

# EXHIBIT A

**From:** [Orloff, Serena M \(CIV\)](#)  
**To:** [Van Swearingen](#)  
**Cc:** [Drezner, Michael L. \(CIV\)](#); [Robinson, Stuart J. \(CIV\)](#); [Clay Zhu](#); [Angus Ni](#); [Michael W. Bien](#); [Thomas Burke](#); [Gossett, David](#); [Orloff, Serena M \(CIV\)](#)  
**Subject:** RE: U.S. WeChat Users Alliance v. Trump  
**Date:** Tuesday, September 29, 2020 8:52:18 PM

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Van,

In follow up to your request of yesterday, we agree to provide Appendix F on an expedited basis. I need to do some ministerial work to get that document to you in one (or a few) manageable pieces. I will do that tonight. Regarding Appendix I, it is a Tencent document, and given the extent of CBI, we are not comfortable providing it on an expedited basis, even on an attorneys-eyes-only basis, given that we do not have a protective order in place, have not consulted with Tencent, and have not thought through the other potential legal ramifications. We are happy to provide it to you if Tencent consents; the fastest route may be to reach out to them for permission. If you do, we would appreciate being copied, so we are aware of the state of play on that document.

Let me know if you would like to discuss.

Thanks,  
Serena

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**From:** Van Swearingen <[REDACTED]>  
**Sent:** Monday, September 28, 2020 8:00 PM  
**To:** Orloff, Serena M (CIV) <[REDACTED]>  
**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]>; Clay Zhu <[REDACTED]>; Angus Ni <[REDACTED]>; Michael W. Bien <[REDACTED]>; Thomas Burke <[REDACTED]>; Gossett, David <[REDACTED]>  
**Subject:** RE: U.S. WeChat Users Alliance v. Trump

Thank you, Serena. I have been experiencing email issues as well, and understand there's a Microsoft issue to blame. This email confirms RBGG's consent to receive an "attorneys eyes only" copy of the unredacted Decision Memorandum on the terms you describe below. As to the Appendices, without waiving any rights/objections, and in an effort to negotiate a swift resolution in time for us to see certain materials prior to our Opposition deadline, we propose that Defendants make available only Appendices F and I on an expedited basis and on the same terms that you provide the unredacted copy of the Decision Memorandum. We can re-open our dialogue regarding a timeline for the remainder of the admin record and a protective order after your Reply is filed.

Van

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**From:** Orloff, Serena M (CIV) <[REDACTED]>  
**Sent:** Monday, September 28, 2020 4:31 PM  
**To:** Van Swearingen <[REDACTED]>

**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]>; Clay Zhu <[REDACTED]>; Angus Ni <[REDACTED]>; Michael W. Bien <[REDACTED]>; Thomas Burke <[REDACTED]>; Gossett, David <[REDACTED]>; Orloff, Serena M (CIV) <[REDACTED]>  
**Subject:** U.S. WeChat Users Alliance v. Trump

Van,

Thank you for the clarification below and I apologize for getting this off a little later than hoped. We've been having email issues here today, which has slowed down a lot of communication.

The Decision Memorandum contains confidential business information, so we will need to enter a protective order to cover the unredacted version. Since the terms of such a protective order might take a little bit of time to work through, we are willing to immediately provide an unredacted copy on an "attorneys eyes only" basis and solely for purposes of this litigation (with the assumption that those terms later would be replaced by whatever protective order we agree to). I just request email confirmation from everyone on your team of agreement to those terms (each firm is fine), and I will send the unredacted version.

Regarding the appendices, we have already provided appendix B as an exhibit to the Costello declaration, and appendix A is classified. The remaining appendices collectively comprise what we believe would make up much of the administrative record. Some of those appendices appear to contain substantial CBI, and we've begun to compile them, but need time to review them for CBI and other protected information before they can be released. In addition, our typical practice is to provide an administrative record all at once, rather than piecemeal (except where necessary to respond to a request for emergency relief). Since we did not provide the remaining appendices to the court in connection with the stay motion and still need to review them internally and reach agreement on a protective order, we are not ready to provide them at this time. I propose that we work out a protective order and then talk about a schedule for production of an administrative record, as appropriate, after we've answered or otherwise responded to the complaint.

Finally, we realized that one of the redactions in the publicly-filed version of the Decision Memorandum requires tweaking. We intend to file a corrected version shortly.

Serena

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**From:** Van Swearingen <[REDACTED]>  
**Sent:** Sunday, September 27, 2020 11:45 PM  
**To:** Orloff, Serena M (CIV) <[REDACTED]>  
**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) <[REDACTED]>; Clay Zhu <[REDACTED]>; Angus Ni <[REDACTED]>; Michael W. Bien <[REDACTED]>; Thomas Burke <[REDACTED]>; Gossett, David <[REDACTED]>  
**Subject:** RE: U.S. WeChat Users Alliance v. Trump - Defendants' new evidence [IWOV-

DMS.FID71398]

Serena,

Below, I mistakenly referred to the "Cohen" Declaration. I meant the Costello Declaration, Dkt. 68-1. I apologize for any confusion.

Van

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**From:** Orloff, Serena M (CIV) [REDACTED] >  
**Sent:** Sunday, September 27, 2020 6:08 PM  
**To:** Van Swearingen [REDACTED] >  
**Cc:** Drezner, Michael L. (CIV) <[REDACTED]>; Robinson, Stuart J. (CIV) [REDACTED] >; Clay Zhu [REDACTED] >; Angus Ni [REDACTED] >; Michael W. Bien [REDACTED] >; Thomas Burke <[REDACTED]>; Gossett, David [REDACTED] >  
**Subject:** Re: U.S. WeChat Users Alliance v. Trump - Defendants' new evidence [IWOV-DMS.FID71398]

Van,

Got it. Some of my team is out tomorrow for Yom Kipper but I will be working and hope to be able to get back to you not too late tomorrow.

Serena

Sent from my iPhone

On Sep 27, 2020, at 3:54 PM, Van Swearingen [REDACTED] > wrote:

Hi Serena,

The Cohen Declaration was filed without the Appendices to the 9/17/20 Decision Memorandum. We request complete copies of the non-classified information in the new evidence that Defendants submitted in connection with their stay motion. We are happy to enter into a protective order.

Van

Van Swearingen  
<image001.jpg>  
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