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Transcript of Clarence N. Finney, Jr.

Date: June 4, 2019

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

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Transcript of Clarence N. Finney, Jr.
Conducted on June 4, 2019

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, : 14-01242 (RCL)
8 Defendant. :
9 ----- X
10
11 Videotaped Deposition of
12 CLARENCE NATHANIEL FINNEY, JR.
13 Washington, DC
14 Tuesday, June 4, 2019
15 10:03 a.m.
16
17
18
19
20 Job No.: 242900
21 Pages 1 - 305
22 Reported by: Debra A. Whitehead

1 Videotaped Deposition of CLARENCE NATHANIEL
2 FINNEY, JR., 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
10
11 Pursuant to notice, before Debra A. Whitehead,
12 an Approved Reporter of the United States District
13 Court and Notary Public of the District of Columbia.
14
15
16
17
18
19
20
21
22

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18 ALSO PRESENT:
19 JEREMY DINEEN, Video Specialist
20
21
22

Transcript of Clarence N. Finney, Jr.
 Conducted on June 4, 2019

5	7
<p style="text-align: center;">C O N T E N T S</p> <p>EXAMINATION OF CLARENCE NATHANIEL FINNEY, JR. PAGE</p> <p>By Ms. Cotca 10</p> <p style="text-align: center;">E X H I B I T S (Retained by Counsel)</p> <p>FINNEY DEPOSITION EXHIBIT PAGE</p> <p>Exhibit 1 6/10/13 Article from The Guardian, Hillary Clinton Joins Twitter 73</p> <p>Exhibit 2 9/29/08 Memorandum from Mr. Smith, to All Under Secretaries, Seventh Floor Executive Assistants and Special Assistants 112</p> <p>Exhibit 3 12/6/12 Letter from Ms. Weismann to Office of Information Programs and Services 125</p> <p>Exhibit 4 E-mail String, Ending from Ms. Mills to Mr. Johnson, 12/11/12 128</p> <p>Exhibit 5 Search Tasker 136</p>	<p style="text-align: center;">E X H I B I T S C O N T I N U E D</p> <p>FINNEY DEPOSITION EXHIBIT PAGE</p> <p>Exhibit 14 12/3/14 E-mail from Mr. Fischer to Ms. Grafeld 233</p> <p>Exhibit 15 E-mail String Ending from Mr. Stein to Mr. Fischer 244</p> <p>Exhibit 16 Transmittal Memorandum for Hillary Rodham Clinton Material 246</p> <p>Exhibit 17 E-mail String Ending from Mr. Hackett to Mr. Stein, et al. 255</p> <p>Exhibit 18 5/13/14 Letter from Ms. Bailey to Office of Information Programs and Services 262</p> <p>Exhibit 19 Search Tasker, 7/9/14 262</p> <p>Exhibit 20 9/11/14 Memorandum from S/ES-CR Clarence N. Finney, Jr., to Monica Tillery 266</p> <p>Exhibit 21 Search Report, Date due, 9/9/14 270</p> <p>Exhibit 22 11/12/14 Letter from Mr. Hackett to Ms. Bailey 272</p>
6	8
<p style="text-align: center;">E X H I B I T S C O N T I N U E D</p> <p>FINNEY DEPOSITION EXHIBIT PAGE</p> <p>Exhibit 6 2/14/13 Memorandum from Mr. Wasser to Mr. Finney 144</p> <p>Exhibit 7 Search report, Due Date 1/21/13 152</p> <p>Exhibit 8 2/26/13 Memorandum from S/ES-CR, Clarence N. Finney, Jr., to Mr. Jaramillo 160</p> <p>Exhibit 9 E-mail Bates No. DOS_00001326_0001 to DOS_00001326_0003 178</p> <p>Exhibit 10 E-mail String, Bates Nos. DOS_00002129 to DOS_00002130 184</p> <p>Exhibit 11 E-mail String, Bates Nos. DOS_00001325_0001 to DOS_00001325_0002 191</p> <p>Exhibit 12 E-mail String, Bates No. DOS_00000897_0001 213</p> <p>Exhibit 13 4/15/15 Letter from Ms. Frifield to The Honorable Trey Gowdy, Chairman 218</p>	<p style="text-align: center;">E X H I B I T S C O N T I N U E D</p> <p>FINNEY DEPOSITION EXHIBIT PAGE</p> <p>Exhibit 23 11/17/14 Memorandum from S/ES-CR Clarence N. Finney, Jr., to Monica Tillery 274</p> <p>Exhibit 24 Declaration of John F. Hackett Regarding Exemptions Taken in Responsive Documents 280</p> <p>Exhibit 25 4/18/16 Letter from Mr. Stein to Ms. Bailey 282</p>

9

1 P R O C E E D I N G S
2 VIDEO SPECIALIST: Here begins Disk
3 Number 1 in the videotaped deposition of Clarence
4 Nathaniel Finney, Jr., in the matter of Judicial
5 Watch V U.S. Department of State, in the U.S.
6 District Court for the District of Columbia, Civil
7 Action Number 14-01242.
8 Today's date is June 4, 2019. The time
9 on the video monitor is 10:03 a.m. The
10 videographer today is Jeremy Dineen, representing
11 Planet Depos. This video deposition is taking
12 place at the offices of Planet Depos, at 1100
13 Connecticut Avenue Northwest, Suite 950, in
14 Washington, DC.
15 Would counsel please voice-identify
16 themselves and state whom they represent.
17 MS. COTCA: Ramona Cotca, for the
18 plaintiff.
19 MS. BURKE: Lauren Burke, for the
20 plaintiff.
21 MR. PRINCE: Rob Prince -- Robert Prince
22 from the Department of Justice, for the defendant.

10

1 MR. PEZZI: Stephen Pezzi from the
2 Department of Justice, for defendant.
3 MS. SHAPIRO: Elizabeth Shapiro, for the
4 defendant Department of State.
5 MR. GROSSO: Elizabeth Grosso, from the
6 Department of State.
7 VIDEO SPECIALIST: Thank you.
8 The court reporter today is Debbie
9 Whitehead, representing Planet Depos.
10 Would the reporter please swear in the
11 witness.
12 CLARENCE NATHANIEL FINNEY, JR.,
13 having been duly sworn, testified as follows:
14 EXAMINATION BY COUNSEL FOR PLAINTIFF
15 BY MS. COTCA:
16 Q Good morning, Mr. Finney.
17 A **Good morning.**
18 Q Thank you for being here.
19 Before we begin, could you identify your
20 full name for the record, please.
21 A **Yes. Clarence Nathaniel Finney, Jr.**
22 Q Thank you.

