



Transcript of **Bryan Michael Pagliano**

Date: June 22, 2016

Case: Judicial Watch, Inc. -v- U.S. Department of State

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 - - - - - x

4 JUDICIAL WATCH, INC., :

5 Plaintiff, :

6 v. : Civil Action No.

7 U.S. DEPARTMENT OF STATE, : 13-cv-1363(EGS)

8 Defendant. :

9 - - - - - X

10
11 Videotaped Deposition of BRYAN MICHAEL PAGLIANO

12 Washington, DC

13 Wednesday, June 22, 2016

14 9:31 a.m.

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19
20 Job No.: 114999

21 Pages 1 - 72

22 Reported by: Debra A. Whitehead

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Conducted on June 22, 2016

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1 Videotaped Deposition of BRYAN MICHAEL PAGLIANO,
2 held at the offices of:

3

4

PLANET DEPOS - DC

5

1100 Connecticut Avenue, NW

6

Suite 950

7

Washington, DC 20036

8

(888) 433-3767

9

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12 Pursuant to subpoena, before Debra A. Whitehead,
13 an Approved Reporter of the United States District
14 Court and Notary Public of the District of Columbia.

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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF:

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1 A P P E A R A N C E S C O N T I N U E D

2 ON BEHALF OF DEFENDANT:

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10 ON BEHALF OF THE WITNESS:

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12 CONNOR MULLIN, ESQUIRE

13 CONSTANCE D. O'CONNOR, ESQUIRE

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19 ALSO PRESENT:

20 JEREMY DINEEN, Video Specialist

21 GREGORY LAUDADIO, Judicial Watch

22 SARAH WILLIAMSON, Akin Gump

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C O N T E N T S

EXAMINATION OF BRYAN MICHAEL PAGLIANO	PAGE
By Ms. Cotca	8

E X H I B I T S

(Attached to the Transcript)

DEPOSITION EXHIBIT	PAGE
Exhibit 1 Subpoena to Testify at a	11
Deposition in a Civil Action	
Exhibit 2 E-mail String	32

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1	P R O C E E D I N G S	09:30:56
2	VIDEO SPECIALIST: Here begins Tape Number	09:30:56
3	1 in the videotaped deposition of Bryan Pagliano in	09:31:09
4	the matter of Judicial Watch, Inc., v. The U.S.	09:31:14
5	Department of State, in the U.S. District Court for	09:31:17
6	the District of Columbia; Case Number 13-CV-1363.	09:31:20
7	Today's date is June 22nd, 2016. The time	09:31:28
8	on the video monitor is 9:31. The videographer	09:31:33
9	today is Jeremy Dineen, representing Planet Depos.	09:31:37
10	This video deposition is taking place at Planet	09:31:42
11	Depos, at 1100 Connecticut Avenue, Northwest, in	09:31:45
12	Washington, DC.	09:31:48
13	Would counsel please voice-identify	09:31:49
14	themselves and state whom they represent.	09:31:53
15	MS. COTCA: Ramona Cotca, for Judicial	09:31:56
16	Watch.	09:31:59
17	MR. MacDOUGALL: Mark MacDougall, Akin	09:31:59
18	Gump Strauss, for the deponent Bryan Pagliano.	09:32:01
19	MR. MULLIN: Connor Mullin, for Bryan	09:32:01
20	Pagliano.	09:32:07
21	MS. O'CONNOR: Constance O'Connor, for	09:32:07
22	Bryan Pagliano.	09:32:09

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1	MS. WILLIAMSON: Sarah Williamson, for	09:32:09
2	Bryan Pagliano.	09:32:11
3	MR. MYERS: Steven Myers for the	09:32:11
4	Department of State, and also for Mr. Pagliano in	09:32:14
5	his official capacity as a former State Department	09:32:16
6	employee.	09:32:18
7	MS. BERMAN: Marcia Berman, for the	09:32:18
8	Department of State.	09:32:21
9	MS. SHAPIRO: Elizabeth Shapiro, for the	09:32:21
10	Department of State.	09:32:23
11	MS. WELCHER: Alison Welcher, for the	09:32:23
12	Department of State.	09:32:26
13	MS. WOLVERTON: Caroline Wolverton, for	09:32:26
14	the Department of State.	09:32:30
15	MR. LAUDADIO: Gregory Laudadio, Judicial	09:32:30
16	Watch.	09:32:31
17	MR. PETERSON: James Peterson, for	09:32:31
18	Judicial Watch.	09:32:33
19	MR. BEKESHA: Michael Bekesha, for	09:32:33
20	Judicial Watch.	09:32:35
21	MR. ORFANEDES: Paul Orfanedes, for	09:32:35
22	Judicial Watch.	09:32:39

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1	VIDEO SPECIALIST: The court reporter	09:32:39
2	today is Debbie Whitehead, representing Planet	09:32:40
3	Depos.	09:32:43
4	Would the reporter please swear in the	09:32:43
5	witness.	09:32:44
6	BRYAN MICHAEL PAGLIANO,	09:32:44
7	having been duly sworn, testified as follows:	09:32:53
8	EXAMINATION BY COUNSEL FOR PLAINTIFF	09:32:53
9	BY MS. COTCA:	09:32:53
10	Q Good morning, Mr. Pagliano. I'm Ramona	09:32:58
11	Cotca, and I represent Judicial Watch in this	09:33:01
12	lawsuit. Thank you for coming here today.	09:33:03
13	For the record, could you please state	09:33:05
14	your full name.	09:33:07
15	A Bryan Michael Pagliano.	09:33:09
16	Q Thank you. Mr. Pagliano, am I pronouncing	09:33:10
17	that correctly?	09:33:14
18	A Uh-huh.	09:33:14
19	Q Thank you. Have you ever been deposed in	09:33:15
20	any previous lawsuits, civil lawsuits?	09:33:17
21	MR. MacDOUGALL: Objection. Instruct the	09:33:20
22	witness not to answer as being outside the scope.	09:33:21

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1 Q All right. I'll go over some ground rules 09:33:24
2 with you for the deposition -- for purposes of the 09:33:26
3 deposition. As you see, we have madam court 09:33:28
4 reporter here who is transcribing everything we're 09:33:30
5 saying today. So I would just ask that we don't 09:33:32
6 speak over each other. 09:33:35

7 I will do my best to let you answer every 09:33:36
8 question fully, and I would also just ask that 09:33:39
9 you -- although you may anticipate what the question 09:33:42
10 may be, that you let me fully finish asking the 09:33:45
11 question that I'm going to ask. Is that fair? 09:33:48

12 A Uh-huh. 09:33:51

13 Q The next instruction would be for any 09:33:52
14 responses to be verbal responses. 09:33:54

15 A Yes. 09:33:57

16 Q Okay. Thank you very much. 09:33:57

17 Also, there may be objections that your 09:33:59
18 attorneys or the other attorneys in the room may 09:34:02
19 state for the record. Unless your attorney is 09:34:03
20 instructing you not to answer, you must still answer 09:34:06
21 the question. Okay? 09:34:09

22 A Yes. 09:34:11

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1 Q Okay. Also, if you do not understand a 09:34:12
2 question that I'm asking, I would ask that you 09:34:14
3 please let me know that you do not understand it, 09:34:17
4 and I will do my best to clarify it or reask it in a 09:34:18
5 different way. But if you do not let me know, I 09:34:22
6 will assume you have understood the question as it 09:34:24
7 is being asked. Is that fair? 09:34:27

8 A Yes. 09:34:29

9 Q Okay. Finally, you -- you have been sworn 09:34:29
10 in. You understand that your testimony is under -- 09:34:33
11 under oath. Is there any reason why you would not 09:34:35
12 be able to truthfully answer the questions being 09:34:37
13 asked today? 09:34:40

14 MR. MacDOUGALL: Objection. Outside the 09:34:40
15 scope of permissible discovery. 09:34:42

16 The witness is instructed not to answer. 09:34:45

17 MS. COTCA: Whether there's any reason he 09:34:49
18 cannot answer the questions truthfully? 09:34:50

19 MR. MacDOUGALL: I am not going to debate 09:34:53
20 that with you. The witness has been instructed not 09:34:54
21 to answer. Ask your next question. 09:34:56

22 MS. COTCA: Okay. 09:35:00

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11

1 BY MS. COTCA:

09:35:02

2 Q Mr. Pagliano, are you currently employed
3 and, if so, where?

09:35:10

09:35:12

4 MR. MacDOUGALL: Outside the scope of
5 permissible discovery.

09:35:13

09:35:14

6 The witness is instructed not to answer.

09:35:15

7 MS. COTCA: Could you please mark this as
8 Exhibit 1.

09:35:18

09:35:19

9 (Pagliano Deposition Exhibit 1 marked for
10 identification and is attached to the transcript.)

09:35:29

09:35:30

11 Q Mr. Pagliano, have you reviewed what I've
12 been -- what's been marked as Exhibit 1?

09:35:30

09:35:48

13 MR. MacDOUGALL: Ms. Cotca, I will
14 represent to you the witness has, because the
15 subpoena was served on us, the witness has reviewed
16 it and understands it and has discussed it with
17 counsel.

09:35:50

09:35:52

09:35:54

09:35:56

09:35:58

18 MS. COTCA: Okay. Well, I will need your
19 client -- I will need the witness to answer that and
20 to tell me that rather than his attorney.

