

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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| _____                             | ) |   |
| ATTORNEY GENERAL MERRICK GARLAND, | ) |   |
| <i>et al.</i> ,                   | ) |   |
|                                   | ) |   |
| Movants,                          | ) |   |
|                                   | ) |   |
| v.                                | ) | Case No. 1:22-mc-00027-ABJ                  |
|                                   | ) |   |
| PETER STRZOK                      | ) | <b>REDACTED</b>                             |
|                                   | ) |   |
| IN RE SUBPOENA SERVED ON DONALD   | ) | Related: <i>Strzok v. Garland, et al.</i> , |
| J. TRUMP                          | ) | 1:19-CV-2367-ABJ (D.D.C);                   |
|                                   | ) | <i>Page v. DOJ, et al.</i> ,                |
|                                   | ) | 1:19-cv-03675-TSC (D.D.C)                   |
| _____                             | ) |   |

**PLAINTIFF PETER STRZOK’S NOTICE IN RESPONSE  
TO THE COURT’S APRIL 27, 2022 MINUTE ORDER**

Mr. Strzok’s first requests for production of documents – served November 1, 2020 – were:

**REQUEST NO. 1:** All communications, or documents reflecting communications, between You and President Donald Trump, Don McGahn, any other White House official, or any person expressing or purporting to express President Trump’s or Mr. McGahn’s opinions, wishes, desires, or orders concerning Mr. Strzok, his political views, or his potential or actual discipline or termination.

**REQUEST NO. 2:** All documents possessed by, or communications sent from or to, Jeff Sessions, Christopher Wray, Rod J. Rosenstein, Andrew McCabe, Matthew Whitaker, Michael Horowitz, Scott Schools, or the Office of Deputy Attorney General concerning Mr. Strzok, his political views, or his potential or actual discipline or termination.

(Exhibit A at 6-7). Defendants served objections and responses on December 2, 2020 and construed the first Request as “limited to communications between DOJ and FBI employees and/or White House officials involved in the events that formed the basis of the termination of Mr. Strzok’s employment from the FBI,” and the second Request as “limited to documents relating to

Mr. Strzok’s political views or the events that formed the basis of the termination of Mr. Strzok’s employment from the FBI.” (Exhibit B). Mr. Strzok has served a third-party subpoena *duces tecum* on the National Archives and Records Administration for “Records dated July 1, 2017 through August 9, 2018 concerning Peter Strzok’s employment at the FBI,” but has not yet received documents responsive to that request. (See Proposed Subpoena, *Strzok v. Garland*, Case No. 1:19-CV-2367-ABJ, ECF No. 73-1). Mr. Strzok did not serve an interrogatory specifically requesting information on the January 2018 White House meetings.

Defendants have not identified any documents as responsive to any of Mr. Strzok’s individual document requests in this litigation. Mr. Strzok has, however, received voluminous document productions in response to his requests. The overwhelming majority of the responsive documents been produced since February 25, 2022.<sup>1</sup> Mr. Strzok identifies the following discovery as relevant to the January 2018 White House meetings:

- **Executive Calendar Entries:** DOJ executive calendar entries produced pursuant to a FOIA request show a January 22, 2022 meeting in the “WH Executive Dining Room” with attendees including “AG and Matt Whitaker.”<sup>2</sup> The entries also indicate that the Attorney General Sessions and Mr. Whitaker were escorted to the White House at 12:15 PM and left the White House at approximately 2:30 PM. Consistent with the *Vox* article, the calendar confirms that Attorney General Sessions returned to the White House the next day at approximately 9:15 PM. (Exhibit C). These calendar entries were introduced as an exhibit during Ms. Isgur’s deposition.
- **Sarah Isgur Deposition Testimony:** Ms. Isgur appears to have attended a January 23, 2022 meeting at the White House, but not the January 22 meeting. [REDACTED]

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<sup>1</sup> The FBI has produced approximately 32,700 pages, or more than 80 percent of its total production volume, since February 25, 2022. The FBI has identified a custodian for most of its production volumes. But the produced PDF files, which generally contain several hundred pages of concatenated emails and attachments, are not otherwise organized. Mr. Strzok does not believe this complies with Rule 34(b)(2)(E)(i). His review of the files is ongoing.

<sup>2</sup> Mr. Strzok presumes that Mr. Wray, like the White House attendees, is not listed because the calendar is an internal DOJ document that would not reflect the FBI Director’s schedule.

[REDACTED]

- [REDACTED]

- **Correspondence Concerning the Press Release:** Discovery has confirmed that the Attorney General released a press statement via email from Ms. Isgur to select reporters between 5:20 and 8:10 PM on January 22, roughly three hours after Attorney General Sessions returned from the White House. The statements promised, “If any wrongdoing were to be found to have caused this gap [in text messages between Mr. Strzok and Ms. Page], appropriate legal disciplinary action measure will be taken” and that the Department of Justice would “leave no stone unturned.” (*See, e.g.*, Exhibit F). Based on Mr. Strzok’s review of the documents, it does not appear that this statement was planned prior to the January 22 White House meeting. It is not apparent from the documents produced in this action what deliberation lead to the issuance of that statement. For example, Mr. Strzok has not identified any drafts of the press release.

After the Court’s minute order, Mr. Strzok’s counsel inquired whether Defendants’ counsel had identified any notes or email correspondence reflecting the substance of the January 2018 meetings in their review reviewed. The Defendants stated that they had “attempted to identify hard copy notes of [the alleged] January 2018 meetings” through agreed searches, but they did not recall any responsive documents. The Defendants declined to conduct a supplemental targeted search and review of any notes of the January 2018 White House meetings. Mr. Strzok believes it is likely that notes of the January 2018 meetings either (1) were not taken or (2) are not within the Defendants’ possession. Considering the attendees’ relative resources, current professional responsibilities (or lack thereof), health and ability to recall, and respective conduct towards Plaintiff, Mr. Strzok submits that a deposition of former President Trump is equitable and imposes no undue burden.

Dated: May 6, 2022

Respectfully submitted,

/s/ Aitan D. Goelman

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