11

1 A **Yeah.**
2 Q Have you ever had your deposition taken
3 before?
4 A **No. This is the first time.**
5 Q Okay. Well, there are a few rules. Let
6 me just go through them briefly. And if you have
7 any questions about them, let me know once I'm
8 done going through them.
9 A **Okay.**
10 Q As you can see, we have a court reporter
11 here.
12 A **Uh-huh.**
13 Q And she is transcribing everything that's
14 being said.
15 A **Okay.**
16 Q So if you could keep that in mind.
17 I will do my best not to interrupt you
18 when you're answering my questions, but I would
19 ask you to do the same.
20 A **Most definitely.**
21 Q So that way we don't speak over each
22 other and she's able to take everything that's

12

1 being said. Fair?
2 A **That's fair.**
3 Q Okay. Also, I see that you're nodding a
4 little bit. So for your answers to be transcribed
5 on the record, we would ask for verbal responses,
6 if you can do that.
7 A **Definitely do that.**
8 Q Okay.
9 A **Okay.**
10 Q One other thing is, I'll be asking
11 questions. We're going to go over a number of
12 subjects. If at any point you don't understand a
13 question that I'm asking, please let me know if
14 you need clarification.
15 A **Definitely.**
16 Q Otherwise I will assume that you have
17 understood the question and you're answering the
18 question that was asked. Is that fair?
19 A **That is fair.**
20 Q Okay. Your attorneys may also object
21 during the deposition. And that's okay. They're
22 doing their job. But I would ask that if your

13
1 attorneys do object, that you let your attorney
2 complete his objection before you answer the
3 question. And that you are required to answer the
4 question, unless your attorney instructs you not
5 to answer the question for privilege. Okay?
6 **A Understood. Understood.**
7 Q Okay. Do you have any questions on any
8 of those?
9 **A No, ma'am.**
10 Q Okay. And if you need a break at any
11 point, just let me know. And we'll try to break
12 when -- the subject matter is when we move from
13 one subject matter to another. But if you need a
14 break in the meantime, just let us know. Okay?
15 **A Will do.**
16 Q Okay. Are you familiar with the -- with
17 this lawsuit?
18 **A Very -- not -- not really in depth, no.**
19 Q Okay. So just for some background
20 information, this is a FOIA lawsuit that was filed
21 by Judicial Watch against the State Department for
22 a FOIA request, asking for communications and

14
1 records from the Secretary's office that relate to
2 updates and talking points that were provided to
3 Susan Rice about the attacks in Benghazi in 2012.
4 The reason that you have been asked to
5 provide your deposition here is because we
6 understand that you were involved in the search
7 for the records that were requested by Judicial
8 Watch.
9 Is that your understanding as well? With
10 respect to your -- with respect to your
11 involvement about the search?
12 **A Ask -- is that a question specifically**
13 **about if I was involved with the search?**
14 Q Yes. Is that your understanding, that
15 you were involved with the search in this case?
16 **A For -- and can you repeat that question**
17 **again specifically?**
18 Q Sure.
19 **A Sure. Yeah.**
20 Q Is it your understanding that you were
21 involved with the search for records from the
22 Secretary's office in response to Judicial Watch's

15
1 request in this case?
2 **A Okay. All I can say is that, just**
3 **running the shop, typically you have other**
4 **individuals who do the actual search. So I**
5 **wouldn't have been actually doing the search**
6 **unless you give me some information that kind of**
7 **guides me to that area.**
8 Q Okay.
9 **A Right now I don't recall doing the actual**
10 **search specifically.**
11 Q Fair enough. But your office is the one
12 that was involved in conducting the search for
13 records responsive to this request.
14 **A Yes.**
15 Q Correct?
16 **A Yes.**
17 Q Okay. Just so we have a road map of what
18 we'll cover today. Judge Lamberth in this case
19 ordered discovery on three topics. One is whether
20 Secretary Clinton intentionally attempted to evade
21 FOIA by using private e-mail while Secretary of
22 State; two, whether State's efforts to settle this

16
1 case in late 2014 and early 2015 amounted to bad
2 faith; and, three, whether State adequately
3 searched for records responsive to Judicial
4 Watch's FOIA request.
5 Your deposition -- the court ordered your
6 deposition for all of these three topics. So I'm
7 just giving you an idea where we're going to go
8 today. Okay?
9 **A Okay.**
10 Q All right.
11 **A Thank you.**
12 Q Mr. Finney, when did you first begin
13 working for the State Department?
14 **A July of 2006.**
15 Q Okay. And what office did you?
16 **A It was the Office of Correspondence and**
17 **Records.**
18 Q Okay. And have you -- and where are you
19 working? In which office for the State Department
20 are you working today?
21 **A The Executive Secretariat staff.**
22 Q Are you still working within the Office

17

1 of Correspondence and Records?
2 **A That is correct.**
3 Q Okay. Has your position changed at any
4 time from 2006 to the present?
5 **A Just from the standpoint of the position**
6 **title.**
7 Q Okay.
8 **A Yes.**
9 Q But with respect to your duties and
10 responsibilities and your day-to-day activities,
11 that has not changed --
12 **A No.**
13 Q -- from 2006 to the present?
14 **A No. I'm sorry for cutting across you.**
15 Q That's okay. All right.
16 Can you describe, what does -- generally
17 what does your office, the Office of records -- of
18 Correspondence and Records do?
19 **A Yes. The Office of Correspondence and**
20 **Records, which falls within the Executive**
21 **Secretariat staff, we are responsible for several**
22 **different areas.**

18

1 **One of them being when correspondence**
2 **come in addressed to the Secretary, we are making**
3 **sure that we keep a track of that. And what I**
4 **mean by tracking that is, basically when it comes**
5 **in, we're basically making sure we capture that**
6 **information for the record. Okay?**
7 **We are also responsible for conducting**
8 **any information that's coming up from the**
9 **building. When I said "building," from the**
10 **assistant secretaries or the bureaus that's**
11 **directed up to the Secretary. We're making sure**
12 **those documents are coming up and are placed into**
13 **our system of record. And then of course it goes**
14 **up to the Secretary. Again, the goal is making**
15 **sure we capture it for the record.**
16 **The other aspect of what we're**
17 **responsible for is making sure as far as recording**
18 **or capturing the record, archiving the records**
19 **when a particular principal leaves. You know,**
20 **working with their particular office to make sure**
21 **the records are retired.**
22 **And the last piece that we are working**