09:35:58

09:36:00

09:36:02

21 MR. MacDOUGALL: It is outside the scope
22 of permissible discovery. I've -- I've given you

09:36:05

09:36:06

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1 the information you need. We've accepted the 09:36:08
2 service on his behalf, and I've made the 09:36:10
3 representation to you. 09:36:12

4 BY MS. COTCA: 09:36:13

5 Q Mr. Pagliano, have you seen this document 09:36:13
6 before here today? 09:36:15

7 MR. MacDOUGALL: Same. Objection. That's 09:36:16
8 outside the scope of discovery. 09:36:18

9 Instruct the witness not to answer. 09:36:20

10 MS. COTCA: This is a subpoena for his 09:36:25
11 testimony here today for the discovery being taken. 09:36:26
12 I don't know how that can be outside of the scope of 09:36:29
13 discovery. 09:36:31

14 You've instructed your witness not to 09:36:34
15 answer. 09:36:35

16 MR. MacDOUGALL: What's your next 09:36:35
17 question? 09:36:36

18 BY MS. COTCA: 09:36:36

19 Q Other than this document, Mr. Pagliano, 09:36:36
20 have you reviewed any other documents in preparation 09:36:40
21 for today's deposition? 09:36:42

22 MR. MacDOUGALL: Outside the scope of 09:36:43

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1	permissible discovery.	09:36:45
2	The witness is instructed not to answer.	09:36:46
3	MS. COTCA: I'm asking, for purposes of	09:36:50
4	preparing for his deposition that has been granted	09:36:52
5	by the court for purposes of the discovery taken in	09:36:55
6	this case, if he has reviewed any other documents.	09:36:57
7	I do not see how that's outside the scope	09:37:01
8	of discovery in this case.	09:37:03
9	MR. MacDOUGALL: Not here to debate that	09:37:05
10	with you, Ms. Cotca.	09:37:06
11	The witness has been advised, and the	09:37:07
12	objection is on the record.	09:37:09
13	MS. COTCA: For scope. Is that right?	09:37:10
14	MR. MacDOUGALL: Yes.	09:37:13
15	MS. COTCA: Okay.	09:37:14
16	BY MS. COTCA:	09:37:15
17	Q Mr. Pagliano, are you following your	09:37:15
18	counsel's advice and not answering the question?	09:37:17
19	MR. MacDOUGALL: Objection for privilege	09:37:19
20	and numerous other reasons.	09:37:22
21	That's outside the scope of discovery, and	09:37:25
22	he's instructed not to answer that question.	09:37:27

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14

1 Q And I'm asking him if he's refusing to 09:37:29
2 answer the question. 09:37:31

3 MR. MacDOUGALL: No. 09:37:32

4 Q Mr. Pagliano, you may answer the question 09:37:32
5 unless your client -- 09:37:34

6 MR. MacDOUGALL: He's been instructed not 09:37:35
7 to answer, and you can't instruct him otherwise. 09:37:36

8 Q Mr. Pagliano, have you reviewed the 09:37:47
9 testimony of Cheryl -- the transcript of Cheryl 09:37:49
10 Mills' deposition transcript that she has provided 09:37:52
11 in this case? 09:37:56

12 MR. MacDOUGALL: Witness is instructed not 09:37:56
13 to answer. Outside the scope of discovery. 09:37:58

14 Q Mr. Pagliano, have you reviewed any of the 09:38:03
15 deposition transcripts by -- that were provided by 09:38:09
16 either Lewis Lukens, Stephen Mull, or Karin Lang in 09:38:13
17 the discovery of this case in preparation for your 09:38:17
18 deposition here today? 09:38:19

19 MR. MacDOUGALL: Same instruction. 09:38:19
20 Outside the scope of the court's order. He's 09:38:21
21 instructed not to answer. 09:38:23

22 Ms. Cotca, if you have questions that are 09:38:27

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1 within the scope we'll be happy to respond to them. 09:38:29

2 MS. COTCA: They are within the scope. 09:38:31

3 And I disagree with you that these are not within 09:38:33

4 the scope. The question -- all of these questions 09:38:35

5 relate directly to what the witness has done to 09:38:36

6 prepare himself for today's deposition that has been 09:38:38

7 specifically granted by Judge Sullivan in this case. 09:38:41

8 That's entirely within the scope of discovery in 09:38:43

9 this case. 09:38:45

10 MR. MacDOUGALL: Do you have another 09:38:45

11 question? 09:38:46

12 Q Mr. Pagliano, other than your attorneys, 09:38:46

13 have you spoken with anybody else in preparation for 09:38:50

14 your deposition here today? 09:38:52

15 MR. MacDOUGALL: The witness is instructed 09:38:54

16 not to answer. It's outside the scope of discovery. 09:38:57

17 Q I'd like to briefly go over your 09:39:00

18 employment history in the past ten years. Starting 09:39:04

19 in 2006 in chronological order. Who -- where were 09:39:08

20 you employed in 2006 and for how long? 09:39:13

21 MR. MacDOUGALL: Witness is instructed not 09:39:15

22 to answer. That question is outside the scope. 09:39:16

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1 Q Okay. When did you begin -- start working 09:39:21
2 for the State Department, Mr. Pagliano? 09:39:28

3 A On advice of counsel, I will decline to 09:39:32
4 answer your question in reliance on my rights under 09:39:34
5 the Fifth Amendment to the United States 09:39:37
6 Constitution. 09:39:38

7 Q All right. In connection with your work 09:39:47
8 for Secretary Clinton when she came to the State 09:39:53
9 Department in early 2009, what work did you do for 09:39:56
10 Secretary Clinton with respect to setting up her 09:40:00
11 e-mail with a domain name Clintonemail.com? 09:40:04

12 A On advice of counsel, I will decline to 09:40:09
13 answer your question in reliance on my rights under 09:40:11
14 the Fifth Amendment to the United States 09:40:13
15 Constitution. 09:40:15

16 Q What role did you have in setting up the 09:40:18
17 server that was located in the residence of 09:40:32
18 Secretary Clinton in New York that was connected to 09:40:35
19 her e-mail account with the domain 09:40:39
20 @Clintonemail.com? 09:40:44

21 A On advice of counsel, I will decline to 09:40:45
22 answer your question in reliance on my rights under 09:40:47

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1 the Fifth Amendment to the United States 09:40:50

2 Constitution. 09:40:51

3 Q All right. With respect to the setup of 09:40:53

4 the server, which I will refer to as the Clinton 09:40:57

5 server that was connected for Secretary Clinton's 09:40:59

6 e-mail with a domain of @Clintonemail.com, who else 09:41:03

7 was involved in the technical side in setting up 09:41:09

8 that system? 09:41:12

9 MR. MYERS: Objection. Vague. 09:41:14

10 Q In 2009. 09:41:15

11 A Upon advice of counsel, I will decline to 09:41:19

12 answer your question in reliance on my rights under 09:41:21

13 the Fifth Amendment of the United States 09:41:24

14 Constitution. 09:41:26

15 Q All right. Who paid for the server? 09:41:27

16 A On advice of counsel, I will decline to 09:41:32

17 answer your question in reliance on my rights under 09:41:34

18 the Fifth Amendment to the United States 09:41:36

19 Constitution. 09:41:38

20 Q Who paid for setting up the 09:41:38

21 Clintonemail.com system? 09:41:41

22 A On advice of counsel, I will decline to 09:41:44

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1 answer your question in reliance on my rights under 09:41:46
2 the Fifth Amendment to the United States 09:41:48
3 Constitution. 09:41:50

4 Q In early 2009, how many e-mail accounts 09:41:50
5 were associated with the Clintonemail.com system? 09:41:56

6 A On the advice of counsel, I will decline 09:42:02
7 to answer your question in reliance on my rights 09:42:04
8 under the Fifth Amendment to the United States 09:42:06
9 Constitution. 09:42:08

10 Q How many e-mail accounts did Secretary 09:42:08
11 Clinton have that were associated with the 09:42:15
12 Clintonemail.com system? 09:42:17

13 A On advice of counsel, I will decline to 09:42:21
14 answer your question in reliance on my rights under 09:42:24
15 the Fifth Amendment to the United States 09:42:27
16 Constitution. 09:42:29

17 Q Who else from the State Department had 09:42:29
18 e-mail accounts that were associated with the 09:42:48
19 Clintonemail.com server in early 2009? 09:42:50

20 A On advice of counsel, I will decline to 09:42:55
21 answer your question in reliance on my rights under 09:42:57
22 the Fifth Amendment to the United States 09:43:00

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1 Constitution.

09:43:02

2 Q Did you have an e-mail account set up on
3 the Clintonemail.com server?

09:43:03

09:43:11

4 A On the advice of counsel, I will decline
5 to answer your question in reliance on my rights
6 under the Fifth Amendment to the United States
7 Constitution.

09:43:15

09:43:17

09:43:19

09:43:22

8 Q All right. The same question with respect
9 to whether Cheryl Mills, Jacob Sullivan, or Philippe
10 Reines, whether they had e-mail accounts associated
11 with the e-mail.com server or system.

09:43:22

09:43:26

09:43:31

09:43:33

12 A On the advice of counsel, I will decline
13 to answer your question in reliance on my rights
14 under the Fifth Amendment to the United States
15 Constitution.

09:43:37

09:43:39

09:43:41

09:43:43

16 Q Do you know Huma Abedin?

09:43:45

17 A On the advice of counsel, I will decline
18 to answer your question in reliance on my rights
19 under the Fifth Amendment to the United States
20 Constitution.

09:43:56

09:43:58

09:44:00

09:44:01

21 Q In setting up the server and the
22 Clintonemail.com system, what discussions did you

09:44:02

09:44:19

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1 have with Secretary Clinton as to how the system 09:44:22
2 should be set up and why? 09:44:27

3 MR. MYERS: Objection. Assumes facts not 09:44:29
4 in evidence. 09:44:30

5 Q If any. 09:44:42

6 You may answer unless your -- 09:44:46

7 A On the advice of counsel, I will decline 09:44:48
8 to answer your question in reliance on my rights 09:44:50
9 under the Fifth Amendment to the United States 09:44:52
10 Constitution. 09:44:54

11 Q What was your understanding about why the 09:44:55
12 server and the Clintonemail.com system was being set 09:45:02
13 up in 2009? 09:45:05

14 A On the advice of counsel, I will decline 09:45:08
15 to answer your question in reliance on my rights 09:45:11
16 under the Fifth Amendment to the United States 09:45:13
17 Constitution. 09:45:15

18 Q Did Ms. Abedin have more than one e-mail 09:45:15
19 account associated with the Clintonemail.com system? 09:45:24

20 A On the advice of counsel, I will decline 09:45:29
21 to answer your question in reliance on my rights 09:45:31
22 under the Fifth Amendment to the United States 09:45:33

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1 Constitution.

09:45:34

2 Q Was the Clintonemail.com system created
3 for Secretary Clinton to use during her tenure as
4 Secretary of State for government business?

09:45:35

09:45:48

09:45:50

5 A On the advice of counsel, I will decline
6 to answer your question in reliance on my rights
7 under the Fifth Amendment to the United States
8 Constitution.

09:45:54

09:45:56

09:45:58

09:46:00

9 Q Did you have any discussions, if any, with
10 Cheryl Mills in late 2008, early 2009, about the
11 setup of the server or the Clintonemail.com system
12 and its purpose?

09:46:01

09:46:12

09:46:16

09:46:19

13 MR. MYERS: Objection. Vague and
14 compound.

09:46:22

09:46:23

15 Q You may answer.

09:46:31

16 A On the advice of counsel, I will decline
17 to answer your question in reliance on my rights
18 under the Fifth Amendment to the United States
19 Constitution.

