

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

U.S. DOMINION, INC., et al.,

Plaintiffs / Counter-Defendants,

v

PATRICK BYRNE,

Defendant.

Civil Action 1:21-cv-02131(CJN/MAU)

**DEFENDANT’S SUR-REPLY TO DOMINION’S REPLY TO DEFENDANT’S
RESPONSE TO DOMINION’S MOTION TO ENFORCE PROTECTIVE
ORDER AND STATUS QUO ORDER**

Comes Now Defendant, Doctor Patrick Byrne, by and through undersigned, and hereby files this sur-reply to Dominion’s Reply (Docket No. 111) to Dr. Byrne’s Response (Docket No. 111), to Dominion’s Motion to Enforce Protective Order (Docket No. 108), stating as follows:

1. On July 5, 2024, Dominion filed a motion (Docket No. 108) identical in underlying substance to prior motions seeking once again to enforce this Court’s protective order (Docket No. 46) and status quo order (Docket No. 77), which were previously entered in this action.

2. On July 19, 2024, Dr. Byrne filed his response (Docket No. 111) to Dominion's motion advising the Court that Dr. Byrne and undersigned had communicated to Dominion that they were following the protective order, and that Dominion was not requesting anything new or additional from the Court than it has already requested before. (Docket No. 111 and Attachments).

3. Dominion filed a "reply" to this short response, stating that Dr. Byrne and undersigned violated the court's order regarding not informing the court of a subpoena and regarding a subpoena served on Dominion's CEO.

4. In fact, as explained previously the matters concerning which Dominion seeks to reiterate its request for a protective order are protected by attorney-client privilege and in addition, again, as stated in Dr. Byrne's previous response, both he and undersigned have abided by the Court's orders and informed opposing counsel of same. Dominion continues to try and get undersigned to breach attorney-client privilege.

5. Moreover, Mr. Case has also signed the agreement to abide by the protective order and has not shown any of the materials concerning Dominion to his client, Ms. Peters, in the Colorado action.

6. Dominion continues to hide behind this Court's protective order as if it were a blanket prohibition of all disclosures to the public, and in response to

legitimate congressional and law enforcement inquiries, not to mention subpoena in criminal cases in which the information Dominion seeks to hide provides exculpatory evidence for the defense.

7. Moreover, Dominion seeks to invade attorney-client privilege in an effort to reign in these privileged and confidential matters under this Court's protective order, which, to reiterate, was only originally entered in an effort to block the access to the supposedly proprietary information of Dominion.

8. Finally, as explained by undersigned, email communication was attempted to be sent seeking concurrence for the short extension request for this sur-reply filed on Friday, July 26. Dominion's counsel said that it would come back to undersigned when it consulted with its client, but once undersigned filed the Motion to Lift Protective Order (Docket No. 116), Dominion accused undersigned of failure to comply with the court rules.

9. Undersigned did attempt to send email communications to Dominion's counsel regarding the filing of the one-day extension request for the sur-reply, but the communications did not go through.

10. Rather than wait until Monday to get back to undersigned, Dominion sent an email on Saturday accusing her of not following the court rules.

11. Undersigned complied with the court rules and filed the extension request on Friday, along with the Motion to Lift the Protective Order.

WHEREFORE, for the foregoing reasons, the Court should DENY Dominion's Motion to Enforce Protective Order and Status Quo Order.

Respectfully submitted,
/s/ Stefanie Lambert

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Dated: July 29, 2024

CERTIFICATE OF SERVICE

I, Stefanie Lambert, hereby certify that on July 29, 2024, true and correct copies of the foregoing were served via email on counsel of record for every party in *US Dominion, et al. v. Patrick Byrne*, Case No. 1:21-cv-02131 (CJN / MAU).

Respectfully submitted,

/s/ Stefanie Lambert

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