19

1 **closely with is, obviously, dealing with FOIA.**
2 **You know, when a FOIA request comes in, it doesn't**
3 **come in directly to us. But we are responsible**
4 **for managing the FOIA program for within the**
5 **Executive Secretariat.**
6 Q Okay. So just to clarify, with respect
7 to your responsibilities to manage the FOIA
8 program within the Executive Secretariat, that
9 means for FOIA requests for records from the
10 Secretary's office. Is that correct?
11 **A Yeah. Typically what we will do is, we**
12 **will receive a request that comes in from the**
13 **Bureau of Administration.**
14 Q Okay.
15 **A And then they would task the Executive**
16 **Secretariat. And then that's when we would**
17 **actually be doing the search for the Executive**
18 **Secretariat records.**
19 **Now, things have changed. But basically,**
20 **yes, that's what it is.**
21 Q Okay. You said things have changed.
22 **A Yes.**

20

1 Q When did they change?
2 **A That I don't recall. But specifically**
3 **what we're -- when I said "change," it just**
4 **basically means that we are still responsible for**
5 **managing the actual FOIA process within the**
6 **Executive Secretariat.**
7 Q Okay.
8 **A Yeah. So, yeah.**
9 Q Because we're talking about different
10 time frames --
11 **A Yes.**
12 Q -- from 2009 to 2013 specifically when
13 Secretary Clinton was in office --
14 **A Yes.**
15 Q -- and then also post her departure from
16 the State Department, if there is any difference
17 with respect to your responsibilities and duties
18 or what your office did. I will try my best for
19 my questions to be specific as to time frame.
20 **A Okay.**
21 Q But if you need -- if you think there
22 needs clarification, please let me know.

21

1 A **Definitely will.**
2 Q Okay?
3 How employees, specific -- specific to
4 managing the FOIA program in your office, how many
5 employees work on that?
6 A **Specific time period?**
7 Q Current.
8 A **If you don't mind.**
9 Q Currently.
10 A **Currently?**
11 Q Yes.
12 A **Currently today we have four individuals.**
13 Q Four individuals.
14 A **Yes.**
15 Q Okay. And how many did you have in 2014,
16 when the plaintiff sent -- submitted the FOIA
17 request at issue in this case?
18 A **One.**
19 Q And who was that?
20 A **Jonathan Wasser.**
21 Q And was he the management analyst?
22 A **That is correct.**

22

1 Q Okay. And the four individuals that are
2 presently there today, are they also management
3 analysts?
4 A **Three of them are, which includes**
5 **Jonathan Wasser.**
6 Q Okay.
7 A **And then one is a program support.**
8 Q What does a program support do?
9 MR. PRINCE: Objection to scope. This is
10 well beyond the time period we're supposed to be
11 talking about.
12 Q Okay. When did the program support begin
13 having a role in your office?
14 A **I don't recall the exact date and time**
15 **period that it started.**
16 Q That's okay.
17 A **Okay.**
18 Q But if you can -- are you able to narrow
19 it by year?
20 A **Yeah. I'm sorry for the pause. I'm**
21 **thinking.**
22 Q That's okay.

23

1 A **Okay. I don't recall the exact time**
2 **period I remember started working in that**
3 **position. Yeah, I don't recall. I would -- I**
4 **would say at least about a year ago.**
5 Q A year ago. Okay.
6 Let me narrow it down and see if this may
7 help.
8 A **Uh-huh.**
9 Q Was the program support role in place
10 when Secretary Clinton returned her e-mails to the
11 State Department in December of 2014?
12 A **That I don't recall. I don't recall.**
13 Q And with respect to Jonathan Wasser and
14 the management analyst, can you briefly just
15 provide what their role is in this process?
16 A **Yes. The management analysts, once**
17 **they -- we receive the requests from the Bureau of**
18 **Administration, then that's when they're**
19 **responsible actually for conducting the searching,**
20 **you know, of our records. And specifically the**
21 **records within our systems that we have within the**
22 **Executive Secretariat staff.**

24

1 Q Okay. And when you -- when your office
2 receives the request from -- the Bureau of
3 Administration, is that right?
4 A **That is correct.**
5 Q Okay. When you receive the request, does
6 the request initially go to you?
7 A **Actually it comes into our mailbox, if I**
8 **can say that.**
9 Q Okay.
10 A **Central mailbox.**
11 Q Okay. And specifically I'm asking from
12 the time period of 2009 to 2014.
13 A **I do believe we had that central mailbox**
14 **at that time.**
15 Q Central mailbox. And who checked that
16 central mailbox?
17 A **We both. It was Jonathan Wasser and**
18 **myself.**
19 Q Okay.
20 A **Yes.**
21 Q And once you would receive a FOIA
22 request, how did -- what happened next? How did

25

1 it get tasked?
2 **A Okay. I don't recall specifically. And**
3 **the only reason why I say that is because things**
4 **have changed in the -- as far as the office's use**
5 **of technology. And so that's the reason why. I**
6 **don't recall how that process was done.**
7 Q When -- what's the time period when you
8 say that things have changed because of
9 technology?
10 **A I'm trying to recall the time, exact time**
11 **period. And I don't recall the exact time period**
12 **of when it changed.**
13 **Yeah, I don't recall the exact time**
14 **period that it changed.**
15 Q Okay. So how was it done before it
16 changed, and then how was it done after it
17 changed?
18 **A Sure. Initially when we would receive**
19 **it, and I'm just going kind of by memory.**
20 Q Sure.
21 **A You know, and that's kind of vague. But**
22 **we used to get hard-copy documents, you know, from**

26

1 **the Bureau of Administration.**
2 Q Okay.
3 **A You know, and then eventually we started**
4 **getting it via e-mail. Okay? But we would get**
5 **hard copies, then eventually start getting through**
6 **e-mails. And that's when I said the mailbox came**
7 **into place.**
8 Q Okay.
9 **A So. And then, of course, when we**
10 **received that request, that's when the analysts**
11 **would go ahead and start the process as far as**
12 **doing the search.**
13 Q Okay. When a request would come in to
14 your office in response to FOIA --
15 **A Yes.**
16 Q -- from 2009 to 2014 --
17 **A Uh-huh.**
18 Q -- who made -- how was the determination
19 made what -- what to search in response to the
20 request?
21 **A Yes. We typically, when we do a search**
22 **is, the records that we have in our possession.**

27

1 **For example, the standard would be the searching**
2 **of our systems. And so it wouldn't seem we would**
3 **only search this system. We would go through the**
4 **system that we know was searched.**
5 Q And who would make that determination as
6 to what systems to search?
7 **A That would be normal standard. The**
8 **standard would be to search all the systems that**
9 **we would have. Because there are only a few**
10 **systems that we had to search.**
11 Q Okay.
12 **A Yeah.**
13 Q And do those systems, did they include
14 e-mail?
15 MR. PRINCE: Objection. Form.
16 Q What are the systems that were searched
17 from 2009 to 2014 in response to FOIA?
18 **A Okay. STARS and Everest. Excuse me, not**
19 **Everest. STARS. Secretariat Tracking and**
20 **Retrieval System. Cables. Our top secret system,**
21 **which -- which included, like, an index, you know.**
22 Q Is that different from cables?

