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

15
16 UNITED STATES

17 Plaintiff,

18 vs.

19 ROBERT HUNTER BIDEN,

20 Defendant.

Case No. 2:23-cr-00599-MCS-1

Hon. Mark C. Scarsi

**DECLARATION OF ABBE DAVID
LOWELL IN SUPPORT OF
DEFENDANT’S *EX PARTE*
APPLICATION FOR ORDER
CONTINUING TRIAL DATE FROM
JUNE 20, 2024 TO SEPTEMBER 5, 2024
OR, IN THE ALTERNATIVE, TO
HOLD A STATUS CONFERENCE
PRIOR TO THE SCHEDULED
PRETRIAL CONFERENCE**

DECLARATION OF ABBE DAVID LOWELL

I, Abbe David Lowell, declare as follows:

1. I am a partner at Winston & Strawn LLP and am an attorney of record for Defendant Robert Hunter Biden in the above-captioned case. I have personal knowledge of the matters contained in this declaration and, if called as a witness to testify, I could and would competently testify to them. This declaration is offered in support of Defendant’s *ex parte* application for an order continuing the trial date from June 20, 2024 to September 5, 2024 or another date thereafter that is convenient for the Court or, in the alternative, to hold a status conference prior to the scheduled pretrial conference.

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. (ECF 10).

3. On May 14, 2024, the District of Delaware court confirmed that Mr. Biden’s trial in that jurisdiction will begin on June 3, 2024. After jury selection, which could take 1–2 days given the high-profile nature of this case, the parties have estimated the trial in the District of Delaware will take 5–7 days. This estimate does not include time for jury deliberations.

4. During a teleconference on May 15, 2024, I informed the Special Counsel that Mr. Biden intended to file this *ex parte* application. Later that day, the Special Counsel informed me that they intended to oppose such a request.

5. On May 16, 2024, at 2:59 PST, counsel for Mr. Biden advised the Special Counsel that Mr. Biden intended to file this *ex parte* application on May 16, thus making the deadline to oppose the application 24 hours later, on May 17.

6. Neither party has previously requested a continuance of trial deadlines that are the subject of this application.

1 7. I am working diligently with the Special Counsel to agree on pretrial
2 deadlines in this case and the case in Delaware. However, as of today, motions in limine,
3 oppositions to motions in limine, replies in support of motions in limine, jury instructions,
4 verdict forms, voir dire, and witness lists are all required to be filed in both jurisdictions
5 between May 17 and June 14. Additionally, statements of the case and exhibit list disputes
6 must also be submitted to this Court before June 14. I sincerely believe that my few
7 colleagues and I require more time to adequately prepare for trial in order to provide
8 adequate and effective counsel to Mr. Biden.

9 8. On May 15, 2024, I spoke with Mr. Biden about his Speedy Trial rights. Mr.
10 Biden concurred that continuing the trial date is necessary to enable counsel to represent
11 him effectively.

12 9. In the course of trial preparation, our team has spoken to numerous
13 prospective expert witnesses who have declined to participate in this case, either due to
14 expressed fear for their careers and safety or because the organizations with which they
15 are associated would not permit them to work on what is perceived as a high-profile and
16 divisive case.

17 10. On May 16, 2024, I learned that the funeral of a decades-long, close friend—
18 Jack Quinn—is to be held in Washington, DC on May 29, 2024. His family, with whom
19 I am very close, has asked me to attend. This is an important event to me and my family
20 personally that I would be appropriately upset to miss. In addition, given all of the
21 associated filings, preparation, and travel involved for the Delaware trial, much of which
22 overlap with the current pretrial deadlines in this matter, it will be exceedingly difficult
23 (even if I do not attend Mr. Quinn’s funeral) for me to appear in person on May 29, 2024
24 to argue for a trial continuance.

25 11. Additionally, attached as **Exhibit 1** is a true and correct copy of my email
26 correspondence with the Special Counsel regarding the filing of this *ex parte* application.
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Executed on this 16th day of May, 2024 in Washington, DC.

Respectfully submitted,

/s/ Abbe David Lowell

Abbe David Lowell