09:46:36

09:46:38

09:46:40

09:46:41

20 Q Did you have any discussions with
21 Secretary Clinton in late 2008, early 2009, with
22 respect to whether she would use a State Department

09:46:42

09:46:50

09:46:56

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1 e-mail account for her work business, for her 09:47:02
2 government business, with the domain State.gov? 09:47:05

3 A On the advice of counsel, I will decline 09:47:11
4 to answer your question in reliance on my rights 09:47:12
5 under the Fifth Amendment to the United States 09:47:15
6 Constitution. 09:47:16

7 Q Did you have any discussions with Cheryl 09:47:17
8 Mills in 2008 and two thousand -- late 2008, early 09:47:21
9 2009, with respect to whether Secretary Clinton 09:47:27
10 would use a State Department e-mail for her 09:47:34
11 government business with the domain State.gov? 09:47:39

12 A On the advice of counsel, I will decline 09:47:44
13 to answer your question in reliance on my rights 09:47:46
14 under the Fifth Amendment to the United States 09:47:48
15 Constitution. 09:47:51

16 Q As far as you know, why did Secretary 09:47:51
17 Clinton not want to use an official State Department 09:47:56
18 e-mail for her state government business? 09:47:58

19 MR. MYERS: Objection. Assumes facts not 09:48:01
20 in evidence. 09:48:03

21 A On the advice of counsel, I will decline 09:48:08
22 to answer your question in reliance on my rights 09:48:09

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1 under the Fifth Amendment to the United States 09:48:11

2 Constitution. 09:48:12

3 Q Do you know Cheryl Mills? 09:48:13

4 A On the advice of counsel, I will decline 09:48:24

5 to answer your question in reliance on my rights 09:48:26

6 under the Fifth Amendment to the United States 09:48:28

7 Constitution. 09:48:30

8 Q Have you ever seen her while you were 09:48:31

9 working at the State Department? 09:48:34

10 A On the advice of counsel, I will decline 09:48:38

11 to answer your question in reliance on my rights 09:48:40

12 under the Fifth Amendment to the United States 09:48:42

13 Constitution. 09:48:44

14 Q What part of that question raises a basis 09:48:44

15 for fear of potential prosecution? 09:48:51

16 MR. MacDOUGALL: Objection. The client is 09:48:54

17 direct -- the deponent is directed not to answer. 09:48:56

18 That is outside the scope of discovery. 09:48:58

19 MS. COTCA: His discussions with Cheryl 09:49:01

20 Mills? I've -- I've asked him questions with 09:49:02

21 respect to his discussions with Cheryl Mills when he 09:49:05

22 was at the State Department with respect to the 09:49:08

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1 server, and he is asserting his Fifth Amendment
2 privilege. 09:49:10
09:49:16

3 I'm asking whether he ever met Ms. Mills 09:49:16
4 at the State Department. It's within the scope of 09:49:19
5 discovery. And he has raised his Fifth Amendment 09:49:20
6 privilege. 09:49:23

7 To raise a Fifth Amendment privilege, 09:49:24
8 there must be a reasonable basis for it, and it must 09:49:26
9 be appropriate, not just for purposes of obstructing 09:49:29
10 the deposition. 09:49:31

11 MR. MacDOUGALL: Ms. Cotca, I object to 09:49:32
12 your -- to your soliloquy there. You've been on 09:49:34
13 notice for many weeks that Mr. Pagliano was going to 09:49:37
14 assert his Fifth Amendment rights. He's doing that. 09:49:40
15 That is his constitutional right. And you have 09:49:42
16 no -- you have no authority or no right to lecture 09:49:45
17 him about it. 09:49:48

18 So if you have another question, please 09:49:48
19 ask it. 09:49:50

20 MS. COTCA: I did not lecture Mr. Pagliano 09:49:51
21 about it. I was actually speaking with you about 09:49:52
22 it, with respect to the appropriateness of raising 09:49:54

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1 the privilege. 09:49:57

2 We have not yet seen the scope of the 09:49:58

3 immunity agreement. The only thing that you have 09:50:00

4 pointed in the briefs and in the pleadings that have 09:50:03

5 been filed with the court is the creation and 09:50:06

6 operation of the Clinton server. Nothing else. 09:50:10

7 MR. MacDOUGALL: Ms. Cotca, I don't know 09:50:14

8 what you're trying to do, but I'm not going to get 09:50:16

9 into a discussion with you about that or anything 09:50:18

10 else, as I told you at the outset. 09:50:19

11 If you have another question for this 09:50:21

12 witness, please ask it. 09:50:23

13 MS. COTCA: Well, we'll reserve to go back 09:50:25

14 to the court and to compel if we deem that it is 09:50:27

15 appropriate. And if the Fifth Amendment, for the 09:50:30

16 court to decide whether the privilege has been 09:50:33

17 properly asserted. 09:50:34

18 MR. MacDOUGALL: Do you have another 09:50:36

19 question, Ms. Cotca? 09:50:37

20 BY MS. COTCA: 09:50:41

21 Q If you know -- strike that. 09:50:58

22 When was the last time you spoke with -- 09:51:02

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1 with Ms. Mills?

09:51:05

2 A On the advice of counsel, I will decline
3 to answer your question in reliance on my rights
4 under the Fifth Amendment to the United States
5 Constitution.

09:51:08

09:51:10

09:51:14

09:51:15

6 Q Did you speak with Ms. Mills in 2015 about
7 the setup of Secretary Clinton's server?

09:51:15

09:51:18

8 A On the advice of counsel, I will decline
9 to answer your question in reliance on my rights
10 under the Fifth Amendment to the United States
11 Constitution.

09:51:22

09:51:24

09:51:26

09:51:28

12 Q Did Secretary Clinton authorize you to
13 speak with Cheryl Mills in 2015 about the setup of
14 the server?

09:51:29

09:51:31

09:51:35

15 A On the advice of counsel, I will decline
16 to answer your question in reliance on my rights
17 under the Fifth Amendment to the United States
18 Constitution.

09:51:37

09:51:39

09:51:41

09:51:42

19 Q Same question for 2014: Did you speak
20 with Ms. Mills about the setup of Secretary
21 Clinton's server?

09:51:43

09:51:48

09:51:50

22 A On the advice of counsel, I will decline

09:51:53

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1 to answer your question in reliance on my rights 09:51:56
2 under the Fifth Amendment to the United States 09:51:58
3 Constitution. 09:52:00

4 Q And the same time frame. In 2014, did 09:52:00
5 Secretary Clinton authorize you to speak with Cheryl 09:52:04
6 Mills about the setup of the server? 09:52:07

7 A On the advice of counsel, I will decline 09:52:13
8 to answer your question in reliance on my rights 09:52:15
9 under the Fifth Amendment to the United States 09:52:17
10 Constitution. 09:52:19

11 Q During any conversations you had with 09:52:19
12 Ms. Mills in 2014 or 2015 about the setup of the 09:52:26
13 server, did she represent to you that she was 09:52:31
14 legally representing Secretary Clinton at the time? 09:52:35

15 MR. MYERS: Objection. Assumes facts not 09:52:37
16 in evidence. 09:52:38

17 Q You may answer. 09:52:39

18 A On the advice of counsel, I will decline 09:52:42
19 to answer your question in reliance on my rights 09:52:44
20 under the Fifth Amendment to the United States 09:52:46
21 Constitution. 09:52:47

22 Q Did you discuss with anyone any 09:52:48

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1	discussions you may have had with Ms. Mills in 2014	09:52:59
2	and/or 2015 about the setup of the server?	09:53:03
3	MR. MYERS: Objection. Ambiguous and	09:53:08
4	vague.	09:53:10
5	Q I'll try to rephrase that.	09:53:19
6	Did you discuss with anybody any	09:53:21
7	discussions that you may have had with Ms. Mills in	09:53:24
8	the time -- during the time frame of 2014 and 2015	09:53:29
9	about the setup of Secretary Clinton's server and	09:53:33
10	the Clintonemail.com system?	09:53:37
11	MR. MYERS: Objection. Ambiguous, vague,	09:53:39
12	and compound.	09:53:41
13	Q You may answer.	09:53:41
14	A On the advice of counsel, I will decline	09:53:44
15	to answer your question in reliance on my rights	09:53:45
16	under the Fifth Amendment to the United States	09:53:48
17	Constitution.	09:53:49
18	Q Did you tell the FBI about your	09:53:50
19	conversations with Ms. Mills in 2014 and 2015 that	09:53:57
20	you had about the server?	09:54:05
21	MR. MYERS: Objection.	09:54:06
22	MR. MacDOUGALL: Objection. That is	09:54:07

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1	specifically outside the scope of discovery --	09:54:07
2	MR. MYERS: Same objection.	09:54:09
3	MR. MacDOUGALL: -- sustained by the	09:54:10
4	judge's order.	09:54:11
5	MR. MYERS: Same objection by the	09:54:12
6	government.	09:54:13
7	MR. MacDOUGALL: And the witness is	09:54:14
8	instructed not to answer.	09:54:14
9	MS. COTCA: And it's not outside the	09:54:15
10	scope, to the extent that during Ms. Mills'	09:54:17
11	deposition her attorney raised privileged --	09:54:20
12	potential privilege with respect to discussions that	09:54:25
13	she had with Mr. Pagliano in either 2014 and 2015.	09:54:28
14	So I think it is appropriate to ask the followup	09:54:33
15	question to see whether the -- the privilege was	09:54:36
16	properly asserted.	09:54:39
17	MR. MacDOUGALL: Well, I appreciate your	09:54:40
18	opinion, Ms. Cotca, but that's inconsistent with the	09:54:41
19	judge's order, which says plaintiff is not entitled	09:54:43
20	to discovery on matters unrelated to, and it	09:54:45
21	includes pending FBI or law-enforcement	09:54:48
22	investigations. You just asked this witness what,	09:54:51

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1 if anything, he might have said to the FBI. It's 09:54:53
2 clearly outside the scope. 09:54:55

3 The witness has been instructed not to 09:54:56
4 answer. Do you have another question? 09:54:59

5 MS. COTCA: That is not my opinion. I am 09:54:59
6 just stating for the record the basis for asking the 09:55:00
7 question. 09:55:03

8 MR. MacDOUGALL: Well, ask your next 09:55:03
9 question. 09:55:04

10 MS. COTCA: And if the witness has waived 09:55:05
11 the privilege, the privilege no longer exists. So 09:55:06
12 the question is entirely appropriate. 09:55:11

13 MR. MacDOUGALL: Ask your next question. 09:55:13

14 MR. MYERS: And the government asserts the 09:55:14
15 same objection. 09:55:15

16 BY MS. COTCA: 09:55:25

17 Q Since leaving the State Department, who 09:55:26
18 did you discuss the setup of Secretary Clinton's 09:55:30
19 server and the Clintonemail.com system? 09:55:36

20 MR. MYERS: Objection. Outside the scope 09:55:38
21 of permissible discovery. To the extent that you're 09:55:39
22 not excluding the -- the topic specifically excluded 09:55:41

