support. Those proceedings are sealed, but Mr. Ziegler was deposed by Mr. Biden’s
10 counsel of record in this action: Abbe Lowell. The same month, Mr. Morris filed a
11 lawsuit in the Superior Court of California against Defendants Garrett Ziegler and
12 Marco Polo alleging impersonation, harassment, false light, and related claims. In
13 that action, Mr. Morris is represented by Mr. Biden’s attorney of record in this
14 action, Bryan Sullivan. A few months later, Mr. Biden filed this lawsuit alleging
15 that Mr. Ziegler and Marco Polo had violated the Computer Fraud and Abuse Act
16 (“CFAA”), the California Comprehensive Computer Data Access and Fraud Act
17 (“CDAFA”), Cal. Penal Code § 502, and the California unfair competition laws. The
18 CFAA is a *criminal* statute with a limited private right of action for a civil claim
19 where the damage resulting from illegal hacking resulted in losses exceeding
20 \$5,000. The Supreme Court ruled that within the context of this statute, the terms
21 “loss” and “damage” “focus on technological harms – such as the corruption of files
22 – of the type unauthorized users cause to computer systems and data”. *Van Buren v.*
23 *United States*, 141 S.Ct. 1648, 1659-60 (2021).

24 Defendant Ziegler is a citizen of Illinois, and the Court exercised jurisdiction
25 over Mr. Ziegler pursuant to the California Long Arm Statute and over the subject
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1 matter based upon Mr. Biden’s allegations of a violation of the CFAA and of the
2 diversity of the parties plus damages exceeding \$75,000.

3 In the Complaint, Mr. Biden failed to even articulate *how* Mr. Ziegler violated
4 the CFAA, alleging: "The precise nature and extent of defendant's manipulation,
5 tampering, alteration, damage and copying of plaintiff's data...
6 either from their copy of the hard drive or the Plaintiff Biden laptop... is unknown
7 to plaintiffs." [Compl., p. 7 ¶ 29]. In fact, courts dismiss CFAA claims where the
8 Plaintiff does not plausibly allege that the defendant has caused harm to a plaintiff’s
9 data or computer system. *hiQ Labs, Inc. v. LinkedIn Corp.*, 31 F.4th 1180, 1195 n. 12
10 (9th Cir. 2022) (Holding that *Van Buren* requires “technological harm” to bring a
11 viable civil action under the CFAA).
12

13 At oral argument on Defendants’ Motion to Dismiss, the Court inquired, “Are
14 you saying that it falls outside of CFAA entirely if it's a copy, because then it's not a
15 computer or -- again, I didn't see any cases that talked about copy. So maybe it's a
16 case of first impression here.” [ECF, p. 63:9-20]

17 B. Biden Forced Defendants to Litigate

18 Garrett Ziegler and Marco Polo did not instigate this action and were forthright
19 and candid about the investigative reporting on what became known as the “Hunter
20 Biden laptop.” Mr. Ziegler maintained throughout the litigation that this was a First
21 Amendment case where Plaintiffs were wrongfully using criminal statutes to
22 suppress speech and the press.

23 Mr. Biden, however, was not candid and even expressed doubts that the laptop
24 computer presumably at issue was his. By denying that the laptop was his and by
25 baselessly accusing Mr. Ziegler of what is effectively *criminal* conduct under both
26 state and federal law, Mr. Biden’s actions obstructed ongoing criminal
27

1 investigations related to evidence obtained on the laptop. For example, by alleging
2 that Mr. Ziegler unlawfully obtained Mr. Biden’s data or “hacked” his computer,
3 Mr. Biden called into question the admissibility of the data obtained on that
4 computer

5 During the course of this litigation, Mr. Biden was eventually convicted of
6 crimes involving tax evasion and gun licensing and received a full presidential
7 pardon in the last weeks of his father’s presidency.