28

1 **A Yes, it is.**
2 Q Okay.
3 **A Yes. The top secrets were hard-copy**
4 **documents, and just had an index that we held of**
5 **those.**
6 **And CARS, which is similar to cables.**
7 Q And what is the cable system?
8 **A STePs.**
9 Q Okay.
10 **A And CARS.**
11 Q And what type of records did STePs and
12 CARS include?
13 **A It was cables and to go specifically to**
14 **what type of cables, they were cables that were**
15 **sent out from the department.**
16 Q Okay. Did those two systems, cables --
17 did STePs -- or did CARS replace STePs or ...
18 **A That I can't recall because that's more**
19 **of an IT question. I just know those are the**
20 **systems we searched.**
21 Q Okay.
22 **A Yeah.**

29

1 Q So we'll go with that.
2 A **Uh-huh.**
3 Q Did STePs and CARS include e-mails?
4 A **No.**
5 Q No. Okay. And then I believe you
6 mentioned STARS was another system?
7 A **Yes. Secretary Tracking and Retrieval**
8 **System.**
9 Q Okay.
10 A **Okay? And the only other system that we**
11 **conducted searches with -- and I don't recall the**
12 **actual time period when it actually started -- was**
13 **the actual e-mails of PSTs.**
14 Q Okay. Let's go back to STARS for a
15 moment.
16 A **Uh-huh.**
17 Q What type of records did STARS include?
18 A **STARS include documents that are coming**
19 **up again within the building. They're coming in**
20 **from our bureaus that are addressed typically to a**
21 **Secretary or to our Under Secretaries. STARS is**
22 **the Secretary Tracking and Retrieval System. So**

30

1 **you would have action memos, info memos, notes,**
2 **thinks that are coming up directed to the**
3 **Secretary or our Under Secretaries.**
4 Q Okay.
5 A **Yeah.**
6 Q And did STARS include e-mails?
7 A **No.**
8 Q And then what about the top secret files?
9 A **The top secret files again were hard-copy**
10 **documents, and an index was captured as well.**
11 Q Did the top secret file include e-mails?
12 A **Not to my knowledge.**
13 Q Okay.
14 A **I don't recall seeing that. So I can't**
15 **be a hundred percent sure on that.**
16 Q Okay. So so far none of the systems we
17 went through included e-mails. Is that right?
18 A **Except --**
19 MR. PRINCE: Objection. Form.
20 Sorry. Go ahead.
21 A **The PSTs.**
22 Q Right. And we're going to get to the PST

31

1 next.
2 A **Sure.**
3 Q But other than PST, none of the other
4 ones included e-mails?
5 A **They normally would not include e-mails,**
6 **no.**
7 Q Okay. Can you explain the PST system?
8 What is that?
9 A **PSTs -- and, again, not being the person**
10 **from the IT background.**
11 Q Sure.
12 A **Those are -- and what I'm not sure what**
13 **the acronym of PST is. But it's basically a -- I**
14 **don't even call it a database. But it's a record**
15 **of the e-mails for a particular individual. And**
16 **typically it would be an individual who has**
17 **departed, because our office did not search**
18 **e-mails of individuals who are currently in the**
19 **position.**
20 Q Okay. And the individual who has
21 departed, whose PST file is -- is being searched,
22 those would be custodians who worked or

32

1 individuals who worked in the Secretary's office.
2 Correct?
3 A **It could be, yes.**
4 Q Okay. All right. And you say that this
5 PST file is searched once the individual leaves
6 the State Department.
7 How did your office search their e-mails
8 when they were still working at the Secretary's
9 office, or at the State Department?
10 A **During what period?**
11 Q From -- thank you very much. From 2009
12 to 2013.
13 A **And repeat the question again.**
14 Q Sure.
15 A **I'm sorry.**
16 Q So from 2009 to 2013, how did your office
17 search for e-mails in response to FOIA requests
18 for individuals working in Secretary Clinton's
19 office?
20 A **Okay. All right. There was a time**
21 **period that we were not searching e-mails. Okay?**
22 **As -- as was stated during the congressional. At**

Conducted on June 4, 2019

33

1 **that time period, I can't recall the exact time**
 2 **period that it was.**
 3 **But I do know we had started searching**
 4 **PSTs for individuals who had departed. And it's**
 5 **during the 2009 time period, that was never our**
 6 **role, to search individual's e-mails. It was**
 7 **always the individual responsibility to search**
 8 **their e-mails. It was never our responsibility**
 9 **during that time period.**
 10 Q Okay. So maybe -- let's clarify this a
 11 little bit.
 12 In 2009 to 2013, your office receives a
 13 FOIA request relating to Secretary Clinton's
 14 e-mails, Cheryl Mills' e-mail, and Huma Abedin's
 15 e-mail. Okay?
 16 A **Uh-huh. Uh-huh.**
 17 Q Is it your testimony that to search their
 18 e-mails, you would task out the search to Huma
 19 Abedin, Cheryl Mills, and Secretary Clinton, to
 20 search their own e-mails because at the time they
 21 were still employed by the State Department?
 22 A **Okay. Can you repeat the names of the**

34

1 **individuals again?**
 2 Q Secretary Clinton, Cheryl Mills, and Huma
 3 Abedin.
 4 A **Okay. First of all, Secretary Clinton**
 5 **did not have a state.gov e-mail account.**
 6 Q Okay.
 7 A **Okay? And in regards to the Cheryl Mills**
 8 **and Huma Abedin, and you're asking in regards to**
 9 **the tasking -- and this is part -- the period I**
 10 **can't recall when it transpired, but I do**
 11 **recall -- well, I don't even recall. I know they**
 12 **received the tasking. It was a time period where**
 13 **we tasked them. But also I believe Bureau of**
 14 **Administration tasked them directly as well. But**
 15 **that, I can't recall when that actually took**
 16 **place.**
 17 Q So you're saying that the Bureau of
 18 Administration tasked --
 19 A **Again, I don't recall when that actually**
 20 **started and took place. But I do recall that**
 21 **happening. But I don't recall when.**
 22 Q Was that during Secretary Clinton's

35

1 tenure at the State Department?
 2 A **That -- that part I can't recall.**
 3 Q You can or you cannot?
 4 A **I don't recall when, when it actually**
 5 **took place.**
 6 Q Who would have that information?
 7 A **That I wouldn't know for sure. Because,**
 8 **again, we wouldn't be involved with the actual**
 9 **taskings that come from Bureau of Administration.**
 10 **We would just get what we would -- we received**
 11 **from them. And when we receive from them, that's**
 12 **when we would conduct the search.**
 13 Q Okay. With respect to FOIA requests,
 14 during the same time frame, that related to
 15 e-mails to individuals within Secretary Clinton's
 16 office, how did you ensure that that -- those
 17 records were searched?
 18 MR. PRINCE: Objection. Form and
 19 foundation.
 20 A **Okay. I guess the question would be you**
 21 **will have to go back and firstly look at the**
 22 **actual request that came in, specifically, you**

