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10 *Counsel for Defendant*
Robert Hunter Biden

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13
14 UNITED STATES OF AMERICA,
15 **Plaintiff,**
16 vs.
17 ROBERT HUNTER BIDEN,
18 **Defendant.**

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

**DECLARATION OF ABBE DAVID
LOWELL IN SUPPORT OF
DEFENDANT’S EX PARTE
APPLICATION FOR AN ORDER TO
MODIFY PRETRIAL MOTIONS
DEADLINE**

*[Filed concurrently with Defendant’s Ex
Parte Application for an Order to Modify
Pretrial Motions Deadlines; and
[Proposed] Order]*

DECLARATION OF ABBE DAVID LOWELL

I, Abbe David Lowell, declare as follows:

1. I am a partner at Winston & Strawn LLP, and counsel for Defendant Robert Hunter Biden in the above-captioned action. If called as a witness, I could and would competently testify under oath to the following facts of which I have personal knowledge. This declaration is offered in support of Defendant’s Ex Parte Application for an Order to Modify Pretrial Motions Deadline (the “Application”) in compliance with Local Rule 7-19.1 and the procedures of this Court.

2. I am a member in good standing of the Bars of the District of Columbia, the state of Maryland, and the state of New York. I was admitted *pro hac vice* in this Court on January 2, 2024.

3. I reached out to counsel for the government (the “prosecution”) on February 1, 2024 at 9:30 AM EST, to request a meet and confer regarding the current schedule and filing of motions in this matter. Having not heard back, I reached out again on February 7, 2024 at 10:00 AM EST and arranged a call that afternoon to discuss the same issues. During this call, I advised the prosecution of the instant request and Application, and the prosecution indicated that they would inform us of their position before 3:00 PM EST on February 8, 2024.

4. On February 8, 2024, at 12:00 PM EST, Mr. Hines advised me via e-mail that the prosecution opposes Mr. Biden’s requests contained in this Application.

5. Following that call, I provided notice of our intent to file the instant Ex Parte Application to the prosecution by e-mail at 1:00 PM EST on February 8, 2024.

6. On February 8, 2024, at 3:00 PM EST, I caused Defendants’ Ex Parte Application, this Declaration, and the Proposed Order to be e-mailed to the prosecution. As of the time of this filing, the prosecution has not yet responded whether it opposes the Application. Attached hereto as Exhibit A is a true and correct copy of the e-mail to the prosecution, dated February 8, 2024, providing notice of this Ex Parte Application.

7. The relief requested is necessary to preserve Mr. Biden’s ability to defend

1 himself effectively without suffering prejudice in this matter, will serve the goal of
2 preserving judicial and parties’ resources, and will not prejudice the prosecution. Waiting
3 for the Delaware court to rule on the pending motions before it—before those motions
4 are briefed here—allows the parties to address the Delaware court’s rulings and this Court
5 to benefit from being able to consider the Delaware court’s reasoning.

6
7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9
10 Executed on February 8, 2024 at Washington, D.C.

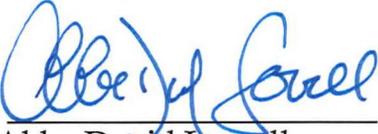
11
12 By: 
13 Abbe David Lowell
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EXHIBIT A

Kolansky, David A.

From: Lowell, Abbe
Sent: Thursday, February 8, 2024 1:00 PM
To: DEH (JWPT); Hines, Derek (USAPAE); Wise, Leo (USAMD)
Cc: Machala, Angela M.; Man, Christopher; Kolansky, David A.
Subject: Re: California Issues

We will be filing our ex parte motion today.

Abbe David Lowell

Partner

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1901 L Street, N.W.
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New York, NY 10166-4193

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From: DEH (JWPT) [REDACTED]
Sent: Thursday, February 8, 2024 12:00:08 PM
To: Lowell, Abbe [REDACTED]; Hines, Derek (USAPAE) [REDACTED]; Wise, Leo (USAMD)
Cc: Machala, Angela M. [REDACTED]; Man, Christopher [REDACTED]; Kolansky, David A.
Subject: RE: California Issues

Abbe,

We oppose the defendant’s requests for an extension of the motions deadline and for a stay of filing certain motions.

Derek.

Derek E. Hines
Senior Assistant Special Counsel
U.S. Department of Justice

From: Lowell, Abbe [REDACTED]
Sent: Wednesday, February 7, 2024 10:36 AM
To: Hines, Derek (USAPAE) [REDACTED]; Wise, Leo (USAMD) [REDACTED]
Cc: Machala, Angela M. [REDACTED]; Man, Christopher [REDACTED]; Kolansky, David A. [REDACTED]; DEH (JWPT) [REDACTED]
Subject: [EXTERNAL] RE: California Issues

Yes –

Can you my dial in – will send an invite

Abbe David Lowell
Partner
**Co-Chair, Government Investigations,
Enforcement, and Compliance**

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From: Hines, Derek (USAPAE) [REDACTED]
Sent: Wednesday, February 7, 2024 10:34 AM
To: Lowell, Abbe [REDACTED]; Wise, Leo (USAMD) [REDACTED]
Cc: Machala, Angela M. [REDACTED]; Man, Christopher [REDACTED]; Kolansky, David A. [REDACTED]; DEH (JWPT) [REDACTED]
Subject: Re: California Issues

Abbe, are you available at 2:30 this afternoon? Derek.

From: Lowell, Abbe [REDACTED]
Sent: Wednesday, February 7, 2024 10:01 AM
To: Wise, Leo (USAMD) [REDACTED]; Hines, Derek (USAPAE) [REDACTED]
Cc: Machala, Angela M. [REDACTED]; Man, Christopher [REDACTED]; Kolansky, David A. [REDACTED]
Subject: [EXTERNAL] RE: California Issues

Leo and Derek,

May we have that call today to discuss the motions and schedule for California? I have various times I could.

Abbe

Abbe David Lowell
Partner
Co-Chair, Government Investigations,
Enforcement, and Compliance

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From: Lowell, Abbe
Sent: Thursday, February 1, 2024 9:30 AM
To: Wise, Leo (USAMD); Hines, Derek (USAPAE)
Cc: Machala, Angela M.; Man, Christopher; Kolansky, David A.
Subject: California Issues

Leo and Derek,

Do you have time tomorrow or early in the week to discuss some of the issues the Judge in California raised as to schedule, motions, etc.?

Abbe

Abbe David Lowell
Partner
Co-Chair, Government Investigations,
Enforcement, and Compliance

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