8 C. Biden’s Conduct Drove Up Litigation Costs and Obstructed Discovery

9 Following the denial of the motion to dismiss, the parties conducted discovery,
10 but Mr. Biden took no depositions, consulted no expert witnesses [See Decl. of
11 Biden ECF 85-1], and generally failed to investigate his claims. [See e.g. Complaint,
12 p. 7 ¶ 29 admitting he does not know how Defendants accessed his data]

13 Third party witness P. Kevin Morris, also represented by Plaintiff’s counsel, was
14 served with a Rule 45 subpoena to appear at deposition on February 26, 2025, but
15 Mr. Morris did not appear. Instead of complying with the subpoena or moving to
16 quash, Mr. Morris and Mr. Biden improperly asserted an untimely objection
17 claiming “attorney-client privilege.” However, “[n]ot all information transmitted to
18 an attorney becomes cloaked with the attorney-client privilege.” *U.S. v. White*, 970
19 F.2d 328, 334 (7th Cir. 1992)

20 Mr. Biden was supposed to appear on February 28, 2025, but Mr. Biden’s
21 counsel requested to reset the deposition on the basis that Mr. Biden and his counsel
22 were engaged in another trial. On February 27, 2025, Mr. Biden’s counsel admitted
23 the trial had been taken off calendar in the other matter but insisted that Mr. Biden
24 could not appear due to “other”

25 D. Defendants Prevailed

26 The Court dismissed the case with prejudice on March 13, 2025. [ECF 91]
27
28

1 To be clear, the Court does not express any opinion
2 concerning the underlying merits of the case. And the Court
3 accepts the detailed representations made by Plaintiff as to
4 the reasons motivating his request to dismiss. But under
5 Fed. R. Civ. P. 41, and on these facts, Plaintiff’s request to
6 dismiss without prejudice is not warranted.

7 **E. Biden Moved to Dismiss Without Prejudice Rather than Appear at Deposition**
8 **and Left the Country while the Motion Was Pending Without Telling the Court**

9 It has been widely reported that Mr. Biden is in South Africa on a luxury
10 vacation, and based on the dates of published photographs, Mr. Biden left the
11 country while his motion was pending and when he was supposed to appear for
12 deposition, brazenly assuming the Court would grant his motion.

13 **II. ARGUMENT**

14 **A. Defendants Are Entitled to Recover All Reasonable Attorney’s Fees**

15 Defendants seek an award of attorneys’ fees and costs following the dismissal of
16 Plaintiff’s claims with prejudice. Under California Penal Code § 502(e)(2),
17 the prevailing party is entitled to reasonable attorneys’ fees in an action brought
18 under the statute. Additionally, Defendants are entitled to costs under Federal Rule
19 of Civil Procedure 54(d).

20 The Court’s dismissal with prejudice serves as an adjudication on the merits,
21 entitling Defendants to recover their reasonable attorneys’ fees and costs. In this
22 case, where counsel failed to inform the Court that Mr. Biden had left the country
23 while his motion to dismiss was pending – and during a week when he was expected
24 to appear for deposition – any award of fees and costs should be payable by counsel.

25 **B. The Requested Fee Amount Is Reasonable**

26 Defendants prevailed in this action not because Mr. Biden could not afford to
27 proceed, particularly as the prevailing party would be entitled to collect fees and
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DECLARATION OF JENNIFER LINSLEY HOLLIDAY

1. I am counsel of record for Defendants ICU, LLC and Garrett Ziegler in this action. I submit this declaration in opposition to Plaintiff’s *Ex Parte* Application to Voluntarily Dismiss Action Pursuant to Fed. Rule Civ. Proc. 41(A)(2), to supplement my prior declaration testimony. If called as a witness, I could and would testify truthfully to the matters contained herein.
2. As I previously stated in my prior declaration, I was advised on or about March 6, 2025 that Defendant R. Hunter Biden was traveling to South Africa for a vacation after filing his ex parte Application to voluntarily dismiss this case without prejudice.
3. I have previously submitted testimony that Mr. Biden’s deposition in this case was initially noticed for February 28, 2025, over a month prior to the close of discovery. On February 21, 2025, Mr. Biden’s counsel sought to reset that deposition based on a conflict with another trial in this court. That trial date was vacated, but Mr. Biden’s counsel then stated that “other” conflicts prevented Mr. Biden from appearing on the initial deposition date. Based on Mr. Biden’s counsel’s promise for him to appear during March 10-17, at which time Mr. Ziegler’s deposition would also take place, I did not bring a motion to compel Mr. Biden to attend his deposition. At that time, I had no reason to believe that Mr. Biden would suddenly leave the United States.
4. On March 3, 2025, the parties were set to meet with Chief Magistrate Judge Karen L. Stevenson at 11:30 AM for an informal discovery conference to discuss a motion to compel or for contempt based upon the failure to comply with a Rule 45 Subpoena by P. Kevin Morris, Mr. Biden’s self-described “general counsel,” a third-party witness in this case. A few hours prior to the conference, Mr. Biden’s counsel sent a letter pursuant to Rule 7-3 requesting

1 to meet and confer on a Motion to Voluntarily Dismiss the case. Before I
2 could set a time to meet and confer on the Motion, Mr. Biden’s counsel
3 submitted an ex parte application to voluntarily dismiss.

