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10 *Attorneys for Robert Hunter Biden*

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13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 UNITED STATES

16 Plaintiff,

17 vs.

18 ROBERT HUNTER BIDEN,

19 Defendant.  
20  
21

**Case No. 2:23-CR-00599-MCS-1**

*Hon. Mark C. Scarsi*

**DEFENDANT’S NOTICE OF  
MOTION AND MOTION FOR  
LEAVE TO FILE A  
SUPPLEMENTAL MEMORANDUM  
AND DECLARATION IN SUPPORT  
OF DEFENDANT’S PRETRIAL  
MOTIONS**

**NOTICE OF MOTION AND MOTION**

TO: SPECIAL COUNSEL DAVID WEISS, PRINCIPAL SENIOR ASSISTANT  
SPECIAL COUNSEL LEO J. WISE, SENIOR ASSISTANT SPECIAL COUNSEL  
DEREK E. HINES

PLEASE TAKE NOTICE that Defendant Robert Hunter Biden, by and through his attorneys of record, will, and hereby does, respectfully move this Court for an order granting Mr. Biden’s leave to file a Supplemental Memorandum and Declaration by Abbe David Lowell in support of Mr. Biden’s pretrial motions. A true and correct copy of the supplemental memorandum is attached as Exhibit 1. A true and correct copy of the Declaration of counsel is attached as Exhibit 2. Mr. Biden’s proposed supplemental filing is intended to address three questions raised by the Court during the March 27, 2024 hearing, and to assist the Court in deciding whether to grant the relief requested by Mr. Biden.

Mr. Biden’s counsel contacted the prosecution, via electronic mail, on March 29, 2024, at 10:05 AM EST, explaining that Mr. Biden intends to file a brief supplemental pleading and declaration with the Court and inquiring as to the prosecution’s position. *See* Declaration of Abbe David Lowell (Exhibit 2) at ¶ 69. As of the time of this filing on April 1, 2024, the prosecution has not responded.

Dated: April 1, 2024

Respectfully submitted,  
WINSTON & STRAWN LLP

By: /s/ Angela M. Machala  
Angela M. Machala (SBN: 224496)  
Abbe David Lowell  
Christopher D. Man

*Attorneys for Robert Hunter Biden*

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 On March 27, 2024, the Court heard arguments on Mr. Biden’s pretrial motions  
4 to dismiss the Indictment. In the course of the hearing, the Court asked Mr. Biden’s  
5 counsel questions and indicated the record may be incomplete. Pursuant to that, Mr.  
6 Biden seeks leave of the Court to file a supplemental memorandum and declaration, to  
7 address the Court’s questions and complete the record.

8 **ARGUMENT**

9 Good cause exists for granting Mr. Biden leave to file this supplemental  
10 memorandum and declaration. This filing directly addresses questions and concerns  
11 raised by the Court during the March 27, 2024 hearing and will complete the record by  
12 attaching documents and publicly available news articles that are referenced in the  
13 already-briefed pleadings and arguments but not themselves part of the record. This  
14 supplemental filing would not prejudice the prosecution in any way as this information  
15 was included in Mr. Biden’s pleadings or arguments presented to the Court on March  
16 27, 2024. In his March 29 email to the prosecution asking for its position on this filing,  
17 Mr. Biden’s counsel informed the prosecution that Mr. Biden would agree to a response,  
18 if the prosecution would like to do so.

19 For these reasons, Mr. Biden hereby respectfully request that this Court grant him  
20 leave to file the Supplemental Memorandum and Declaration of Abbe David Lowell,  
21 attached hereto as Exhibits 1 and 2, respectively.

22  
23 Date: April 1, 2024

Respectfully submitted,

24 By: /s/ Angela M. Machala

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