

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
JUDICIAL WATCH, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 13-cv-1363 (EGS)
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	
_____)	

**NOTICE OF FILING OF NON-PARTY HILLARY RODHAM CLINTON’S
SUPPLEMENTAL RESPONSES
TO PLAINTIFF’S INTERROGATORIES 1 AND 24**

Counsel to Non-Party Hillary Rodham Clinton hereby submit Secretary Clinton’s
Supplemental Responses to Plaintiff’s Interrogatories, attached here to as Exhibit A.

Dated: December 14, 2018

By: /s/ David E. Kendall
David E. Kendall (D.C. Bar No. 252890)
Katherine M. Turner (D.C. Bar No. 495528)
Amy Mason Salaria (D.C. Bar No. 981644)
Stephen L. Wohlgemuth (D.C. Bar No.
1027267)
WILLIAMS & CONNOLLY LLP

*Counsel for Non-Party Hillary Rodham
Clinton*

CERTIFICATE OF SERVICE

I, David E. Kendall, counsel for Non-Party Hillary Rodham Clinton, certify that, on December 14, 2018, a copy of the foregoing Notice was filed via the Court's electronic filing system, and served via that system upon all parties required to be served.

/s/ David E. Kendall

David E. Kendall

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,)	
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Plaintiff,)	
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v.)	Civil Action No. 13-cv-1363 (EGS)
)	
U.S. DEPARTMENT OF STATE,)	
)	
Defendant.)	

**NON-PARTY HILLARY RODHAM CLINTON’S SUPPLEMENTAL RESPONSES
TO PLAINTIFF’S INTERROGATORIES 1 AND 24**

Pursuant to the Court’s August 19, 2016 order, the Court’s November 14, 2018 order, and Rule 33 of the Federal Rules of Civil Procedure, Non-Party Hillary Rodham Clinton hereby objects and provides supplemental responses to Plaintiff’s Interrogatories 1 and 24 of its Interrogatories dated August 30, 2016.

GENERAL OBJECTIONS

1. Secretary Clinton incorporates by reference all of the General Objections lodged in her Response to Plaintiffs’ Interrogatories, dated October 13, 2016 (Dkt. 137-1). Such General Objections are incorporated into each of the specific responses that follow. Any specific objections are in addition to the General Objections, and failure to reiterate a General Objection does not constitute a waiver of that or any other objection.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES 1 AND 24

Original Interrogatory No. 1:

Describe the creation of the clintonemail.com system, including who decided to create the system, the date it was decided to create the system, why it was created, who set it up, and when it became operational.

Interrogatory No. 1 as modified by the Court's November 14, 2018 Order:

“[D]escribe the creation of the clintonemail.com domain name and the decision to set the domain up on the existing server, the date it was decided to create the domain and set it up on the existing server, who made those decisions, and when the domain became operational on the existing server.” November 14, 2018 Hearing Transcript at 81.

Response: In addition to her General Objections, Secretary Clinton objects to the definition of “Clintonemail.com email system” insofar as it refers to e-mail system(s), server(s), provider(s), and infrastructure used to host her clintonemail.com e-mail account after her tenure as Secretary of State. Information concerning the e-mail system(s), server(s), provider(s), and infrastructure used to host her clintonemail.com account after her tenure as Secretary of State is not relevant to the purpose for the creation and operation of the clintonemail.com account during her tenure as Secretary of State, and therefore is outside the scope of the permitted discovery. In answering this Interrogatory, Secretary Clinton will construe the term “Clintonemail.com email system” to refer to the e-mail system(s), server(s), provider(s), and infrastructure used to host her clintonemail.com e-mail account during her tenure as Secretary of State. Secretary Clinton further objects to Interrogatory 1 as originally written, and will respond to Interrogatory No. 1 as modified by the Court in its November 14, 2018 oral order.

Subject to and without waiving the forgoing objections, Secretary Clinton answers as follows: As Secretary Clinton prepared in late 2008/early 2009 to serve as Secretary of State, she was aware that President Clinton’s office had set up an e-mail system, but she had no role in this process. Secretary Clinton knew that President Clinton’s staff had recently upgraded that system. Secretary Clinton does not know what equipment that system used, how it was created, who decided that the system needed to be upgraded, or who else had accounts on the system. Secretary Clinton believes that one of the President’s aides, Justin Cooper, set up the system. Secretary Clinton decided to use a clintonemail.com account on the system for the purpose of

convenience. Secretary Clinton recalls that the clintonemail.com account was created in early 2009. Although Secretary Clinton does not have specific knowledge of the details of the creation of the account, the “domain,” or the “domain name,” her best understanding is that Mr. Cooper set it up. Secretary Clinton further refers to her response and objections to Interrogatory 2, in her Response to Plaintiffs’ Interrogatories, dated October 13, 2016 (Dkt. 137-1), which are incorporated by reference.

Original Interrogatory No. 24:

During your October 22, 2015 appearance before the U.S. House of Representatives Select Committee on Benghazi, you testified that 90 to 95 percent of your emails “were in the State’s system” and “if they wanted to see them, they would certainly have been able to do so.” Identify the basis for this statement, including all facts on which you relied in support of the statement, how and when you became aware of these facts, and, if you were made aware of these facts by or through another person, identify the person who made you aware of these facts.