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1 from the court's order, such as active law 09:55:45
2 enforcement investigations. 09:55:47

3 Q Okay. The same question, except for 09:55:48
4 conversations with the FBI. 09:55:50

5 MR. MYERS: Same objection, to the extent 09:55:53
6 you're not excluding all active law enforcement 09:55:54
7 investigations and any other topics excluded from 09:55:56
8 the court's order. 09:55:59

9 Q You may answer. 09:56:01

10 A On the advice of counsel, I will decline 09:56:04
11 to answer your question in reliance on my rights 09:56:06
12 under the Fifth Amendment to the United States 09:56:08
13 Constitution. 09:56:09

14 Q Do you know Justin Cooper? 09:56:11

15 A On the advice of counsel, I will decline 09:56:17
16 to answer your question in reliance on my rights 09:56:19
17 under the Fifth Amendment to the United States 09:56:21
18 Constitution. 09:56:23

19 Q What was Mr. Cooper's role in setting up 09:56:24
20 the server for Secretary Clinton's e-mail? 09:56:29

21 A On the advice of counsel, I will decline 09:56:33
22 to answer your question in reliance on my rights 09:56:35

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1 under the Fifth Amendment to the United States 09:56:38
2 Constitution. 09:56:39

3 Q What involvement did Justin Cooper have in 09:56:40
4 maintaining and operating the server from 2009 to 09:56:45
5 2013 during Secretary Clinton's tenure at the State 09:56:51
6 Department? 09:56:53

7 MR. MYERS: Objection. Assumes facts not 09:56:54
8 in evidence. 09:56:55

9 Q If any. 09:56:56

10 A On the advice of counsel, I will decline 09:56:59
11 to answer your question in reliance on my rights 09:57:01
12 under the Fifth Amendment to the United States 09:57:03
13 Constitution. 09:57:05

14 Q Okay. When was the last time you saw or 09:57:05
15 spoke with Mr. Cooper? 09:57:16

16 A On the advice of counsel, I will decline 09:57:23
17 to answer your question in reliance on my rights 09:57:24
18 under the Fifth Amendment to the United States 09:57:27
19 Constitution. 09:57:28

20 MS. COTCA: Mark that as Exhibit 2, 09:57:34
21 please. 09:57:37

22 (Pagliano Deposition Exhibit 2 marked for 09:57:37

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1	identification and is attached to the transcript.)	09:57:55
2	MR. MacDOUGALL: These are all the same,	09:57:55
3	Ms. Cotca? These are all copies of the same	09:57:56
4	document? I'll hand them around.	09:57:58
5	MS. COTCA: Yes. I try to bring	09:58:00
6	sufficient copies for everyone.	09:58:01
7	MR. MacDOUGALL: I just wanted to make	09:58:02
8	sure it wasn't a bundle of different things. All	09:58:03
9	right.	09:58:07
10	MR. MYERS: Is this Exhibit 2, Ramona?	09:58:07
11	MS. COTCA: Yes.	09:58:10
12	MR. MYERS: Thank you.	09:58:11
13	BY MS. COTCA:	09:58:23
14	Q Mr. Pagliano, have you had a chance to	09:58:24
15	review what's been marked as Exhibit 2?	09:58:25
16	MR. MacDOUGALL: Are you going to mark	09:58:27
17	this? It's -- the copy we have, this has been	09:58:28
18	marked as Exhibit 2, the court reporter?	09:58:31
19	MS. COTCA: I believe it's in front of	09:58:33
20	Mr. Pagliano.	09:58:34
21	MR. MacDOUGALL: Okay. Very good.	09:58:34
22	MS. COTCA: Marked as Exhibit 2.	09:58:35

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1 MR. MacDOUGALL: My apologies. 09:58:37

2 Q Mr. Pagliano, have you had a chance to 09:58:39
3 review what's been marked as Exhibit 2? 09:58:40

4 A On the advice of counsel, I would decline 09:58:42
5 to answer your question in reliance on my rights 09:58:45
6 under the Fifth Amendment to the United States 09:58:47
7 Constitution. 09:58:48

8 Q Is it a fair description if I say that 09:58:49
9 Exhibit 2 is -- seems to be a string of e-mails 09:58:56
10 dating from February -- around February 2009 with 09:59:02
11 the attachment of your résumé that you submitted to 09:59:07
12 the State Department for your employment there? 09:59:09

13 MR. MYERS: Objection. Foundation. 09:59:13

14 A On the advice of counsel, I will decline 09:59:18
15 to answer your question in reliance on my rights 09:59:19
16 under the Fifth Amendment to the United States 09:59:21
17 Constitution. 09:59:23

18 Q Okay. Could you please turn to Page 3 of 09:59:23
19 Exhibit 2, Mr. Pagliano, and take a look at that. 09:59:27

20 Thank you. Have you had a chance to look 09:59:45
21 at it? 09:59:47

22 A On the advice of counsel, I will decline 09:59:50

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1 to answer your question in reliance on my rights 09:59:52
2 under the Fifth Amendment to the United States 09:59:54
3 Constitution. 09:59:55

4 Q Mr. Pagliano, is this a copy of the résumé 09:59:56
5 that you submitted for your employment at the State 10:00:00
6 Department in 2009? 10:00:02

7 A On the advice of counsel, I will decline 10:00:06
8 to answer your question in reliance on my rights 10:00:08
9 under the Fifth Amendment to the United States 10:00:10
10 Constitution. 10:00:12

11 Q When did your employment for the State 10:00:12
12 Department begin, Mr. Pagliano? 10:00:38

13 A On the advice of counsel, I will decline 10:00:40
14 to answer your questions in reliance on my rights 10:00:43
15 under the Fifth Amendment to the United States 10:00:45
16 Constitution. 10:00:46

17 Q How did you learn about the position being 10:00:48
18 available at the State Department? 10:00:51

19 A On the advice of counsel, I will decline 10:00:56
20 to answer your question in reliance on my rights 10:00:58
21 under the Fifth Amendment to the United States 10:01:00
22 Constitution. 10:01:01

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1	Q	And is it correct, Mr. Pagliano, that you	10:01:02
2		worked for, when you began employment at the State	10:01:10
3		Department, you worked for Information Resource	10:01:13
4		Management, with the acronym IRM, as a senior	10:01:15
5		advisor starting in May of 2009?	10:01:20
6		MR. MacDOUGALL: Objection. Outside the	10:01:22
7		scope of the court's order.	10:01:23
8		The witness is instructed not to answer.	10:01:26
9	Q	Mr. Pagliano, why were you hired as a	10:01:28
10		political appointee when you began working for the	10:01:29
11		State Department?	10:01:33
12		MR. MYERS: Objection. Assumes facts not	10:01:34
13		in evidence.	10:01:36
14		MR. MacDOUGALL: Objection. Outside the	10:01:36
15		scope of the court's order.	10:01:37
16		The witness is instructed not to answer.	10:01:39
17	Q	During your employment at the State	10:01:40
18		Department, who did you report to?	10:01:53
19		MR. MacDOUGALL: Objection. Outside the	10:01:55
20		scope of the court's order.	10:01:56
21		The witness is instructed not to answer.	10:01:57
22	Q	During your tenure at the State	10:02:02

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1 Department, did you oversee the operation and 10:02:07
2 maintenance of the Clintonemail.com system and the 10:02:10
3 server? 10:02:13

4 MR. MYERS: Objection. Compound. 10:02:15

5 Q You may answer. 10:02:20

6 A On the advice of counsel, I will decline 10:02:21
7 to answer your question in reliance on my rights 10:02:23
8 under the Fifth Amendment to the United States 10:02:25
9 Constitution. 10:02:26

10 Q What was your role in providing support 10:02:27
11 for the Clintonemail.com system during your tenure 10:02:31
12 at the State Department? 10:02:35

13 A On the advice of counsel, I will decline 10:02:39
14 to answer your question in reliance on my rights 10:02:41
15 under the Fifth Amendment to the United States 10:02:43
16 Constitution. 10:02:44

17 Q Was there a technical support help desk 10:02:44
18 created for the Clintonemail.com system during your 10:03:13
19 tenure at the State Department? 10:03:16

20 MR. MYERS: Objection. Vague. 10:03:18

21 A On the advice of counsel, I will decline 10:03:22
22 to answer your question in reliance on my rights 10:03:24

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1 under the Fifth Amendment to the United States 10:03:26
2 Constitution. 10:03:27

3 Q Did you oversee the technical support help 10:03:28
4 desk or provide any technical help for the 10:03:39
5 Clintonemail.com system during your tenure at the 10:03:42
6 State Department? 10:03:46

7 MR. MYERS: Objection. Compound. 10:03:47

8 Q You may answer. 10:03:50

9 A On the advice of counsel, I will decline 10:03:52
10 to answer your question on reliance on my rights 10:03:55
11 under the Fifth Amendment to the United States 10:04:00
12 Constitution. 10:04:02

13 Q What discussions, if any, did you have 10:04:03
14 with Secretary Clinton about coming to work for the 10:04:04
15 State Department in 2009? 10:04:07

16 A On the advice of counsel, I will decline 10:04:09
17 to answer your question on reliance on my rights 10:04:10
18 under the Fifth Amendment to the United States 10:04:14
19 Constitution. 10:04:16

20 Q The same question with respect to any 10:04:16
21 discussions you may have had with Cheryl Mills. 10:04:18

22 MR. MYERS: Objection. Vague. 10:04:20

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1 A On the advice of counsel, I will decline 10:04:24
2 to answer your question in reliance on my rights 10:04:25
3 under the Fifth Amendment to the United States 10:04:28
4 Constitution. 10:04:30

5 Q How about Heather Samuelson; what 10:04:30
6 discussions did you have with her in 2009 about 10:04:34
7 coming to work for the State Department? 10:04:37

8 A On the advice of counsel, I will decline 10:04:40
9 to answer your question in reliance on my rights 10:04:42
10 under the Fifth Amendment to the United States 10:04:44
11 Constitution. 10:04:46

12 Q As a senior advisor, what were your 10:04:46
13 day-to-day duties and responsibilities at the State 10:04:53
14 Department? 10:04:57

15 MR. MYERS: Objection. Assumes facts not 10:04:57
16 in evidence. 10:04:58

17 A On the advice of counsel, I will decline 10:05:00
18 to answer your question in reliance on my rights 10:05:02
19 under the Fifth Amendment to the United States 10:05:04
20 Constitution. 10:05:06

21 Q When did your full-time employment 10:05:06
22 terminate with the State Department? 10:05:10

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1 MR. MacDOUGALL: Objection. Outside the 10:05:12
2 scope of the court's order. 10:05:13

3 The witness is instructed not to answer. 10:05:14

4 Q Did your employment at the State 10:05:16
5 Department terminate in or around the same time that 10:05:24
6 the Secretary -- that Secretary Clinton left the 10:05:27
7 State Department? 10:05:29

8 MR. MacDOUGALL: Objection. Outside the 10:05:30
9 scope of the court's order. 10:05:31

10 The witness is instructed not to answer. 10:05:32

11 Q After leaving the State Department, did 10:05:35
12 you continue to do any contract work for the State 10:05:39
13 Department? 10:05:42

14 MR. MacDOUGALL: Objection. Outside the 10:05:42
15 scope of the court's order. 10:05:43

16 The witness is instructed not to answer. 10:05:45

17 Q Who else at the State Department provided 10:05:46
18 any technical assistance for the server for 10:06:03
19 Secretary Clinton's e-mail? 10:06:07

20 A On the advice of counsel, I will decline 10:06:11
21 to answer your question in reliance on my rights 10:06:13
22 under the Fifth Amendment to the United States 10:06:15

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1 Constitution.