4 5. Mr. Biden submitted a declaration with his ex parte Application to
5 voluntarily dismiss the case in which he detailed financial problems and
6 explained that he needed to “focus [his] time and resources dealing with [his]
7 relocation, the damage [he and his] family have incurred due to Pacific
8 Palisades fires, and paying for [his] family’s living expenses as opposed to
9 this litigation.” Mr. Biden signed this under penalty of perjury of the laws of
10 the State of California including language substantially compliant with 28
11 U.S.C. § 1746. [See ECF 85-1, p. 4]. Mr. Biden signed the document in Los
12 Angeles, California on March 4, 2025.

13 6. On or about March 6, 2025, a news source reported that Mr. Biden was
14 traveling to South Africa for a vacation.

15 7. On March 12, 2025, I received information from a news source confirming
16 that Mr. Biden was physically present in Cape Town, South Africa.

17 8. Attached as Exhibit 1 hereto is a true and correct copy of my billing sheet
18 reflecting time entries for my work from February 21, 2025 – March 13,
19 2025. I did not notice my appearance in this case until February 20, 2025,
20 and due to the imminent depositions and the deadlines set forth in the
21 Scheduling Order, I had to dedicate significant time to researching the
22 background of the case, drafting motions, and preparing for the depositions
23 which did not ultimately go forward.

24 9. I graduated summa cum laude from the University of California at Los
25 Angeles and earned a Juris Doctor degree from the Pepperdine University
26 School of Law. I have been practicing law since 2008. From approximately
27 2011 through 2014, I worked with the law firm of Quinn Emanuel, a large
28

1 law firm with an excellent reputation and track record in complex litigation
2 matters. In my practice, I tend to focus on complex matters involving
3 technology companies with elements of intellectual property and
4 constitutional law. In order to best serve my clients, I continually take
5 courses in various aspects of emerging technologies which affords me a
6 unique perspective to develop innovative methods in my practice. For
7 example, in 2023, I became the first attorney in California (and the second in
8 the nation to the best of my knowledge) to successfully serve a Complaint via
9 NFT airdrop in a complex matter involving after seeking leave of court. These
10 unique skills justify my current hourly rate of \$775 which is above average
11 for an attorney in Los Angeles County but significantly lower than many
12 attorneys in my area of practice.

13 10. As a result of the sudden ex parte motion, I had to abandon my efforts in my
14 other cases to focus solely on this case to meet the twenty-four hour deadline
15 to respond.

16 11. Attached hereto as **Exhibit 2** is a true and correct copy of an article from the
17 *New York Post* available at [https://nypost.com/2023/09/07/hunter-biden-says-](https://nypost.com/2023/09/07/hunter-biden-says-he-was-embarrassed-by-laptop-in-deposition/)
18 [he-was-embarrassed-by-laptop-in-deposition/](https://nypost.com/2023/09/07/hunter-biden-says-he-was-embarrassed-by-laptop-in-deposition/)

19 I swear under penalty of perjury under the laws of the State of California and of
20 the United States of America that the foregoing is true and correct. Executed at Los
21 Angeles, California on March 27, 2025.