Interrogatory No. 24 as modified by the Court’s November 14, 2018 Order:

During your October 22, 2015 appearance before the U.S. House of Representatives Select Committee on Benghazi, you testified that 90 to 95 percent of your emails “were in the State’s system” and “if they wanted to see them, they would certainly have been able to do so.” “[P]rovide the non-privileged, factual basis for [your] statement before Congress, including the non-privileged facts on which [you] relied in support of the statement, how and when [you] became aware of these non-privileged facts, and if made aware by or through another person, identify the person who made [you] aware of these non-privileged facts.” November 14, 2018 Hearing Transcript at 81.

Response: In addition to her General Objections, Secretary Clinton reiterates her objection to Interrogatory No. 24 on the ground that it calls for information protected by the attorney-client privilege. In this response, which was compelled by the Court’s order, Secretary Clinton is only providing non-privileged information and intends to preserve the attorney-client privilege. Secretary Clinton further objects to Interrogatory 24 as originally written, and will respond to Interrogatory No. 24 as modified by the Court in its November 14, 2018 oral order.

Subject to and without waiving the foregoing objections, Secretary Clinton answers as follows: Secretary Clinton spent time with her attorneys (David Kendall, Cheryl Mills,

Katherine Turner, Amy Saharia, Heather Samuelson) preparing for her testimony on October 22, 2015, before the House Benghazi Committee. As Secretary Clinton prepared to testify, she discussed with her counsel matters that were thought likely to arise, since she wanted her testimony to be as accurate as possible. Those discussions are privileged. Without invading that privilege, Secretary Clinton can only say that, shortly before the hearing, she became aware that 90–95% of the emails that she had sent or received involved a State Department e-mail address. She did not herself make this calculation. Secretary Clinton testified regarding the 90–95% number because she felt it was important, as she believed that those e-mails should have been preserved by the normal State Department processes for e-mail retention. After ten hours of testimony, Secretary Clinton was asked by Chairman Gowdy if she could provide the basis for the numbers she had cited: “If you can find the source for the 90 to 95 percent, I would be grateful for it, and we would probably have fewer questions.” Secretary Clinton said she would do so, and her counsel, Mr. Kendall, subsequently sent the Committee a letter dated November 13, 2015 describing how those percentages were devised (copy attached hereto).

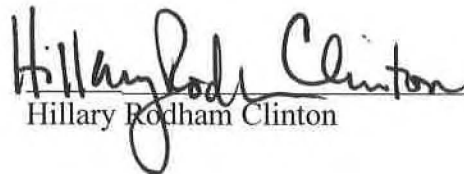
Dated: December 14, 2018

By: /s/David E. Kendall
David E. Kendall (D.C. Bar No. 252890)
Katherine M. Turner (D.C. Bar No. 495528)
Amy Mason Saharia (D.C. Bar No. 981644)
WILLIAMS & CONNOLLY LLP

*Counsel for Non-Party Hillary Rodham
Clinton*

VERIFICATION

I, Hillary Rodham Clinton, declare under penalty of perjury that the foregoing supplemental responses are true and correct to the best of my knowledge, information, and belief.


Hillary Rodham Clinton

Date: December 5, 2018

CERTIFICATE OF SERVICE

I, David E. Kendall, counsel for Non-Party Hillary Rodham Clinton, certify that, on December 14, 2018 a copy of the foregoing Supplemental Responses to Plaintiff's Interrogatories 1 and 24 was filed via the Court's electronic filing system, and served via that system upon all parties required to be served.

/s/ David E. Kendall

David E. Kendall

LAW OFFICES

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EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

November 13, 2015

Sent by E-mail to Paige.Oneto@mail.house.gov

The Honorable Trey Gowdy
Congress of the United States
House of Representatives
Select Committee on Benghazi
1036 Longworth House Building
Washington, DC 20515-6090

Dear Mr. Chairman:

As requested in your letter dated October 28, 2015, I am enclosing an Errata sheet to former Secretary Clinton's testimony on October 22, 2015, before the Benghazi Select Committee. I have also initialed each proposed correction in the margin of the appropriate page and am faxing those pages to you herewith.

I also wanted to respond to your request at the conclusion of the October 22, 2015 hearing at which Secretary Clinton testified. In particular, you asked for information regarding the number of work-related emails Secretary Clinton sent to or received from government email accounts.

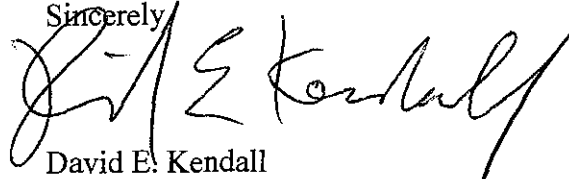
In December 2014, the Secretary provided the State Department with 30,490 emails – consisting of all of the potentially work-related emails in her possession. Of these emails, more than 27,700 had a government email in an address field – including more than 27,350 that were sent to or received from a State Department email address.

We have been advised by the Department that at least 1,240 of these emails are not federal records (*i.e.*, they are personal records); leaving no more than 29,250 work-related emails.

The Honorable Trey Gowdy
November 13, 2015
Page Two

Consistent with this information, between 90 to 95 percent of Secretary Clinton's work-related emails were to or from a State Department email address and therefore would have been captured in the State Department's recordkeeping system.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Kendall". The signature is written in a cursive style with a long, sweeping tail that extends downwards and to the right.

David E. Kendall

cc: Honorable Elijah E. Cummings