10:06:17

2 Q Who else at the State Department provided
3 any technical assistance for the Clintonemail.com
4 system?

10:06:17

10:06:20

10:06:24

5 A On the advice of counsel, I will decline
6 to answer your question in reliance on my rights
7 under the Fifth Amendment to the United States
8 Constitution.

10:06:27

10:06:29

10:06:31

10:06:33

9 Q Did you ever travel to New York to work on
10 the server because Secretary Clinton was having
11 problems with her e-mail?

10:06:33

10:06:43

10:06:50

12 MR. MYERS: Objection. Compound.

10:06:54

13 A On the advice of counsel, I will decline
14 to answer your question in reliance on my rights
15 under the Fifth Amendment to the United States
16 Constitution.

10:06:58

10:06:59

10:07:02

10:07:03

17 Q If you did travel to New York to work on
18 the server or provide technical assistance for the
19 server or the Clintonemail.com system, did you ever
20 take leave from work at the State Department during
21 those times?

10:07:06

10:07:08

10:07:10

10:07:14

10:07:16

22 MR. MYERS: Objection. Assumes facts not

10:07:17

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1 in evidence, and compound.

10:07:18

2 A On the advice of counsel, I will decline
3 to answer your question in reliance on my rights
4 under the Fifth Amendment to the United States
5 Constitution.

10:07:22

10:07:23

10:07:26

10:07:27

6 Q Did you ever take leave from the State
7 Department when you worked on the server or the
8 Clintonemail.com system?

10:07:28

10:07:32

10:07:34

9 MR. MYERS: Objection. Assumes facts not
10 in evidence.

10:07:38

10:07:39

11 A On the advice of counsel, I will decline
12 to answer your question in reliance on my rights
13 under the Fifth Amendment to the Constitution --
14 U.S. Constitution.

10:07:41

10:07:43

10:07:45

10:07:50

15 Q Who paid you in relation to your work that
16 you did in connection with either setting up or
17 operating the Clintonemail.com system prior to your
18 employment at the State Department in May 2009?

10:07:51

10:07:56

10:08:00

10:08:05

19 A On the advice of counsel, I will decline
20 to answer your question in reliance on my rights
21 under the Fifth Amendment to the United States
22 Constitution.

10:08:10

10:08:12

10:08:14

10:08:17

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1	Q	How much were you paid for that work?	10:08:17
2		MR. MYERS: Objection. Beyond the scope	10:08:21
3		of authorized discovery.	10:08:22
4		MS. COTCA: This is the creation of the	10:08:24
5		Clinton server. It's entirely within the scope of	10:08:27
6		discovery.	10:08:30
7		MR. MYERS: I've made my objection.	10:08:31
8	Q	You may answer.	10:08:33
9	A	On the advice of counsel, I will decline	10:08:35
10		to answer your question in reliance on my rights	10:08:37
11		under the Fifth Amendment to the United States	10:08:38
12		Constitution.	10:08:40
13	Q	Were you paid during your tenure at the	10:08:40
14		State Department for the work you provided in --	10:08:57
15		with respect to the creation or operating the server	10:09:02
16		or the Clintonemail.com system by anybody other than	10:09:06
17		the State Department?	10:09:11
18		MR. MYERS: Objection. Ambiguous and	10:09:12
19		vague.	10:09:13
20	Q	You may answer.	10:09:17
21	A	On the advice of counsel, I will decline	10:09:19
22		to answer your question in reliance on my rights	10:09:21

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1 under the Fifth Amendment to the United States 10:09:23
2 Constitution. 10:09:24

3 Q Were you paid by anybody other than the 10:09:25
4 State Department during your tenure at the State 10:09:29
5 Department for any technical assistance you provided 10:09:33
6 for the Clintonemail.com system? 10:09:36

7 A On the advice of counsel, I will decline 10:09:42
8 to answer your question in reliance on my rights 10:09:44
9 under the Fifth Amendment to the United States 10:09:47
10 Constitution. 10:09:48

11 Q Did you view the work that you provided 10:09:49
12 with respect to technical support for the 10:10:05
13 Clintonemail.com system as part of your duties for 10:10:07
14 your employment at the State Department? 10:10:13

15 MR. MYERS: Objection. Assumes facts not 10:10:15
16 in evidence, and beyond the scope of authorized 10:10:17
17 discovery. 10:10:19

18 A On the advice of counsel, I will decline 10:10:23
19 to answer your question in reliance on my rights 10:10:26
20 under the Fifth Amendment to the United States 10:10:28
21 Constitution. 10:10:30

22 Q Who at the State Department knew you were 10:10:34

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1 working on the creation and operation of the server? 10:10:55

2 MR. MYERS: Objection. Assumes facts not 10:11:01

3 in evidence. 10:11:02

4 A On the advice of counsel, I will decline 10:11:05

5 to answer your question in reliance on my rights 10:11:07

6 under the Fifth Amendment to the United States 10:11:10

7 Constitution. 10:11:12

8 Q Did you report any outside work related to 10:11:17

9 the creation and operation of the server to anyone 10:11:19

10 at the State Department? 10:11:21

11 MR. MYERS: Objection. Assumes facts not 10:11:22

12 in evidence. 10:11:24

13 A On the advice of counsel, I will decline 10:11:26

14 to answer your question in reliance on my rights 10:11:28

15 under the Fifth Amendment to the United States 10:11:30

16 Constitution. 10:11:32

17 Q Who else at the State Department provided 10:11:33

18 technical support for the Clintonemail.com system 10:11:50

19 between January 2009 and February 2013? 10:11:53

20 MR. MYERS: Objection. Assumes facts not 10:11:58

21 in evidence. 10:11:59

22 A On the advice of counsel, I will decline 10:12:02

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1 to answer your question in reliance on my rights 10:12:04
2 under the Fifth Amendment to the United States 10:12:06
3 Constitution. 10:12:08

4 Q During your tenure at the State 10:12:08
5 Department, did you communicate with Secretary 10:12:27
6 Clinton by e-mail? 10:12:30

7 A On the advice of counsel, I will decline 10:12:33
8 to answer your question in reliance on my rights 10:12:36
9 under the Fifth Amendment to the United States 10:12:38
10 Constitution. 10:12:39

11 Q Were you provided a -- an e-mail account 10:12:40
12 with a domain State.gov by the State Department 10:12:47
13 during your tenure at the department? 10:12:50

14 A On the advice of counsel, I will decline 10:12:54
15 to answer your question in reliance on my rights 10:12:56
16 under the Fifth Amendment to the United States 10:12:58
17 Constitution. 10:12:59

18 Q Which e-mail account did you use when you 10:13:00
19 communicated by e-mail with Secretary Clinton -- 10:13:12

20 MR. MYERS: Objection -- 10:13:15

21 Q -- about the server? 10:13:15

22 MR. MYERS: Objection. Assumes facts not 10:13:16

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1 in evidence. 10:13:18

2 A On the advice of counsel, I will decline 10:13:20
3 to answer your question in reliance on my rights 10:13:22
4 under the Fifth Amendment to the United States 10:13:24
5 Constitution. 10:13:26

6 Q Do you know John Bentel? 10:13:29

7 A On the advice of counsel, I will decline 10:13:37
8 to answer your question in reliance on my rights 10:13:39
9 under the Fifth Amendment to the United States 10:13:41
10 Constitution. 10:13:42

11 Q Did you have an opportunity to work with 10:13:44
12 Mr. Bentel during your tenure at the State 10:13:49
13 Department? 10:13:53

14 A On the advice of counsel, I would decline 10:13:54
15 to answer your question in reliance on my rights 10:13:57
16 under the Fifth Amendment to the United States 10:13:59
17 Constitution. 10:14:01

18 Q What discussions, if any, have you -- did 10:14:04
19 you have with Mr. Bentel about the server and the 10:14:06
20 Clintonemail.com system during your tenure there? 10:14:09

21 A On the advice of counsel, I will decline 10:14:15
22 to answer your question in reliance on my rights 10:14:18

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1 under the Fifth Amendment to the United States 10:14:22
2 Constitution. 10:14:23

3 Q Did Mr. Bentel know that the server was 10:14:23
4 set up in Secretary Clinton's basement in early 10:14:27
5 2009? 10:14:32

6 MR. MYERS: Objection. Assumes facts. 10:14:32

7 Q If you know. 10:14:33

8 MR. MYERS: Objection. Assumes facts not 10:14:37
9 in evidence. 10:14:39

10 A On the advice of counsel, I will decline 10:14:42
11 to answer your question in reliance on my rights 10:14:42
12 under the Fifth Amendment to the United States 10:14:43
13 Constitution. 10:14:44

14 Q Did Mr. Bentel know that Secretary Clinton 10:14:45
15 was using her e-mail account with the domain 10:14:53
16 Clintonemail.com for State Department business? 10:14:57

17 A On the advice of counsel, I will decline 10:15:03
18 to answer your question in reliance on my rights 10:15:06
19 under the Fifth Amendment to the United States 10:15:08
20 Constitution. 10:15:09

21 Q Mr. Pagliano, in December of 2010 did you 10:15:10
22 meet with Mr. Bentel and other IRM staff to resolve 10:15:17

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1 issues affecting the ability of e-mails transmitted 10:15:21
2 through the Clintonemail.com domain used by 10:15:23
3 Secretary Clinton? 10:15:26

4 A On the advice of counsel, I will decline 10:15:29
5 to answer your question in reliance on my rights 10:15:31
6 under the Fifth Amendment to the United States 10:15:33
7 Constitution. 10:15:34