22 _____/s/_____
23 JENNIFER L. HOLLIDAY

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Exhibit 1

Attorney: Jennifer L. Holliday
Clients: Garrett Ziegler and ICU, LLC
Hourly Rate: \$775
Billing Period: February 20, 2025 – March 13, 2025

Date	Hours	Description	Total
02/20/2025	8.0	File notice of appearance; Review of pleadings and case history; outline motion for fees; review correspondence and discovery requests	\$6,200.00
02/21/2025	8.0	Meet and confer with opposing counsel regarding deposition scheduling and outstanding discovery issues. Draft and send 7-3 letter for MSJ. Correspond with opposing counsel re: same; Prepare deposition outlines.	\$6,200.00
02/22/2025	8.0	Review Judge Vera's Standing Order re: Summary Judgment motions; Draft shell brief for motion for summary judgment; review document production to date.	\$6,200.00
02/23/2025	8.0	Review and revise Defendant ICU, LLC's portion of MSJ; correspond with client and counsel.	\$6,200.00
02/24/2025	8.0	Review and revise Defendant ICU, LLC's portion of MSJ; correspond with client; research issues of CFAA and state law statute re: vicarious liability of entity; draft and file request for clarification on "bounce back" email of Plaintiff's counsel P. Salvaty	\$6,200.00
02/25/2025	8.0	Review deposition prep materials; finalize questions and outline for Morris deposition; confirm deposition details with vendor; review order to strike notice re: Salvaty	\$6,200.00
02/26/2025	8.0	Travel to Century City for deposition. Appeared for deposition of P. Kevin Morris; opposing party failed to appear; record statement; assess next steps; correspond with opposing counsel re: deposition of Morris. Review Order to Show Cause re: bounce back e-mail of Paul Salvaty.	\$6,200.00

Date	Hours	Description	Total
02/27/2025	8.0	Meet and confer with opposing counsel re: non-appearance and availability of Biden for deposition on February 28, 2025; prepare motion for sanctions. Reset deposition of H. Biden to week of March 10-17, 2025; Met and conferred with client re: litigation plan. Confirmed dates for IDC.	\$6,200.00
02/28/2025	8.0	Legal research re: dismissal with prejudice and entitlement to prevailing party fees. Met and conferred with opposing counsel re: requesting IDC with Chief Magistrate Judge Stevenson. Continue drafting sections of Defendant's portion of MSJ.	\$6,200.00
03/03/2025	8.0	Appear before Chief Magistrate Judge Stevenson on contempt motion re: deposition avoidance; Review Minute Order [ECF 83] Continue reviewing and revising MSJ documents.	\$6,200.00
03/04/2025	8.0	Review transcript from hearing; revise and finalize sanctions Defendant ICU, LLC's portion of Motion for Summary Judgment; Review H. Biden response [ECF 84]; Serve Defendant ICU, LLC's Portion of Joint MSJ.	\$6,200.00
03/05/2025	15.0	Review Ex Parte Application to Voluntarily Dismiss Action and Exhibits 1-8 [ECF 85]. Immediately begin preparing and drafting opposition papers and declarations; consult with R. Tyler and request declaration; arrange printing and delivery to chambers in compliance with Standing Order and Local Rules.	\$11,625.00
03/06/2025	7.0	Finalize and file Opposition Papers, and arrange for delivery of Chambers Copy.	\$5,425.00
03/07/2025	6.0	Review Reply Brief, prepare and file response; Research	\$4,650.00
03/13/2025	4.0	Review Order dismissing case; Draft 7-3 Letter; Final meet and confer with opposing counsel regarding sanctions and fee motion.	\$6,200.00

Total Hours: 120 - Total Fees: \$ 93,000

Exhibit 2

#1954

SECTIONS



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TRENDING NOW IN US NEWS



Sanctuary city mayor, police chief scold cops for assisting...



Trump more popular than ever – percentage of Americans who...



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all
in

POLITICS **EXCLUSIVE**

Hunter Biden claims he was 'embarrassed' by laptop in deposition — but still denies it or

contents are his

By [Miranda Devine](#)

Published Sep. 7, 2023, 10:12 p.m. ET

601 Comments



NEW YORK

Before y

Hunter refused to admit in his deposition that he visited The Mac Shop twice in April 2019, despite Mac Isaac presenting evidence that Hunter signed a work order and provided his contact information.

Bank records that Hunter was required to hand over to Mac Isaac's legal team also show "frequent uses of Wells Fargo ATMs where significant withdrawals were made — all within a few miles of Mac Isaac's shop," the filing says.



Hunter Biden testified recently that he was embarrassed by “offensive” content published from his laptop.

Although Hunter claimed he “is without knowledge” as to his whereabouts on April 12, 2019, “Mac Isaac knows exactly where he was.”

Hunter’s “confused and dishonest responses prove fatal to all facts alleged in his counterclaims.”

