

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

TY CLEVINGER,

Plaintiff,

vs.

**U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF
INVESTIGATION, and NATIONAL
SECURITY AGENCY,**

Defendants

Case No. 1:18-cv-1568-LB

NOTICE

NOW COMES the Plaintiff, Ty Clevenger, giving notice to the Court as follows:

The Plaintiff, acting in his capacity as counsel for Edward Butowsky in *Butowsky v. Folkenflik, et al.*, Case No. 4:18-CV-00442 (E.D.Tex.), deposed former Asst. U.S. Attorney Deborah Sines on March 20, 2020. The Court may recall that Ms. Sines was the prosecutor assigned to the Seth Rich murder case, and she told journalist Michael Isikoff during an interview last year that the FBI investigated attempts to hack into Mr. Rich's electronic accounts. See PLAINTIFF'S MOTION TO ACCEPT SUPPLEMENTAL EVIDENCE AND PLAINTIFF'S MOTION TO PERMIT DISCOVERY 2-3 (Doc. No. 44)(quoting excerpt of interview). During the same interview, Mr. Isikoff stated that the FBI had examined Seth Rich's computer. *Id.* In her March 20, 2020 testimony, Ms. Sines confirmed that her statements about the FBI investigation were true.¹ She further confirmed that the FBI had examined Mr. Rich's computer, as Mr.

¹ As witnessed by his electronic signature below, Ty Clevenger declares under penalty of perjury under the laws of the United States of America that his factual representations in this notice are true and correct.

Isikoff said. Finally, Ms. Sines testified that the FBI should have email communications regarding the foregoing activities.

Ms. Sines's testimony flatly contradicts the FBI's claims that (1) it did not investigate matters pertaining to Mr. Rich; (2) it did not examine his computer; and (3) it conducted a "reasonable" search but could not locate any records or communications about Mr. Rich. Specifically, Ms. Sines's testimony flatly contradicts the affidavit testimony of FBI Section Chief David M. Hardy. *See* October 3, 2018 DECLARATION OF DAVID M. HARDY (Doc. No. 16-1) and July 29, 2019 SECOND DECLARATION OF DAVID M. HARDY (attached in hard-copy form to the Defendants' motion for summary judgment). As soon as the Plaintiff obtains a transcript of the Sines deposition, he intends to move the Court to accept that transcript as evidence. The Plaintiff may also seek permission to depose Mr. Hardy.

Respectfully submitted,

/s/ Ty Clevenger

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PLAINTIFF PRO SE

CERTIFICATE OF SERVICE

I certify that on March 29, 2020, I filed this document with the Court's ECF system, which should result in automatic notification to Kathleen A. Mahoney, counsel for the Defendants, at kathleen.mahoney@usdoj.gov.

/s/ Ty Clevenger

Ty Clevenger