8 Q Did Mr. Bentel ever discuss with you 10:15:35
9 concerns that were raised by two staff members in 10:15:54
10 the IRM office that was dedicated to the Secretary's 10:15:57
11 office and the Executive Secretary's office that has 10:16:01
12 the acronym E/ES -- I/ES-IRM about the Secretary's 10:16:03
13 use of personal e-mail accounts? 10:16:11

14 MR. MYERS: Objection. Vague. And 10:16:14
15 assumes facts not in evidence. 10:16:15

16 A On the advice of counsel, I will decline 10:16:18
17 to answer your question in reliance on my rights 10:16:21
18 under the Fifth Amendment to the United States 10:16:22
19 Constitution. 10:16:24

20 Q Do you have any knowledge about staff 10:16:24
21 having raised concerns about Secretary Clinton using 10:16:28
22 the e-mail account with a domain Clintonemail.com 10:16:33

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1 for government business? 10:16:39

2 A On the advice of counsel, I will decline 10:16:43
3 to answer your question in reliance on my rights 10:16:44
4 under the Fifth Amendment to the United States 10:16:47
5 Constitution. 10:16:48

6 Q Do you know Patrick Kennedy? 10:16:48

7 A On the advice of counsel, I will decline 10:17:00
8 to answer your question in reliance on my rights 10:17:02
9 under the Fifth Amendment to the United States 10:17:04
10 Constitution. 10:17:05

11 Q Did you ever report to him during your 10:17:06
12 tenure at the State Department? 10:17:13

13 A On the advice of counsel, I will decline 10:17:16
14 to answer your question in reliance on my rights 10:17:18
15 under the Fifth Amendment to the United States 10:17:20
16 Constitution. 10:17:21

17 Q Did you ever discuss with him the 10:17:22
18 Clintonemail.com system during your tenure at the 10:17:25
19 State Department? 10:17:28

20 A On the advice of counsel, I will decline 10:17:33
21 to answer your question in reliance on my rights 10:17:35
22 under the Fifth Amendment to the United States 10:17:38

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1	Constitution.	10:17:39
2	Q Did you ever discuss with Mr. Kennedy	10:17:39
3	Secretary Clinton's use of a non-State.gov e-mail	10:17:43
4	account for government business?	10:17:46
5	A On the advice of counsel, I will decline	10:17:49
6	to answer your question in reliance on my rights	10:17:51
7	under the Fifth Amendment to the United States	10:17:53
8	Constitution.	10:17:55
9	Q Do you know Stephen Mull?	10:17:55
10	A On the advice of counsel, I will decline	10:18:23
11	to answer your question in reliance on my rights	10:18:24
12	under the Fifth Amendment to the United States	10:18:27
13	Constitution.	10:18:28
14	Q Did you ever discuss with him Secretary's	10:18:28
15	use of the Clintonemail.com e-mail account during	10:18:33
16	your tenure at the State Department?	10:18:37
17	A On the advice of counsel, I will decline	10:18:41
18	to answer your question in reliance on my rights	10:18:43
19	under the Fifth Amendment to the United States	10:18:46
20	Constitution.	10:18:47
21	Q Did you ever discuss with Mr. Mull FOIA	10:18:47
22	and the Secretary's use of a non-State.gov e-mail	10:18:55

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1 account?

10:18:59

2 A On the advice of counsel, I will decline
3 to answer your question in reliance on my rights
4 under the Fifth Amendment to the United States
5 Constitution.

10:19:02

10:19:04

10:19:06

10:19:08

6 Q During your tenure at the State
7 Department, did you ever access Secretary Clinton's
8 e-mail system to conduct a search for federal
9 records in response to any FOIA request?

10:19:09

10:19:15

10:19:17

10:19:21

10 A On the advice of counsel, I will decline
11 to answer your question in reliance on my rights
12 under the Fifth Amendment to the United States
13 Constitution.

10:19:25

10:19:27

10:19:29

10:19:31

14 Q Were you ever asked to access the
15 Clintonemail.com system to search for federal
16 records in response to a FOIA request during your
17 tenure at the State Department?

10:19:31

10:19:35

10:19:39

10:19:41

18 A On the advice of counsel, I will decline
19 to answer your question in reliance on my rights
20 under the Fifth Amendment to the United States
21 Constitution.

10:19:44

10:19:46

10:19:48

10:19:50

22 Q Was the issue ever discussed with

10:19:50

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1 Secretary Clinton about how her e-mails could be 10:19:56
2 accessed and searched in response to any FOIA 10:20:00
3 requests or FOIA litigation during your tenure at 10:20:04
4 the State Department? 10:20:07

5 MR. MYERS: Objection. Vague, and 10:20:10
6 foundation. 10:20:11

7 A On the advice of counsel, I will decline 10:20:13
8 to answer your question in reliance on my rights 10:20:15
9 under the Fifth Amendment to the United States 10:20:17
10 Constitution. 10:20:19

11 Q Did Secretary Clinton ever raise concerns 10:20:19
12 about accessing her e-mail for purposes or in 10:20:33
13 relation to any FOIA requests or pending litigation? 10:20:39

14 MR. MYERS: Objection. Foundation. 10:20:42

15 A On the advice of counsel, I will decline 10:20:45
16 to answer your question in reliance on my rights 10:20:47
17 under the Fifth Amendment to the United States 10:20:49
18 Constitution. 10:20:51

19 Q Did Secretary Clinton ever raise concerns 10:20:52
20 about preservation of her government e-mails for 10:20:59
21 purposes of responding to FOIA -- a FOIA request or 10:21:05
22 pending litigation during your tenure there? 10:21:09

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1 MR. MYERS: Objection. Foundation. 10:21:12

2 A On the advice of counsel, I will decline 10:21:16
3 to answer your question in reliance on my rights 10:21:18
4 under the Fifth Amendment to the United States 10:21:20
5 Constitution. 10:21:22

6 Q How about the same question with respect 10:21:22
7 to all federal records that were housed on the 10:21:28
8 Clintonemail.com system; did Secretary Clinton ever 10:21:33
9 raise concerns about preservation of federal records 10:21:37
10 on the Clintonemail.com system with respect to 10:21:44
11 pending FOIA requests or litigation? 10:21:47

12 MR. MYERS: Objection. Foundation. 10:21:49

13 A On the advice of counsel, I will decline 10:21:51
14 to answer your question in reliance on my rights 10:21:54
15 under the Fifth Amendment to the United States 10:21:56
16 Constitution. 10:21:57

17 Q If you know, was the Clintonemail.com 10:21:58
18 system created to thwart FOIA? 10:22:08

19 A On the advice of counsel, I will decline 10:22:12
20 to answer your question in reliance on my rights 10:22:14
21 under the Fifth Amendment to the United States 10:22:18
22 Constitution. 10:22:20

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1	Q	Do you know Clarence Finney?	10:22:20
2	A	On the advice of counsel, I will decline	10:22:27
3		to answer your question in reliance on my rights	10:22:29
4		under the Fifth Amendment to the United States	10:22:32
5		Constitution.	10:22:33
6	Q	Did you ever discuss with Mr. Finney	10:22:34
7		Secretary Clinton's government e-mails stored on the	10:22:38
8		Clintonemail.com system?	10:22:43
9	A	On the advice of counsel, I will decline	10:22:46
10		to answer your question in reliance on my rights	10:22:48
11		under the Fifth Amendment to the United States	10:22:50
12		Constitution.	10:22:52
13	Q	Did you ever discuss with Mr. Finney	10:22:53
14		Secretary Clinton's use of her e-mail account for	10:22:58
15		government business?	10:23:01
16	A	On the advice of counsel, I will decline	10:23:05
17		to answer your question in reliance on my rights	10:23:08
18		under the Fifth Amendment to the United States	10:23:10
19		Constitution.	10:23:12
20	Q	Did you have any role in searching any of	10:23:13
21		the federal records housed on the Clintonemail.com	10:23:25
22		system in response to any FOIA requests or	10:23:28

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1 litigation during your tenure at the State 10:23:32

2 Department? 10:23:36

3 A On the advice of counsel, I will decline 10:23:37

4 to answer your question in reliance on my rights 10:23:40

5 under the Fifth Amendment to the United States 10:23:42

6 Constitution. 10:23:43

7 Q Do you know how Secretary Clinton managed 10:23:44

8 her Inbox on the Clintonemail.com system during her 10:23:53

9 tenure at the State Department? 10:23:57

10 A On the advice of counsel, I will decline 10:24:00

11 to answer your question in reliance on my rights 10:24:03

12 under the Fifth Amendment to the United States 10:24:05

13 Constitution. 10:24:06

14 Q Do you know if the Secretary ever deleted 10:24:07

15 any of her government e-mails on the 10:24:10

16 Clintonemail.com system? 10:24:12

17 A On the advice of counsel, I will decline 10:24:15

18 to answer your question in reliance on my rights 10:24:18

19 under the Fifth Amendment to the United States 10:24:20

20 Constitution. 10:24:22

21 Q Were you ever asked to access the 10:24:22

22 Clintonemail.com system and delete any government 10:24:25

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1 e-mails during your tenure at the State Department? 10:24:29

2 A On the advice of counsel, I will decline 10:24:34

3 to answer your question in reliance on my rights 10:24:36

4 under the Fifth Amendment to the United States 10:24:39

5 Constitution. 10:24:40

6 Q I'm not sure if I've asked this before, so 10:24:40

7 I apologize if I did. But did Justin Cooper have an 10:24:46

8 e-mail account on the Clintonemail.com system? 10:24:49

9 A On the advice of counsel, I will decline 10:24:52

10 to answer your question in reliance on my rights 10:24:55

11 under the Fifth Amendment to the United States 10:24:57

12 Constitution. 10:24:59

13 Q In or around the time that Secretary 10:24:59

14 Clinton left the State Department, so around 10:25:06

15 February of 2013, were there any discussions with 10:25:08

16 Secretary Clinton about transferring any government 10:25:14

17 e-mails that were housed on the Clintonemail.com 10:25:17

18 system onto another State Department system? 10:25:20

19 MR. MYERS: Objection. Foundation. 10:25:24

20 A On the advice of counsel, I will decline 10:25:27

21 to answer your question in reliance on my rights 10:25:29

22 under the Fifth Amendment to the United States 10:25:31

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1	Constitution.	10:25:33
2	Q Were there any discussions with Secretary	10:25:33
3	Clinton or anyone on her behalf about how the State	10:25:37
4	Department would be able to access the government	10:25:41
5	records on the Clintonemail.com system once the	10:25:43
6	Secretary left the State Department?	10:25:48
7	MR. MYERS: Objection. Foundation.	10:25:50
8	A On the advice of counsel, I will decline	10:25:53
9	to answer your question in reliance on my rights	10:25:55
10	under the Fifth Amendment to the United States	10:25:56
11	Constitution.	10:25:58
12	Q Did you ever discuss that topic with the	10:25:58
13	Secretary?	10:26:02
14	MR. MYERS: Objection. Vague.	10:26:04
15	A On the advice of counsel, I will decline	10:26:07
16	to answer your question in reliance on my rights	10:26:09
17	under the Fifth Amendment to the United States	10:26:11
18	Constitution.	10:26:12
19	Q How about with Clarence Finney?	10:26:12
20	MR. MYERS: Objection. Vague.	10:26:21
21	A On the advice of counsel, I will decline	10:26:23
22	to answer your question in reliance on my rights	10:26:25

