

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

PETER P. STRZOK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:19-cv-02367-ABJ
	)	
ATTORNEY GENERAL MERRICK B.	)	
GARLAND, in his official capacity, et al.,	)	<b>REDACTED</b>
	)	
Defendants.	)	

**PETER P. STRZOK’S SUPPLEMENTAL FILING REGARDING  
DEFENDANTS’ MOTIONS TO QUASH OR FOR PROTECTIVE ORDERS**

Pursuant to the Court’s August 10, 2022 Minute Order, Plaintiff Peter Strzok hereby submits this supplemental pleading addressing the impact of the depositions of David L. Bowdich and Rod Rosenstein on the “apex” issues in the pending Motions to Quash or for Protective Order.

**David Bowdich:** Mr. Bowdich testified that he recalled that [REDACTED]

[REDACTED]

[REDACTED]. (Ex. 1, Bowdich Dep. at 286:12 – 287:1). This was likely [REDACTED]

[REDACTED], and it

occurred shortly before or after President Trump publicly called on the FBI to fire Strzok and referred to the IG report as having “exposed what he called the scum on top of the FBI as total thieves.” (*Id.* at 294:8 – 296:19). Wray [REDACTED]

[REDACTED]. (*Id.* at 287:3-9).

The government invoked the Presidential Communication Privilege (PCP) to prevent his testimony about what, if anything, he learned about that meeting. (*Id.* at 286:12 – 288:13). Defense counsel similarly invoked the PCP and/or the Deliberative Process Privilege (DPP) to preclude testimony about *any* other discussions Wray had with President Trump (even as to general topics) (*id.* at 198:4 – 199:6), discussions that Bowdich had with Wray over the content of the IG’s

Midyear report (*id.* at 270:2-19), whether Trump similarly pressured Wray to fire acting FBI Director McCabe (*id.* at 203:15 – 206:3), discussions concerning President Trump’s public accusation that Strzok had committed “treason” (*id.* at 190:4-17), and whether to ask the President to refrain from making such accusations (*id.* at 193:4 – 194:12).

Mr. Bowdich [REDACTED] what the President was saying about the FBI (*id.* at 54:4-8), and that [REDACTED] daily news clips prepared by the Bureau which included the President’s public statements about Strzok (*id.* at 57:9-19). He had ample opportunity to learn of the pressure Trump imposed on Wray or DOJ [REDACTED] [REDACTED] (*id.* at 156:3-6), and typically [REDACTED] [REDACTED] (*id.* at 98:13-17). He [REDACTED] [REDACTED]. (*Id.* at 356:7 – 357:9). This testimony highlights the importance of learning whether (as reported) President Trump repeatedly pressured Director Wray and AG Sessions to fire Strzok.

Mr. Bowdich maintained that he fired Strzok based on [REDACTED] [REDACTED] [REDACTED] (*Id.* at 90:17 – 91:4, 102:21 – 104:5; *see also* Ex. 2, Draft Termination Letter).<sup>1</sup> Mr. Bowdich’s motivation(s) for firing Strzok are central to Strzok’s First Amendment claim, and Mr. Bowdich’s assertions that he [REDACTED] [REDACTED] [REDACTED] [REDACTED] hardly settles the matter. (Ex. 1 at 108:7-20). The deposition confirmed

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<sup>1</sup> This draft termination letter was not included in prior pleadings because it was first produced on September 2, 2022. [REDACTED] [REDACTED] [REDACTED]

that: (1) [REDACTED]  
[REDACTED] (*id.* at 391:17 – 395:21); (2) [REDACTED]  
[REDACTED]  
[REDACTED] (*id.* at 66:19 –  
68:19); (3) [REDACTED]  
[REDACTED]  
[REDACTED] (*id.* at 90:13 – 91:4; Ex. 2); and (4) [REDACTED]  
[REDACTED]

(Ex. 1 at 37:6-14), nor did he meet with Strzok prior to firing him to gauge Strzok’s demeanor and remorse (*id.* at 346:20 – 350:18). Yet without depositions of former President Trump and Director Wray, Strzok’s ability to rebut [REDACTED] is incomplete. Mr. Bowdich is an interested witness, and his self-serving testimony is not dispositive; nor does it speak to Director Wray’s motives for permitting him to exercise authority based on a policy that pertains only to appeals.<sup>2</sup>

**Rod Rosenstein:** Mr. Rosenstein [REDACTED]  
[REDACTED]. He agreed that there were no [REDACTED]  
[REDACTED], but President Trump [REDACTED]  
[REDACTED]. (Ex. 4, Rosenstein Dep. at 392:14  
– 393:5). [REDACTED]  
[REDACTED]

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<sup>2</sup> See Ex. 1 at 63:10-16 [REDACTED]  
[REDACTED]  
[REDACTED] (Ex. 2).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. (*Id.* at 379:16 – 380:1). [REDACTED]

[REDACTED]. (*Id.* at 340:5-18).

DAG Rosenstein also testified that [REDACTED]

[REDACTED] during which Trump reportedly pressured AG Sessions and Wray to fire Strzok. (*Id.* at 342:2 – 342:18). Mr. Rosenstein’s recollection [REDACTED]

[REDACTED]

[REDACTED] gaps in text messages collected from FBI phones. (Ex. 3). Assuming Mr. Rosenstein is correct that [REDACTED]

[REDACTED]. The government invoked the PCP as to what if anything he learned about that meeting, and Mr. Rosenstein indicated only that [REDACTED]. (*Id.* at 344:2 – 347:6).

In sum, Mr. Rosenstein conceded that there [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. (*Id.* at 347:7-10).

**Conclusion:** In light of former President Trump’s repeated statements calling for and then claiming credit for Strzok’s firing and his otherwise egregious conduct towards Strzok, Plaintiff should be allowed to depose those with first-hand knowledge of his actions. Nothing from the Bowdich or Rosenstein depositions supports the government’s arguments to the contrary.

Dated: September 29, 2022

Respectfully submitted,

/s/ Aitan D. Goelman

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 29, 2022, I caused to be served copies of the above **PETER P. STRZOK'S SUPPLEMENTAL FILING REGARDING DEFENDANTS' MOTION TO QUASH OR FOR PROTECTIVE ORDER** on all counsel of record in the above-captioned actions via e-mail.

/s/ Aitan D. Goelman

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