Hunter claimed he was “embarrassed” by publication of private material that would be “highly offensive to a reasonable person,”

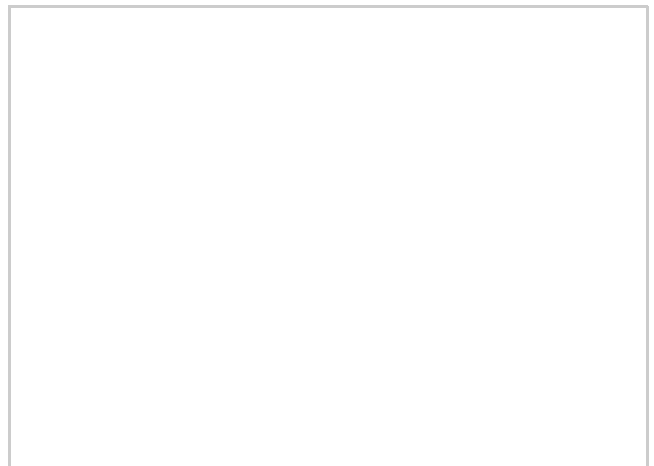
that a reasonable person would find most offensive, such as sexually explicit photos, was “voluntarily shared by [Hunter] Biden with others through the website, ‘Pornhub.’ ...

“The use of the ‘reasonable person’ standard should clearly not apply to Biden ... It seems what would embarrass a reasonable person does not embarrass Biden.”



Biden refused to admit that the laptop was his. “He either doesn’t recall or denies it altogether.”

Material on the laptop also shows Hunter’s “lack of concern about using his father’s political ties to close deals with foreign countries, some of whom are considered adversaries with the United States (i.e., People’s Republic of China),” the filing



In his deposition, Hunter also:

Gave “confused and dishonest responses” about whether he dropped off the laptop with Mac Isaac on April 12, 2019, or returned a day or two later at Mac Isaac’s request with an external hard drive onto which his data could be transferred.

Refused to admit that the laptop was his. “He either doesn’t recall or denies it altogether.”

“Hems and haws about how embarrassing the content of the laptop was while, at the same time, failing to identify what content and if it was even his content.”

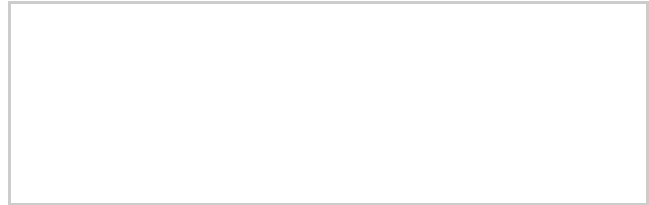
Said he was “without knowledge” that he had received voicemail messages and emails from Mac Isaac about his laptop asking him to bring in an external hard drive, pay his repair bill and pick up his property.

Claimed he did not give consent to Mac Isaac to access the data on his laptop even though he signed a work order.

Refused to deny that he signed the work order.

Claimed that the “boilerplate terms of the Repair Authorization” on the work order were “well below the signature line” even though he is a trained attorney and signed the document.

Referred to the Repair Authorization as a “typical small-print adhesion clause for which there was no proper notice or opportunity to bargain or negotiate.” But, according to the filing, the text is “not abnormally small” and is the same size as the rest of the work order.



Although Hunter claimed he “is without knowledge” as to his whereabouts on April 12, 2019, “Mac Isaac knows exactly where he was.”

AFP via Getty Images

Hunter abandoned his laptop at Mac Isaac’s store in April 2019 and never returned to pick it up or pay his bill, despite multiple attempts by Mac Isaac to contact him by phone and email.

“After obtaining the rights to the laptop pursuant to the contract signed by Biden, Mac Isaac grew uneasy with the seemingly illegal activities cataloged in the laptop.

“As he was taught to do at the Apple Store and in accordance with his own convictions, he made contact with the FBI. Soon thereafter, on December 9, 2019, Mac Isaac gave the laptop, the original hard drive, and the original work order to the FBI.”

The FBI verified the authenticity of Hunter’s abandoned laptop in November 2019 “by matching the device number against Hunter Biden’s Apple iCloud ID,” IRS supervisory agent Gary Shapley testified to Congress in June.