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1 under the Fifth Amendment to the United States 10:26:27
2 Constitution. 10:26:29

3 Q And the same question with respect to any 10:26:29
4 discussions surrounding that issue with Patrick 10:26:38
5 Kennedy. 10:26:41

6 MR. MYERS: Objection. Vague. 10:26:42

7 A On the advice of counsel, I will decline 10:26:45
8 to answer your question in reliance on my rights 10:26:47
9 under the Fifth Amendment to the United States 10:26:49
10 Constitution. 10:26:50

11 Q And the same question with respect to any 10:26:52
12 discussions surrounding that issue with John Bentel. 10:26:54

13 MR. MYERS: Objection. Vague. 10:27:02

14 A On the advice of counsel, I will decline 10:27:04
15 to answer your question in reliance on my rights 10:27:06
16 under the Fifth Amendment to the United States 10:27:09
17 Constitution. 10:27:10

18 Q Did you raise that issue with anybody? 10:27:11

19 MR. MYERS: Objection. Vague. 10:27:20

20 A On the advice of counsel, I will decline 10:27:23
21 to answer your question in reliance on my rights 10:27:26
22 under the Fifth Amendment to the United States 10:27:28

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1	Constitution.	10:27:30
2	Q Are you familiar with SMART, which stands	10:27:31
3	for State Messaging and Archival Retrieval Tool Set	10:28:02
4	system that was introduced in IRM at the State	10:28:06
5	Department in 2009?	10:28:08
6	MR. MYERS: Objection. Assumes facts not	10:28:10
7	in evidence.	10:28:11
8	A On the advice of counsel, I will decline	10:28:14
9	to answer your question in reliance on my rights	10:28:16
10	under the Fifth Amendment to the United States	10:28:18
11	Constitution.	10:28:19
12	Q Do you know why the Secretary's office	10:28:20
13	elected not to use SMART during Secretary Clinton's	10:28:23
14	tenure at the State Department?	10:28:27
15	MR. MYERS: Same -- same objection.	10:28:28
16	A On the advice of counsel, I will decline	10:28:32
17	to answer your question in reliance on my rights	10:28:34
18	under the Fifth Amendment to the United States	10:28:36
19	Constitution.	10:28:37
20	Q Since February 2013, have you worked for	10:28:38
21	the Clintons?	10:28:48
22	MR. MYERS: Objection. Beyond the scope	10:28:50

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1	of authorized discovery.	10:28:51
2	MR. MacDOUGALL: The witness is instructed	10:28:52
3	not to answer.	10:28:54
4	MS. COTCA: On what basis?	10:28:55
5	MR. MacDOUGALL: Outside the scope of the	10:28:56
6	court's order.	10:28:57
7	Q Are you working for the Clintons now?	10:29:02
8	MR. MYERS: Objection. Beyond the scope	10:29:04
9	of authorized discovery.	10:29:05
10	MR. MacDOUGALL: The witness is instructed	10:29:06
11	not to answer. The question is outside the scope of	10:29:07
12	the court's order.	10:29:10
13	Q When was the last time that you spoke or	10:29:12
14	saw Heather Samuelson?	10:29:26
15	MR. MacDOUGALL: The witness is instructed	10:29:29
16	not to answer, as the question is outside the scope	10:29:31
17	of the court's order.	10:29:33
18	Q Did you have any discussions with Heather	10:29:37
19	Samuelson since 2013 about the setup of the server?	10:29:40
20	A On the advice of counsel, I will decline	10:29:52
21	to answer your question in reliance on my rights	10:29:54
22	under the Fifth Amendment to the United States	10:29:56

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1 Constitution.

10:29:58

2 Q Did you have any discussions with Huma
3 Abedin since February 2013 about the setup of the
4 server?

10:29:58

10:30:06

10:30:12

5 A On the advice of counsel, I will decline
6 to answer your question in reliance on my rights
7 under the Fifth Amendment to the United States
8 Constitution.

10:30:16

10:30:18

10:30:20

10:30:22

9 Q Have you discussed the setup of the server
10 with David Kendall since February of 2013?

10:30:22

10:30:30

11 A On the advice of counsel, I will decline
12 to answer your question in reliance on my rights
13 under the Fifth Amendment to the United States
14 Constitution.

10:30:36

10:30:38

10:30:40

10:30:42

15 Q Same question: Have you discussed the
16 setup of the server since February of 2013 with any
17 of the attorneys for Secretary Clinton?

10:30:42

10:30:48

10:30:54

18 A On the advice of counsel, I will decline
19 to answer your question in reliance on my rights
20 under the Fifth Amendment to the United States
21 Constitution.

10:31:01

10:31:03

10:31:06

10:31:07

22 Q How about, have you discussed the setup of

10:31:11

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1 the server with any of the attorneys for Cheryl 10:31:15
2 Mills since February of 2013? 10:31:18

3 A On the advice of counsel, I will decline 10:31:23
4 to answer your question in reliance on my rights 10:31:25
5 under the Fifth Amendment to the United States 10:31:28
6 Constitution. 10:31:29

7 Q Have you discussed the setup of the server 10:31:32
8 with any of the attorneys for Huma Abedin since 10:31:35
9 February of 2013? 10:31:39

10 A On the advice of counsel, I will decline 10:31:43
11 to answer your question in reliance on my rights 10:31:44
12 under the Fifth Amendment to the United States 10:31:47
13 Constitution. 10:31:48

14 Q Since 2013, have you had any discussions 10:31:49
15 with Ms. Abedin about the setup of the server? 10:32:00

16 MR. MYERS: Objection. Asked and 10:32:04
17 answered. 10:32:05

18 Q You may answer. 10:32:08

19 A On the advice of counsel, I will decline 10:32:11
20 to answer your question in reliance on my rights 10:32:13
21 under the Fifth Amendment to the United States 10:32:16
22 Constitution. 10:32:17

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1 Q Since February 2013, have you discussed 10:32:17
2 the setup of the server with any of -- other 10:32:26
3 representatives of the Clintons? 10:32:30

4 MR. MYERS: Objection. Vague. 10:32:35

5 A On the advice of counsel, I will decline 10:32:39
6 to answer your question in reliance on my rights 10:32:41
7 under the Fifth Amendment to the United States 10:32:43
8 Constitution. 10:32:45

9 Q Did you have any discussions about the 10:32:46
10 setup of the server since February of 2013 with any 10:32:53
11 representative of President Clinton? 10:32:58

12 MR. MYERS: Objection. Vague. 10:33:03

13 A On the advice of counsel, I will decline 10:33:07
14 to answer your question in reliance on my rights 10:33:09
15 under the Fifth Amendment to the United States 10:33:11
16 Constitution. 10:33:13

17 Q The same question with respect to any 10:33:13
18 representatives of Secretary Clinton. 10:33:18

19 MR. MYERS: Objection. Vague. 10:33:21

20 A On the advice of counsel, I will decline 10:33:24
21 to answer your question in reliance on my rights 10:33:26
22 under the Fifth Amendment to the United States 10:33:28

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1	Constitution.	10:33:29
2	Q Same question with respect to any	10:33:30
3	representatives of the Clinton Foundation.	10:33:36
4	MR. MYERS: Objection. Vague.	10:33:39
5	A On the advice of counsel, I will decline	10:33:43
6	to answer your question in reliance on my rights	10:33:45
7	under the Fifth Amendment to the United States	10:33:47
8	Constitution.	10:33:49
9	Q Did you have any discussions with anybody	10:33:49
10	from or on behalf of Platte River with respect to	10:34:10
11	the setup of the server or the Clintonemail.com	10:34:14
12	system since February 2013?	10:34:16
13	A On the advice of counsel, I will decline	10:34:21
14	to answer your question in reliance on my rights	10:34:23
15	under the Fifth Amendment to the United States	10:34:26
16	Constitution.	10:34:27
17	Q The same question with respect to	10:34:29
18	Datalink.	10:34:32
19	MR. MYERS: Objection. Vague.	10:34:33
20	A On the advice of counsel, I will decline	10:34:35
21	to answer your question in reliance on my rights	10:34:37
22	under the Fifth Amendment to the United States	10:34:40

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1	Constitution.	10:34:41
2	Q Who is paying for your legal bills for	10:34:42
3	your representation in this action?	10:34:50
4	MR. MacDOUGALL: Objection. Privileged.	10:34:52
5	MR. MYERS: Objection.	10:34:54
6	MR. MacDOUGALL: And outside the scope of	10:34:55
7	the court's order.	10:34:56
8	MR. MYERS: Objection. Outside the scope	10:34:57
9	of permissible discovery.	10:34:59
10	Q Do you know Oscar Flores?	10:35:08
11	A On the advice of counsel, I will decline	10:35:14
12	to answer your question in reliance on my rights	10:35:15
13	under the Fifth Amendment to the United States	10:35:18
14	Constitution.	10:35:19
15	Q Did you ever discuss with Mr. Band the	10:35:20
16	setup of the server?	10:35:28
17	MR. MYERS: I'm sorry, Ramona. Can you	10:35:28
18	repeat the question?	10:35:31
19	Q Did you ever discuss with Mr. Band the	10:35:33
20	setup of the server?	10:35:36
21	MR. MYERS: Who are you referring to?	10:35:40
22	MS. COTCA: I'm sorry. Let me reask the	10:35:41

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1 question.

10:35:43

2 Q Did you ever discuss the server with
3 Mr. Flores?

10:35:43

10:35:46

4 A On the advice of counsel, I will decline
5 to answer your question in reliance on my rights
6 under the Fifth Amendment to the United States
7 Constitution.

10:35:47

10:35:49

10:35:51

10:35:53

8 Q Do you know Doug Band?

10:35:53

9 A On the advice of counsel, I will decline
10 to answer your question in reliance on my rights
11 under the Fifth Amendment to the United States
12 Constitution.

