**UNITED STATES DISTRICT COURT**
**DISTRICT OF DELAWARE**

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| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>- against -<br><br>ROBERT HUNTER BIDEN,<br><br>Defendant. | 23-mj-274-MN<br><br>**DECLARATION OF JESSICA BENGELS** |

I, Jessica L. Bengels, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a staff member at the law firm of Latham & Watkins LLP, 1271 Avenue of the Americas, New York, New York, and am a member in good standing of the bar of the State of New York. I submit this declaration in response to the Court Order of July 25, 2023.

2. I have worked at Latham & Watkins LLP for more than 18 years (since March 9, 2005). My current title at Latham is Director of Litigation Services, Litigation Services Counsel, and part of my role is to help attorneys comply with court and judges' rules and e-filing protocol, with a focus on New York procedure. My name, contact information, and biographical information are publicly available on Latham's web site and attached as Exhibit 1.[1]

3. To date, I have not had any personal involvement in this case other than assisting the attorneys in this case with e-filing protocols and basic docket research.

4. On July 25, 2023 at around 11:42 a.m., at the request of one of the Latham attorneys handling this matter, I called the number listed on the Court's CM/ECF Manual

[1] https://www.lw.com/en/people/jessica-bengels

(302.573.6170) from my Latham & Watkins phone number (which often comes up on caller ID as "LATHAM") to ask for guidance regarding the appropriate procedures for restricting confidential e-filed material from the public view.

5. The clerk I spoke with, who identified herself as Julia, said that a motion to seal would need to be filed. I asked whether there is any policy for restricting personal information -- such as tax records, social security numbers, or other personal identifiers -- from the docket on an interim basis while the parties filed a more formal sealing application. In my experience, New York federal courts have such procedures to afford interim protection of confidential information. Julia asked me for the case number (which I provided) and placed me on a brief hold.

6. Julia asked me what law firm I was calling from and I told her Latham & Watkins LLP. I also mentioned that I believed the attorney for the matter from my firm (Latham) was Matt Salerno. She asked which docket numbers contained confidential materials and what the confidential content was specifically. I did not know the answer to those questions because I am not otherwise personally involved in this case and the purpose of my phone call was to figure out the procedure for seeking interim protection of materials. I told Julia I could call her back with that information once I had it if that would be helpful and that I really appreciated her help and guidance. She asked me if the documents in question were filed by Mr. Kittila's firm, and I said I believed so.

7. I did not call Julia back because at around 11:54 a.m., another Court employee called my Latham & Watkins phone number (which I believe she knew through caller ID) to let me know she would be removing the material from the docket as non-compliant with Federal Rule of Criminal Procedure 49.1. She did not ask which law firm I was affiliated with, and at no

time during this call did I mention anything about my law firm affiliation. After reading Exhibit B to Mr. Kittila's filing (Dkt. 8) and the Court's Oral Order (Dkt. 12), I believe there may have been some confusion when Julia passed the information on to the other Court employee, resulting in a mistaken understanding that I had called from Mr. Kittila's firm.

8. I am completely confident that I never indicated that I was calling from Mr. Kittila's firm or that I worked with him in any way. The only mention of his name was when Julia had asked me if the filings had been entered by Mr. Kittila's firm and I answered that I believed that to be the case.

9. At no time during any call with the Court today or ever did I misrepresent my firm affiliation or otherwise attempt to deceive the Court. Nor would this ever be my intention.

10. Attached as Exhibit 2 is a true and correct copy of my notes during the call with Julia in which I noted that she asked for the exact page and docket numbers and what the nature of the confidential material was more specifically, as I was unclear of the details.

11. Attached as Exhibit 3 is a screenshot of my phone log reflecting the call to Julia at 11:42 a.m. and the Clerk's call back to me at 11:54 a.m. I also received two missed calls from the court at around 1:46 p.m. and 1:54 p.m. I tried to return the missed calls at around 4:40 p.m. today to help clear up any confusion, but was directed to address any further issues with the Court.

Dated: July 25, 2023

Jessica L. Bengels