

EXHIBIT A

CLARK SMITH VILLAZOR

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July 25, 2023

Theodore A. Kittila, Esq.
William E. Green, Jr., Esq.
Halloran Farkas + Kittila LLP
5801 Kennett Pike, Suite C/D
Wilmington, DE 19807

Re: United States v. Biden, No. 23-MJ-00274-MN

Counsel:

It was brought to our attention that today, July 25, 2023, you filed an application to intervene as amicus in tomorrow's proceeding concerning our client, Robert H. Biden. Please withdraw your application forthwith, as it is in violation of applicable rules and law.

As you are aware, the hearing in which you now seek to intervene as amicus is scheduled to take place tomorrow, July 26, 2023. Before seeking leave, you failed to notify and seek the consent of the parties, as is required. Indeed the timing of your application seems calculated to deprive the parties of adequate time to review your application. You had ample time to notify the parties, as tomorrow's hearing was docketed a month ago. You elected not to do so. This is reason enough for the Court to deny your application, and you should withdraw your application on that basis.

In addition, you have not identified (nor could you identify) any legal basis for your attempt to intervene as amicus in tomorrow's proceeding. Because you lack a legal basis, the Court should deny your application and you should withdraw it.

Most troubling is that you have sought to append to a filing on the public docket hundreds of pages of documents, many of which contain grand jury secret information and confidential taxpayer information. We have alerted you to this issue and you have refused to file these materials under seal, frivolously claiming that because a congressional committee has improperly disseminated these materials, they no longer need protection. Your position is baseless and abusive.

We apprised the clerk of our concern that your filing violated applicable rules, as the enclosures contained sensitive information about our client that "shall not be included in any document filed with the court" (pursuant to the Court's Notice Regarding Criminal Case File

Documents¹). The clerk thereafter took your filing down. In response, it appears that you proceeded to file the exact same documents again. It is evident that you are more concerned with publicizing our client's personal information than you are with your application to intervene as amicus.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chae', written in a cursive style.

Christopher J. Clark

cc: Benjamin L. Wallace, Esq. (U.S. Department of Justice)
Leo J. Wise, Esq. (U.S. Department of Justice)
Derek E. Hines, Esq. (U.S. Department of Justice)
Richard I.G. Jones, Jr. (Berger Harris, LLP)
Brian C. McManus, Esq. (Latham & Watkins LLP)
Matthew S. Salerno, Esq. (Latham & Watkins LLP)
Timothy H. McCarten, Esq. (Latham & Watkins LLP)

¹ <https://www.ded.uscourts.gov/sites/ded/files/cm-ecf/CMECF-PrivacyCrDE.pdf>