

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Civil Action No. 14-cv-1242 (RCL)

**PLAINTIFF JUDICIAL WATCH, INC.'S REQUEST
FOR PRODUCTION OF DOCUMENT TO FORMER U.S.
SECRETARY OF STATE HILLARY RODHAM CLINTON AND HER ATTORNEYS**

Plaintiff Judicial Watch, Inc., pursuant to the Court's August 22, 2019 Order (ECF No. 135) and Rule 34 of the Federal Rules of Civil Procedure, requests that former U.S. Secretary of State Hillary Rodham Clinton and her attorneys produce to Plaintiff the following document:

INSTRUCTIONS AND DEFINITIONS

1. The requests set forth herein seek records in your actual or constructive possession, control, or custody, including records which may be held by your attorneys, representatives, all persons acting under, by, or through you, or subject to your control or supervision, and all persons acting on your behalf.
2. If you object to any portion of a request, but not the entire request, identify the specific portion of the request to which objection is made and respond to the portion of the request to which no objection is made.
3. If you object to a request on the grounds that the request is overly broad or unduly burdensome, respond to the request by providing all records that are not alleged to be overly

broad or unduly burdensome and identify the nature, quality, quantity, or volume of the withheld records and the effort that would be required to provide the withheld records.

4. If you object to a request on the grounds that the request calls for the production of a record that is subject to a claim of privilege, identify the privilege that is claimed to apply and identify all information sufficient to permit Plaintiff to contest the claim of privilege and to permit the Court to reach a determination concerning the validity of the claim of privilege, together with the factual and legal basis for the claim of privilege. Such information should include, but not be limited to, (i) the nature of the record (e.g., inter-office memorandum, correspondence, report), (ii) the author, sender, and recipient of the record, (iii) the date of the record, and (iv) a description of the subject matter of the record.

5. If a record once in your possession or control is responsive to a request and the record is no longer in your possession or control, state when the record was most recently in your possession or control and what disposition was made of the record, including the identity of the person or entity now in possession of or exercising control over the record. If the record has been destroyed, state when and where it was destroyed and identify the person who directed its destruction.

6. Where a record or a portion of a record is responsive to one or more of these requests, produce the entire record, including any attachments or exhibits thereto.

7. The present tense includes the past and future tenses; the singular includes the plural and the plural includes the singular; “any” and “all” each to mean “any and all”; “including” to mean “including but not limited to”; “and” and “or” each to encompass both “and” and “or”; and words in the masculine, feminine, or neuter form to include each of the other genders.

8. The definitions provided below are hereby incorporated into each request in which the term appears:

a. “Communication” means any record or recording of any type of transmission, conveyance, or exchange of information, whether facts, ideas, inquiries, or otherwise, and regardless of form, method, or medium. It includes, without limitation, any record or recording of any conference, conversation, correspondence, discussion, email, internet posting (including Facebook, Instagram, or Snapchat), instant message, letter, meeting, telefax, text message, “tweet,” or voice mail message.

b. “Concerning” and “relating to” mean affecting, analyzing, bearing upon, commenting on, comprising, concerning, connected with, considering, constituting, containing, dealing with, describing, discussing, embodying, embracing, encompassing, entailing, establishing, evidencing, germane to, identifying, implicating, including, incorporating, involving, pertaining to, presenting, purporting to, recommending, regarding, relating to, referring to, reflecting, reporting on, respecting, responding to, setting forth, showing, or studying in any manner and in whole or in part.

c. “Record” is synonymous in meaning and equal in scope to the description in Rule 34(a)(1) of the Federal Rules of Civil Procedure and includes, but is not limited to, electronically stored information. Any draft or non-identical copy is a separate record within the meaning of the term “record.” A request for a record is meant to include any attachment or exhibit accompanying the record and any file folder in which the record is maintained.

d. “Clinton” refers to former U.S. Secretary of State Hillary Rodham Clinton.

e. “Clinton team” refers to the attorneys and/or agents of former U.S. Secretary of State Hillary Rodham Clinton.

f. “After action memo” refers to the document described by Heather Samuelson during her deposition testimony held on June 13, 2019 in this civil action. *See* Samuelson Tr., pp. 184, 188-89, attached to Plaintiff’s Status Report filed August 21, 2019 (ECF No. 131-7).

DOCUMENT REQUEST

1. A copy of the “after action memo” created by Heather Samuelson in or around December 2014, to memorialize the Clinton team’s search for and processing of the Clinton emails. *See* Ex. 7 (Samuelson Tr. at pp. 184, 188-89) attached to Plaintiff’s Status Report filed August 21, 2019 (ECF No. 131-7). Plaintiff only seeks factual portions that describe the review of Clinton’s emails. Plaintiff does not seek legal opinions or conclusions by counsel.

Dated: August 23, 2019

Respectfully submitted,

JUDICIAL WATCH, INC.

/s/ Ramona R. Cotca
Ramona R. Cotca (D.C. Bar 501159)
Paul J. Orfanedes (D.C. Bar No. 429716)
Lauren M. Burke (D.C. Bar 1028811)
425 Third Street SW, Suite 800
Washington, DC 20024
(202) 646-5172
rcotca@judicialwatch.org
pJORfanedes@judicialwatch.org
lburke@judiicalwatch.org

Counsel for Plaintiff