36

1 **know, look at the request.**
 2 Q I'm speaking in general terms.
 3 A **Okay.**
 4 Q For FOIA requests relating to e-mails
 5 from the Secretary's office.
 6 A **Yes.**
 7 Q Secretary Clinton's office.
 8 A **Uh-huh.**
 9 Q That request came to your office. So my
 10 question is, how did you ensure, how did you make
 11 sure that those -- that the e-mails were searched
 12 in response to the FOIA request?
 13 MR. PRINCE: Same objection.
 14 A **Yeah. Again, going back to what I**
 15 **recall, what I -- because I don't recall all that**
 16 **took place during that time period.**
 17 **What I do recall is that when we did get**
 18 **a request in that requested, for example,**
 19 **Secretary Clinton's e-mail, you know, because we**
 20 **didn't have -- she did not have an e-mail account,**
 21 **there was -- we couldn't search anything. And so**
 22 **that's what we responded back to the Bureau of**

Conducted on June 4, 2019

37

1 Administration she does not have an e-mail
2 account, so we could not search.
 3 Q Okay.
 4 A Yeah.
 5 Q Are you referring to the 2012 request
 6 submitted by Citizens For Responsibility and
 7 Ethics in Washington?
 8 A That, I can't recall which one. I just
 9 know that we did get requests that came in, you
 10 know. But I can't recall specifically which one.
 11 Q Okay.
 12 A Yeah.
 13 Q Okay. Okay. But let's put requests for
 14 Secretary Clinton's e-mail aside for just a
 15 second.
 16 With respect to a request that dealt with
 17 or concerned e-mails from Cheryl Mills, who was in
 18 the Secretary's office during her tenure.
 19 Correct?
 20 A Yes.
 21 Q Okay. How did you ensure that Ms. Mills'
 22 e-mails were searched in response to a FOIA

38

1 request?
 2 And again the time frame is 2009 to 2013.
 3 MR. PRINCE: Objection. Form.
 4 Foundation.
 5 A Okay. Again, I'm trying to understand,
 6 because I'm trying to make sure I cover the time
 7 period. And that's the part where it's still kind
 8 of cloudy as far as how it was tasked, you know.
 9 That's the part I don't recall.
 10 Because the system we have today --
 11 again, I just -- I just don't recall the actual
 12 how it was tasked to her.
 13 Q But it was tasked to her. Correct?
 14 A Something was tasked, but I can't recall
 15 exactly unless I go back and look at records.
 16 Again, I can't recall exactly how it was tasked.
 17 Q Okay.
 18 A Okay.
 19 Q So when a request was -- or a search was
 20 tasked to individuals within the Secretary's
 21 office, Secretary Clinton's office, from 2009 to
 22 2013, would that be in writing?

39

1 A And again, because it's so bleary, I'm
 2 trying to remember exactly how did we go through
 3 the process when we actually received the tasking.
 4 You know, I know we did a search of our
 5 systems, you know, which is the Secretary Tracking
 6 and Retrieval System, the cables, STARS, so forth.
 7 As far as how the front office or the
 8 S front office was tasked, that part I can't -- I
 9 don't recall.
 10 Q Okay.
 11 A And that's -- that's the part. So I
 12 don't want to speculate and make something up,
 13 because I'm supposed to tell the truth, so ...
 14 Q Absolutely.
 15 A Most definitely.
 16 Q And I don't want you to guess.
 17 A Yeah, I don't want to guess.
 18 Q Do you know who was in the front office
 19 of -- who the -- who would be tasked with the
 20 searches from 2009 to 2013?
 21 A Not right offhand, I do not.
 22 Q Okay. So then now moving to the time

40

1 frame after Secretary Clinton left office. From
 2 2013, January 2013, to two thousand -- end of
 3 2014. That's the time frame.
 4 How were e-mails from Secretary Clinton's
 5 office searched at that point, the PST files?
 6 A Okay. Can you repeat it one more time,
 7 because I'm just trying to stay focused.
 8 Q Sure.
 9 A Yeah.
 10 Q From 2013 to two thousand -- end of 2014,
 11 how did your office search e-mails from Secretary
 12 Clinton's office?
 13 A PSTs.
 14 Q Correct.
 15 A Yes, that's how we conducted the search,
 16 through PSTs. Did you want to know the process?
 17 Q Yes.
 18 A Yes. The PSTs were actually requested,
 19 and once we received the PSTs, we would upload
 20 them into our Outlook system, and then we would
 21 conduct a search via Outlook.
 22 Q Okay. And you said the PSTs were

41

1 requested.

2 **A Yes.**

3 Q Who were they requested from?

4 **A They was requested from S/ES-IRM.**

5 Q Okay. And what does S/ES-IRM stand for?

6 **A Information -- I believe it's Executive**

7 **Secretariat Information Resource Management**

8 **division or directorate.**

9 Q Okay. And during Secretary Clinton's

10 tenure, John Bentel was the director of S/ES-IRM.

11 Correct?

12 **A I'm not a hundred percent sure, so I**

13 **can't say yes or no, because I can't -- I don't**

14 **recall who was actually in that position.**

15 Q Do you recall Mr. Bentel?

16 Do you know Mr. Bentel?

17 **A Yes, I do know Mr. Bentel.**

18 Q Okay.

19 **A But I don't know what time period was he**

20 **covering that position. That's the piece I'm not**

21 **clear on.**

22 Q Okay.

42

1 **A Yeah.**

2 Q But he was the director at some point --

3 **A Yes.**

4 Q -- of this office. Correct?

5 **A Yes, he was.**

6 Q Okay. And who would make the

7 determination, going back to the FOIA request, who

8 would make the determination in your office as to

9 which PST files to search? And this is the time

10 frame 2013 to end of 2014.

11 **A Yes. Yes.**

12 **That discussion typically took place with**

13 **Jonathan Wasser, myself, and also sometimes we**

14 **would talk with the Executive Secretary.**

15 Q And going back again from 2009 to 2013.

16 **A Uh-huh.**

17 Q Would it also be you and Mr. Wasser who

18 would determine which individuals should be tasked

19 in the Secretary's office to search in response to

20 a FOIA request?