10:35:55

10:35:57

10:35:59

10:36:00

13 Q Did you ever discuss the setup of the
14 server or the Clintonemail.com system with Mr. Band?

10:36:01

10:36:03

15 A On the advice of counsel, I will decline
16 to answer your question in reliance on my rights
17 under the Fifth Amendment to the United States
18 Constitution.

10:36:08

10:36:10

10:36:12

10:36:14

19 Q Do you know Jon Davidson?

10:36:14

20 A On the advice of counsel, I will decline
21 to answer your question in reliance on my rights
22 under the Fifth Amendment to the United States

10:36:22

10:36:24

10:36:27

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1	Constitution.	10:36:28
2	Q Did you ever discuss with him the setup of	10:36:29
3	the server or the Clintonemail.com system?	10:36:32
4	A On the advice of counsel, I will decline	10:36:36
5	to answer your question in reliance on my rights	10:36:38
6	under the Fifth Amendment to the United States	10:36:41
7	Constitution.	10:36:42
8	MS. COTCA: I think we're going to --	10:36:53
9	getting close to wrapping up, so we'll take a	10:36:54
10	five-minute break.	10:36:58
11	MR. MacDOUGALL: Okay.	10:36:59
12	MS. COTCA: Unless you need more time.	10:36:59
13	MR. MacDOUGALL: No.	10:37:00
14	VIDEO SPECIALIST: We are off the record	10:37:01
15	at 10:36.	10:37:02
16	(A recess was taken.)	10:37:03
17	VIDEO SPECIALIST: We are back on the	10:47:36
18	record at 10:47.	10:47:43
19	BY MS. COTCA:	10:47:45
20	Q Mr. Pagliano, just a few more questions.	10:47:47
21	Do you remember when there were issues	10:47:50
22	with State Department employees receiving e-mails to	10:47:54

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1 their State.gov e-mail accounts from Secretary 10:47:59

2 Clinton? 10:48:03

3 MR. MYERS: Objection. Assumes facts not 10:48:03

4 in evidence. 10:48:05

5 A On the advice of counsel, I will decline 10:48:06

6 to answer your question in reliance on my rights 10:48:09

7 under the Fifth Amendment to the United States 10:48:11

8 Constitution. 10:48:13

9 Q What efforts were made to resolve that 10:48:13

10 issue? 10:48:17

11 MR. MYERS: Same objection. 10:48:19

12 A On the advice of counsel, I will decline 10:48:25

13 to answer your question in reliance on my rights 10:48:26

14 under the Fifth Amendment to the United States 10:48:29

15 Constitution. 10:48:31

16 Q How was the issue resolved? 10:48:31

17 MR. MYERS: Same objection. 10:48:35

18 A On the advice of counsel, I will decline 10:48:37

19 to answer your question in reliance on my rights 10:48:39

20 under the Fifth Amendment to the United States 10:48:42

21 Constitution. 10:48:43

22 Q Did the State Department change its 10:48:44

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1 systems to allow for State Department employees to 10:48:47
2 receive and send e-mails on their State.gov e-mail 10:48:51
3 accounts to Secretary Clinton? 10:48:56

4 A On the advice of counsel, I will decline 10:48:58
5 to answer your question in reliance on my rights 10:49:00
6 under the Fifth Amendment to the United States 10:49:03
7 Constitution. 10:49:05

8 Q Were e-mail accounts with the domain 10:49:05
9 PresidentClinton.com and the domain 10:49:15
10 @Clintonemail.com housed on the same server? 10:49:20

11 A On the advice of counsel, I will decline 10:49:25
12 to answer your question in reliance on my rights 10:49:28
13 under the Fifth Amendment to the United States 10:49:29
14 Constitution. 10:49:31

15 Q Are you familiar with the term "hot wash"? 10:49:31

16 A On the advice of counsel, I will decline 10:49:39
17 to answer your question in reliance on my rights 10:49:41
18 under the Fifth Amendment to the United States 10:49:44
19 Constitution. 10:49:46

20 Q Are you familiar with a hot wash being 10:49:47
21 done with respect to the Clinton server? 10:49:50

22 A On the advice of counsel, I will decline 10:49:54

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1 to answer your question in reliance on my rights 10:49:56
2 under the Fifth Amendment to the United States 10:49:59
3 Constitution. 10:50:00

4 Q Was the Clinton server previously used for 10:50:01
5 the Clinton campaign? 10:50:07

6 A On the advice of counsel, I will decline 10:50:11
7 to answer your question in reliance on my rights 10:50:13
8 under the Fifth Amendment to the United States 10:50:15
9 Constitution. 10:50:17

10 MS. COTCA: That is all we have. Thank 10:50:27
11 you very much for your time. 10:50:28

12 MR. MacDOUGALL: Thank you. 10:50:29

13 VIDEO SPECIALIST: This ends the 10:50:31
14 deposition of Bryan Pagliano. We are off the record 10:50:31
15 at 10:50. 10:50:35

16 (Off the record at 10:50 a.m.)
17
18
19
20
21
22

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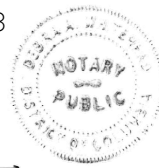
1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Debra Ann Whitehead, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true and
5 correct record of the testimony given; that said
6 testimony was taken by me stenographically and
7 thereafter reduced to typewriting under my
8 direction; that reading and signing was not
9 requested; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand and
14 affixed my notarial seal this 22nd day of June,
15 2016.

16
17 My commission expires:

18 September 14, 2018



19
20 Debra Ann Whitehead

21 NOTARY PUBLIC IN AND FOR THE

22 DISTRICT OF COLUMBIA

A			
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EXHIBIT

PENGAD 800-631-6869

Pagliano-1
N.J. 6-22-16

UNITED STATES DISTRICT COURT

for the

District of Columbia

Judicial Watch, Inc.

Plaintiff

v.

U.S. Dep't of State

Defendant

Civil Action No. 13-1363 (EGS)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Bryan Pagliano

c/o Mark J. MacDougall, Esq., Akin Gump, 1333 New Hampshire Ave., NW, Washington, D.C. 20036

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Planet Depos
1100 Connecticut Ave., NW, Ste. 950
Washington, D.C. 20036

Date and Time:

06/06/2016 10:00 am

The deposition will be recorded by this method: stenographic and audiovisual means

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/12/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party)

Judicial Watch, Inc.

, who issues or requests this subpoena, are:

Ramona R. Cotca, Judicial Watch, Inc., 425 Third Street, SW, Ste. 800, Washington, D.C. 20024, (202)646-5172,
rcotca@judicialwatch.org

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 13-1363 (EGS)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

UNITED STATES DISTRICT COURT

for the

District of Columbia

Judicial Watch, Inc.

Plaintiff

v.

U.S. Dep't of State

Defendant

Civil Action No. 13-1363 (EGS)

AMENDED SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Bryan Pagliano

c/o Mark J. MacDougall, Esq., Akin Gump, 1333 New Hampshire Ave., NW, Washington, D.C. 20036

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Planet Depos
1100 Connecticut Ave., NW, Ste. 950
Washington, D.C. 20036

Date and Time:

June 22, 2016 at 9:30 a.m.

The deposition will be recorded by this method: stenographic and audiovisual means

- ☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 6/15/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Judicial Watch, Inc., who issues or requests this subpoena, are:

Ramona R. Cotca, Judicial Watch, Inc., 425 Third Street, SW, Ste. 800, Washington, D.C. 20024, (202)646-5172, rcotca@judicialwatch.org

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 13-1363 (EGS)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____
_____ Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Plott, Susan M

From: Kennedy, Patrick F
Sent: Friday, December 18, 2015 8:52 AM
To: Austin-Ferguson, Kathleen T
Subject: FW: Resume for [REDACTED]
Attachments: Bryan Pagliano.rtf

B6

-----Original Message-----

From: Peña, Laura
Sent: Thursday, February 12, 2009 12:14 PM
To: Samuelson, Heather F; Kennedy, Patrick F
Cc: Mook, Robert E; 'Marlon D Marshall'
Subject: RE: Resume for [REDACTED]

Also attached is Bryan Pagliano, possibly for Int'l Informational Programs.

-----Original Message-----

From: Samuelson, Heather F
Sent: Thursday, February 12, 2009 11:04 AM
To: Kennedy, Patrick F
Cc: Peña, Laura; Mook, Robert E; 'Marlon D Marshall'
Subject: Resume for [REDACTED]

Hi Pat:

Thank you again for meeting with us yesterday. It was incredibly helpful.

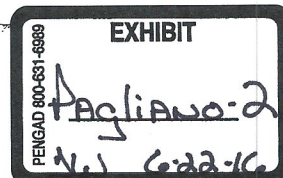
Per our conversation, attached is [REDACTED]
[REDACTED]

Many thanks,
Heather

-----Original Message-----

From: [REDACTED]
Sent: Thursday, February 12, 2009 10:47 AM
To: Samuelson, Heather F

Good morning Heather:



REVIEW AUTHORITY: Paul Blackburn, Senior Reviewer

Thanks.



B6

Bryan M. Pagliano

B6

OBJECTIVE

Management position where I can utilize my experience and education in technology and business.

EXPERIENCE

Hillary Clinton for President

Arlington, VA

IT Director

August 2006 - Present

Responsible for the operational IT infrastructure for headquarters and field offices. Hire and manage a team of systems administrators, engineers and administrative staff. Manage logistics of IT assets and provision of IT services. Design, implement and manage server farm facility. Oversee the technical support helpdesk and participate as a final internal escalation point as needed. Manage discrete projects as required. Negotiate vendor contracts and purchases. Assist CTO in technology budget and planning. Assist DBA's where needed with queries and troubleshooting. Manage technology reduction and relocation activities.

Community IT Innovators

Washington, DC

Senior Systems Engineer - Systems Team Lead

April 1999-August 2006

Work with end user groups to evaluate and solve technical problems. Evaluate existing systems and user needs to analyze, design, recommend, and implement system changes. Familiar with a variety of concepts, best practices, and procedures. Use experience and judgment to plan and accomplish goals. Use experience and judgment to accomplish client goals with creative solutions and disciplined independent practice. Maintain multiple client networks and relationships simultaneously. Manage multiple teams of technical employees. Serve as engineering team lead. Lead Engineer on multi-server and campus network installs.

Systems Administrator

EDUCATION

UMD Robert H. Smith School of Business

Washington, DC

Masters in Business Administration, GPA:

May 2007

Emory University

Atlanta, GA

BA in Political Science

May 1998

TECHNICAL CERTIFICATIONS

MCSE NT and 2000 Certified, CCNA Certified, A+ Certified, CCA Certified

HONORS and AWARDS

Community IT Innovators "Top Techie", Eagle Scout

REVIEW AUTHORITY: Paul Blackburn, Senior Reviewer