

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

JUDICIAL WATCH, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,

Defendant.

Case No. 14-cv-1242 (RCL)

**NON-PARTY DEPARTMENT OF JUSTICE'S RESPONSES AND
OBJECTIONS TO PLAINTIFF'S INTERROGATORIES SEEKING INFORMATION
FROM DEPARTMENT OF JUSTICE ATTORNEY ROBERT J. PRINCE**

Subject to and without waiving its objection to the propriety of any discovery of non-party the Department of Justice in this matter, the Department of Justice hereby responds to Plaintiff Judicial Watch, Inc.'s ("Judicial Watch") Interrogatories to Robert J. Prince:

GENERAL OBJECTION

Non-party the Department of Justice objects to Plaintiff serving interrogatories directly to Mr. Prince. The Court's order regarding additional discovery only authorizes Plaintiff "to take the additional discovery described in its August 21, 2019 status report [131], except the depositions of former Secretary of State Hillary Clinton and her former Chief of Staff Cheryl Mills." Order [135]. Plaintiff's August 21, 2019 status report described an "Interrogatory to Department of Justice," not Mr. Prince. Pl.'s Status Report at 16, § B(iii) [131]. Therefore, the Court has not authorized service of interrogatories to Mr. Prince. Accordingly, the Department of Justice will treat the document styled "Plaintiff Judicial Watch, Inc.'s Interrogatories to Robert J. Prince" that Plaintiff served on August 23, 2019 as if it had been directed to the Department of Justice, as required by the Court's order.

OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS

1. Non-party the Department of Justice objects to Instruction 1 to the extent it seeks to require Mr. Prince or the Department of Justice to provide information that is not in their possession, custody, or control. The Department of Justice will limit the scope of its responses to information that is within the Department of Justice's possession, custody, or control, Mr. Prince's personal knowledge, or has been provided to Mr. Prince in his official capacity as Senior Trial Counsel for the Department of Justice, Civil Division, Federal Programs Branch, after a reasonable inquiry.

2. The Department of Justice objects to Instruction 2 to the extent it requires the Department, with respect to any portion of any interrogatory that it is unable to answer fully and completely, to (1) "provide all facts" in support of his inability to answer; (2) to "describe all the efforts [Mr. Prince] made to locate the information needed to answer the interrogatory"; and (3) to "identify each person, if any, who is known by [him] to have such information." This Instruction constitutes multiple additional interrogatories, ones that are unduly burdensome and disproportionate to the needs of the case. They are also beyond the scope of the discovery permitted by the Court, as they have no connection to any of the three topics on which the Court has authorized discovery. Neither Rule 26 nor Rule 33 nor any Local Rule requires Mr. Prince to compile and provide this information in response to an "Instruction" accompanying a set of interrogatories. Accordingly, he will not do so.

3. The Department of Justice objects to Instruction 3 to the extent it requires the Department of Justice, with respect to each interrogatory, to "state whether the information furnished in the answer is within [Mr. Prince's] personal knowledge and, if not, identify each person who has personal knowledge of the information furnished in the answer." This Instruction

constitutes an additional interrogatory, one that is unduly burdensome and disproportionate to the needs of the case. It is also beyond the scope of the discovery authorized by the Court to which the Department of Justice is obligated to respond, as it has no connection to any of the three topics on which the Court has authorized discovery. Neither Rule 26 nor Rule 33 nor any Local Rule requires Mr. Prince to compile and provide this information in response to an “Instruction” accompanying a set of interrogatories. Accordingly, he will not do so.

INTERROGATORY 1:

State when you first learned that (i) the State Department was going to request Clinton’s emails and/or federal records in her possession; (ii) the State Department had requested Clinton’s emails and/or federal records in her possession; and (iii) Clinton had provided copies of her emails to the State Department on December 5, 2014. Plaintiff does not seek attorney-client information but rather only the dates you learned of these facts.

Response:

The Department of Justice objects to Plaintiff’s characterization of this interrogatory as one interrogatory, when in fact it contains 3 “discrete subparts.” Fed. R. Civ. P. 33(a)(1). The Department of Justice will consider this interrogatory to count as 3 interrogatories for purposes of the presumptive limit on the number of interrogatories set forth in Federal Rule of Civil Procedure 33(a)(1). Subject to and without waiving this objection, the Department of Justice provides the following responses:

(i) The wording of this interrogatory assumes that Mr. Prince knew, in advance of the request, that the “the State Department was going to request Secretary Clinton’s emails and/or federal records in her possession.” To the best of his recollection and after conducting a reasonable inquiry, Mr. Prince did not know that the State Department “was going” to make such a request.

He only learned that the State Department had made such a request at the time, or shortly after, he learned that Secretary Clinton had provided copies of her emails to the State Department. See (ii) & (iii) below for details.

(ii) To the best of his recollection and after conducting a reasonable inquiry, Mr. Prince did not know that “the State Department had requested Secretary Clinton’s emails and/or federal records in her possession” until after he knew that Secretary Clinton had provided copies of her emails to the State Department. See (iii) below for details. Mr. Prince has no specific recollection of precisely when he learned that “the State Department had requested Secretary Clinton’s emails and/or federal records in her possession.” But it was no later than March 20, 2015, when Mr. Prince filed the State Department’s opposition to Plaintiff’s motion for a status conference [ECF 14], that he knew that the State Department had requested Secretary Clinton’s emails and/or federal records in her possession.

(iii) To the best of his recollection and after conducting a reasonable inquiry, Mr. Prince recalls first learning sometime between January 2, 2015 and January 16, 2015 that “Secretary Clinton had provided copies of her emails to the State Department.” January 3 and 4 were weekend days, and Mr. Prince took five days of leave from January 5 through January 9; Mr. Prince believes it is unlikely that he learned while he was on leave that Secretary Clinton had provided copies of her emails to the State Department. If the interrogatory also is asking when Mr. Prince knew the date on which “Secretary Clinton provided copies of her emails to the State Department,” Mr. Prince does not recall when he learned of that date. It probably was around the time he learned that Secretary Clinton had provided copies of her emails to the State Department (which, for the reasons stated above, was likely sometime after January 9, 2015). In any event, Mr. Prince knew the date on which “Secretary Clinton provided copies of her emails to the State Department” by

no later than March 20, 2015, when Mr. Prince filed the State Department's opposition to Plaintiff's motion for a status conference [ECF 14].

Dated: September 12, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ELIZABETH J. SHAPIRO
Deputy Branch Director

/s/ Stephen M. Pezzi

STEPHEN M. PEZZI (D.C. Bar No. 995500)

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VERIFICATION

I, Robert J. Prince, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the interrogatory answers contained in the above responses to Plaintiff's Interrogatories Seeking Information from Department of Justice Attorney Robert J. Prince are true and correct to the best of my knowledge, upon information and belief, and based upon information that is within the Department of Justice's possession, custody, or control, Mr. Prince's personal knowledge, or has been provided to Mr. Prince in his official capacity as Senior Trial Counsel for the Department of Justice, Civil Division, Federal Programs Branch, after a reasonable inquiry.

Date: September 12, 2019.



Robert J. Prince
Senior Trial Counsel
U.S. Department of Justice, Civil Division
Federal Programs Branch

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2019, I served the Responses and Objections to Plaintiff's Interrogatories Seeking Information from Department of Justice Attorney Robert J. Prince by electronic mail on the following:

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/s/ Stephen M. Pezzi
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