21 MR. PRINCE: Objection. Form.

22 Foundation.

43

1 **A Okay.**

2 MR. PRINCE: Just form. Just form.

3 **A Okay. And again, I don't recall exactly**

4 **the process that we had, you know, as far as the**

5 **tasking, you know. And that's the reason why I**

6 **mentioned Bureau of Administration and the**

7 **Executive Secretary, because I wasn't sure and I**

8 **don't want to just make something up.**

9 **Again, I don't recall how that process**

10 **went from as far as tasking the Secretary's**

11 **office. So that's the reason I didn't want to**

12 **make that up.**

13 Q Do you recall any conversations that you

14 had with Mr. Wasser from 2009 to 2013 with respect

15 to which custodians -- or which individuals in

16 Secretary Clinton's office should search records

17 in response to requests for e-mails from the

18 Secretary's office?

19 **A I don't recall.**

20 Q Okay.

21 **A Yeah.**

22 Q Just to clarify, when you said that you

44

1 requested PST files to do the request -- to do the

2 search, that -- my understanding is that's at the

3 time that you received the FOIA request. Is that

4 right? Let me rephrase it.

5 When you -- you requested PST files to

6 conduct a search, was that at the time that the

7 individuals departed, or was that in specific to a

8 FOIA request?

9 **A Okay. I guess the first question I have**

10 **to say is, what time period are we talking about?**

11 Q From 2013 to 2014.

12 **A And the question is when did we request**

13 **it, whether it would be when the individual is**

14 **there or when the individual had already departed?**

15 **Is that the question?**

16 Q Can you repeat that?

17 **A Okay. I just want to make sure.**

18 **Are you asking did we request PSTs when**

19 **the individual was -- was on duty, or in this case**

20 **in that position, or when the individual left for**

21 **anything that took place after 2013, FOIA request**

22 **are received?**

45

1 Q The latter.

2 A Okay. When it was -- okay.

3 Around about when a member left, and

4 we're looking around about 2013, 2014.

5 Q Okay.

6 A When a member departed, okay, we would

7 request the actual PST of the individual that we

8 would need. Again, after discussing it with

9 myself, Jonathan Wasser, and typically with the

10 Executive Secretary.

11 But it would never be while a member is

12 here. Because we would not search PSTs of an

13 individual who was currently in a position.

14 Q Okay. And why would you request the PST

15 at that point?

16 A For when a member has departed?

17 Q Correct.

18 A Based on the consultation, again,

19 Jonathan Wasser, and we would also talk with the

20 Executive Secretary to see, okay, that individual

21 may likely have records in that office, depending

22 on what office it was and position, position that

46

1 person had.

2 Q Okay.

3 A Yeah.

4 Q Okay. From 2009 to 2013, during

5 Secretary Clinton's tenure, was there a point of

6 contact within the Secretary's office for FOIA

7 requests?

8 A Again, I don't recall the entire process,

9 how the Secretary office was contacted in regards

10 to FOIA, you know. And so that's why -- again, I

11 don't recall how that -- that process was.

12 Q That's okay. I'm just trying to

13 understand if there was a point of contact within

14 Secretary Clinton's office with respect to FOIA

15 requests that came in for her office.

16 A Yeah. We would contact or would A bureau

17 contact? See, that's what I'm trying to

18 understand the contact that you're asking.

19 Q That your office would deal with.

20 A Well, again, like I said, we would get

21 the request from the Bureau of Administration.

22 And I don't recall how that process was. You

47

1 know, as far as was A bureau contact them

2 directly, were we contact them directly. That's

3 the part I am not really sure about.

4 Q That's okay. And I -- I want to put the

5 process aside for a second.

6 A Yeah.

7 Q I just want to know if you had a point of

8 contact who you normally dealt with in the

9 Secretary's office with respect to FOIA requests

10 from 2009 to 2013.

11 A A lot of time -- many times when we

12 received FOIA requests, we would always talk with

13 the Executive Secretary. Okay? And I can't

14 recall the process by which we would contact the

15 Secretary's office. I do know we would always

16 talk with the Executive Secretary.

17 Q And who was the Executive Secretary in

18 2009, if you recall?

19 A I don't recall.

20 Q Okay. Did your office have any role in

21 requests that came in from -- for records from

22 Secretary Clinton's office from Congress?

48

1 A Okay. Can you repeat that question one

2 more time, please.

3 Q Yes. Did your office have any role or

4 involvement in -- with respect to requests for

5 records that came in from Congress about -- we'll

6 do it about the Benghazi attacks.

7 A Can you define when you say

8 "involvement"?

9 And only reason I mention that, make that

10 statement, is because the Bureau of Administration

11 is responsible for the records, specifically the

12 agency records office for the records for the

13 entire department.

14 And so if you're asking the question in

15 regards to records specifically after the

16 departure of Secretary Clinton, that would go

17 through the Bureau of Administration.

18 Now, what our involvement would be, I

19 would have to have more specifics, because that's

20 kind of broad right now.

21 Q Was your office responsible to search for

22 records in response to requests from Congress

49

1 about the Benghazi attacks?
2 **A Normally what would take place when we**
3 **receive -- I can only go by what the procedures,**
4 **what they would normally be. And so if we were**
5 **tasked by the Bureau of Administration, then we**
6 **would do a search.**
7 Q Okay.
8 A So, we would not just do a search just to
9 be doing it. It would have to come down from the
10 Bureau of Administration requesting an official
11 search.
12 Q Okay.
13 A And that's what we conducted.
14 So if we received a request, then yes, we
15 would do a search.
16 Q Okay. And did your office receive any
17 request from 2012 up until February 1st, 2013,
18 upon Secretary Clinton's departure, to search for
19 records about Benghazi, the Benghazi attacks?
20 A Okay. Specifically, I do not recall, you
21 know. If I would go back and see the tasking,
22 then I would say yes, we did. But to say did we

50

1 actually do that, I will be guessing to say, yes,
2 we did. And I don't want to guess. I want to be
3 specific. And I don't recall specifically, you
4 know.
5 But if we did, there should be a record
6 of showing that a tasking was given to the Bureau
7 of Administration, from the Bureau of
8 Administration to the Executive Secretary.
9 Q Okay.
10 A But I don't recall specifically, and I
11 don't want to guess.
12 Q Okay.
13 A Okay.
14 Q And what about from February 1, 2013,
15 through end of 2014; did your office receive
16 any -- or was your office tasked to search for
17 records about the Benghazi attacks?
18 A Okay.
19 MR. PRINCE: Objection. Form.
20 Q Okay. Fair. Let me -- let me reask that
21 question.
22 A Okay.

51

1 Q From February 2013 through end of 2014,
2 did your office receive any request or was your
3 office tasked to search for any records relating
4 to the Benghazi attacks, from the Hill, from
5 Congress?
6 A Okay. To be specific, I don't recall.
7 And the only reason I say that is because we get a
8 lot of requests that come in. Not only just FOIA,
9 you know. But we do get Congressional requests
10 that come in. To say specifically which request
11 we receive and when we received it, that I don't
12 recall. So that's the reason why I say I don't
13 recall.
14 Q Okay. Do you recall searching for
15 records responsive to the Benghazi Select
16 Committee's request for documents relating to
17 Benghazi?
18 A I don't recall. But that's not to say
19 that we didn't get tasked. Because it was tasked,
20 then we would have official record of it. And
21 then, yes, if we were tasked, then we would
22 conduct an search. But I don't recall saying yes,

52

1 we did that specific search.
2 Q Okay. Well, isn't it fair to say that if
3 a request came in for records relating to
4 Secretary's office, that it would be your office
5 would be tasked to search for those records? And
6 the time frame is 2014.
7 A Say -- repeat that one more time.
8 Q Isn't it fair to say that if a request,
9 whether it came from -- a Congressional request,
10 that if a request was made by Congress for records
11 from the Secretary -- Secretary Clinton's office,
12 that it would be your office who would be tasked
13 to search those records?
14 A Not necessarily. Okay?
15 Q Can you explain that?
16 A Yes, I can.
17 Q Thank you.
18 A I say "not necessarily" because if a
19 request came from a FOIA or a Congressional, and
20 they were specifically looking for Secretary
21 Clinton's e-mails, okay, we didn't have a
22 state.gov account. She didn't have a state.gov

1 account, and so we wouldn't have any records of
2 that.

3 Now, if the request had come down and
4 they were specifically looking for actions that
5 she had taken, remember that historic specific,
6 like in STARS, which is the Secretary Tracking and
7 Retrieval System, or cables, which is a STePs
8 system, we could conduct a search on that.

9 Now, if, in fact, the records -- since
10 Secretary Clinton has left and they've already
11 been retired, which means they are now with the
12 Bureau of Administration, then we would not be
13 responsible for conducting that search. The
14 Bureau of Administration would conduct a search of
15 the retired records.

16 Q And what do you mean, what are the
17 retired records specific to Secretary Clinton that
18 you're referring to?

19 A Okay. Well, example, let's say a
20 document came up, and there was a -- like a
21 briefing book that might have been created. Or a
22 document -- yes, a briefing book that might have

1 been created. Okay? And that when they were
2 leaving, we made sure those items were properly
3 retired. Okay?

4 And so properly retiring, meaning you do
5 the -- what we call the DS-693, working closely
6 with the Secretary's office. And we would retire
7 the records. And those records would be picked up
8 by the Bureau of Administration, and then turned
9 over to A bureau.

10 Q They would be turned over to where?

11 A The Bureau of Administration, for
12 retirement. So then we would not search records
13 that have already been retired.

14 Q Going back to 2012, 2013 time frame, was
15 your office -- or did your office search for
16 records in response to the Accountability Review
17 Board's investigation into the Benghazi attacks?

18 A That I don't recall. But I'm not saying
19 that we didn't; I just don't recall.

20 Q Okay. And if you did, there would be
21 tasking forms and those kind of records that would
22 show what you did. Is that right?

1 A That is correct.

2 Q Okay. Do you know who led the search --
3 and if you know -- who led the search for records
4 from Secretary's office in response to the
5 document request made by the Accountability Review
6 Board's investigation into the Benghazi attacks?

7 A I don't recall. No, I do not. No, I do
8 not know.

9 Q Okay.

10 A I'm sorry.

11 Q So I want to move back to 2009 now and
12 ask you some questions about what you knew and
13 what conversations you had when Secretary Clinton
14 came on board.

15 Specifically, were there any discussions
16 that your office had with respect to whether
17 Secretary Clinton was going to use e-mail? And
18 the time frame I guess would be 2009. And I'm
19 asking specific to her transition team.

20 A I don't recall being a part of that
21 conversation. No, I do not recall.

22 Q Okay. Do you recall any discussions that

1 others had with respect to Secretary Clinton, and
2 whether she was going to use e-mail, either during
3 the transition time period or early 2009 when she
4 came on board?

5 A No, I do not recall because I wouldn't --
6 that's -- no, I do not recall that at all.

7 Q Okay.

8 A Because I wouldn't have been a part of
9 that conversation.

10 Q Okay. And my question is not if -- it's
11 not limited to conversations you were part of.

12 A Yeah.

13 Q My question is, do you know of any
14 discussions that were had.

15 A Oh, I'm sorry. No. No. No, I do not.

16 Q Okay. So earlier you testified that
17 Secretary Clinton did not have a state.gov e-mail
18 account.

19 A That is correct.

20 Q How did you know that?

21 A Okay. That came about in a -- two
22 things.

57

1 **One, when -- I don't know -- I'm not sure**
2 **exactly time period. The reason why I said I**
3 **don't know the time period, because I'm not sure**
4 **if it came up because of a FOIA request, you know.**
5 **But that's when I would have asked the question**
6 **about a state.gov account.**
7 **Now, and I was told that she did not have**
8 **a state.gov account, you know. And, yeah.**
9 Q Was this when Secretary Clinton was still
10 at the State Department?
11 A **Yes.**
12 Q Okay. And are you -- I mean, and I'm not
13 asking for a specific date. But are you able to
14 narrow with respect to the time frame of when you
15 had that conversation by year?
16 A **No, ma'am.**
17 Q Would it have been before the attacks in
18 Benghazi in 2012?
19 A **I -- I don't recall.**
20 Q Okay. Who did you have the discussion --
21 that discussion with?
22 A **I don't remember the person's name**

58

1 **specifically, you know. I just know it was a**
2 **member of the exec tech, or POEMS, which is**
3 **S/ES-IRM.**
4 Q S/ES-IRM?
5 A **Yes.**
6 Q And that's Mr. Bentel's office during
7 Secretary --
8 A **Well, again --**
9 Q -- Clinton's tenure?
10 A **-- that part I don't recall, when he was**
11 **here during that time. I don't recall that.**
12 Q You said member of POEMS?
13 A **No. Executive -- S/ES-IRM, that's what**
14 **it's called.**
15 Q What did you mean by the reference to
16 POEMS?
17 A **That's another way of just saying**
18 **S/ES-IRM.**
19 Q Oh, okay. Thank you.
20 A **Yeah. Yeah. Okay.**
21 Q And what were you told when you asked
22 whether Secretary Clinton had an e-mail account?

59

1 A **I was told she did not have a state.gov**
2 **e-mail account.**
3 Q Okay. And this was in response to a FOIA
4 request?
5 A **That I don't recall, you know. I just --**
6 **you know, I don't recall specifics. But it -- it**
7 **sounds familiar. Only reason why -- yeah, it**
8 **sounds familiar to a FOIA request that came in.**
9 Q Okay. Did you inquire at that point,
10 either from S/ES-IRM or from Secretary Clinton's
11 office, whether Secretary Clinton used a different
12 e-mail account for government business?
13 A **No.**
14 Q Okay. Was there any discussion at that
15 point whether Secretary Clinton used an e-mail
16 account other than the state.gov account, that
17 you're aware of, in regards to your inquiry?
18 A **Can you repeat that one more time,**
19 **please.**
20 Q So still talking about the same time
21 frame when you're having the conversation with
22 somebody in S/ES-IRM.

60

1 A **Uh-huh.**
2 Q Do you know if there was any discussion
3 that that office or anybody else had with respect
4 to whether Secretary Clinton was using any other
5 e-mail account for government business?
6 A **No. I was not part of any conversation**
7 **at all.**
8 Q Okay. So this -- when you inquired, when
9 you first inquired whether Secretary Clinton had a
10 state.gov e-mail account, do you know if it was
11 early in her tenure?
12 A **That I -- that I don't recall.**
13 Q Okay. Well -- okay. Strike that.
14 Were you aware in the time frame of
15 2008 -- well, 2009, early 2009, whether Secretary
16 Clinton and her office had made request to the
17 State Department to have BlackBerrys?
18 A **That I don't recall. You know, I don't**
19 **have a memory of that conversation or anything of**
20 **that nature.**
21 Q I'm not asking if you had conversation
22 about it; I'm just asking if you knew that

61

1 Secretary Clinton and her office had made requests
2 for BlackBerrys in 2009.
3 **A I don't recall. No, I don't. That I can**
4 **recall. I don't recall seeing anything like that.**
5 **Because our office deal with the records, not with**
6 **the IT side of the house.**
7 Q Okay.
8 **A Okay?**
9 Q When you spoke with the individual at
10 S/ES-IRM, were there -- was there any discussion
11 as to whether Secretary Clinton had made a request
12 for use of BlackBerrys at that point?
13 **A No.**
14 Q I'm just trying to narrow who you may
15 have spoken with in the office of S/ES-IRM.
16 **A Uh-huh.**
17 Q You are familiar with John Bentel.
18 Correct?
19 **A Yes.**
20 Q Okay. Is it your testimony that it was
21 somebody else other than Mr. Bentel?
22 **A Again, I don't recall who I had a**

62

1 **conversation with, you know. I just remember it**
2 **was with S/ES-IRM.**
3 Q How many employees did Mr. Bentel have
4 under him in his office from -- in 2009?
5 **A I don't know.**
6 Q Time frame of 2009, if you had to make
7 any requests from the office of S/ES-IRM, who -- I
8 mean, who was your main point of contact in that
9 office?
10 **A Can you repeat that question again?**
11 Q Yes. Sure. In 2009, when you had to
12 discuss any issues with the office of S/ES-IRM,
13 who would you have -- who would be your point of
14 contact in that office?
15 **A I don't recall who specifically I would**
16 **have to contact. I don't recall that. No.**
17 Q In 2009 you were the deputy director of
18 the Office of Correspondence and Records.
19 Correct?
20 **A That is correct.**
21 Q Okay. So you headed your office.
22 Correct?

63

1 **A That's correct.**
2 Q Okay. Would it be fair to say that you
3 would contact the head of the office of S/ES-IRM
4 in 2009, whoever that may be, to discuss any
5 issues you may need to with that office?
6 **A I would say that may not be the case.**
7 Q Can you explain that?
8 **A Because I -- I don't recall, and I**
9 **don't -- I can't say that I specifically talked to**
10 **the director, you know.**
11 **And so for me to say in my position that**
12 **I would be talking to the director, that would be**
13 **incorrect. That's just, you know -- yeah, that**
14 **would be an incorrect statement saying it was**
15 **definitely him who I talked to, because I don't**
16 **know.**
17 Q How many individuals who worked in
18 S/ES-IRM have you dealt with from 2009 to 2013
19 during Secretary Clinton's e-mail -- tenure?
20 **A How many?**
21 Q Yes. How many different individuals did
22 you deal with?

64

1 **A I couldn't give you a number.**
2 Q Is it 50, or could it be one or two
3 people?
4 **A It could be -- it could be 50 or more.**
5 **And the only reason I say that is because you have**
6 **support, they support the Executive Secretary, and**
7 **the Secretary. And so not knowing how large this**
8 **office is, I couldn't tell you how many**
9 **individuals I would come in contact with or talk**
10 **to, you know.**
11 Q I'm just asking with respect to specific
12 discussions, not necessarily just coming in
13 contact with.
14 **A Uh-huh. Uh-huh.**
15 Q But ...
16 **A Yeah.**
17 Q Your same answer. Correct?
18 **A Yeah -- again, I couldn't tell you if it**
19 **would be ten or five, you know, yeah.**
20 Q Okay.
21 **A Because I don't recall the exact how many**
22 **that I would have come in contact with during that**

65

1 **time.**
2 Q Do you know if anybody else was present
3 when you had the discussion with the individual in
4 ES -- S/ES-IRM about --
5 MR. PRINCE: Objection.
6 Q -- about your inquiry whether Secretary
7 Clinton had a state.gov e-mail account?
8 **A I don't recall who else was in the room**
9 **or was in that part of that conversation.**
10 Q Okay. Have you had conversations with
11 Jonathan Wasser since that conversation about that
12 conversation?
13 **A I don't recall. I mean, we discuss a lot**
14 **of things when it comes to FOIA cases and so**
15 **forth. So I couldn't tell you, you know, have I**
16 **had a conversation with Jonathan concerning this,**
17 **you know. I could have. I don't know. Because,**
18 **you know, we covered a lot of -- it's been a lot**
19 **of years, yeah.**
20 Q I appreciate that.
21 **A Yeah.**
22 Q Did you communicate that with Jonathan

66

1 Wasser, once you were informed that Secretary
2 Clinton didn't have a state.gov e-mail account?
3 **A Yes. But when did I share that with him?**
4 **I don't recall.**
5 Q Okay. And can you tell me more as to
6 what that discussion involved?
7 **A Again, don't recall specifics about the**
8 **conversation. But I do know I've shared that with**
9 **him. But I don't recall when and what was the**
10 **background about it, about a state.gov account.**
11 **I just don't know when I shared it with**
12 **him.**
13 Q But do you have specific memory of that
14 conversation?
15 **A With John Bentel or with -- with who?**
16 Q With -- with Mr. Wasser, with Jonathan
17 Wasser.
18 **A About the state.gov account?**
19 Q Correct.
20 **A I don't remember specifics about that**
21 **conversation. The only reason I say that is**
22 **because when -- when looking at all the FOIA**

67

1 **requests we've had recently and over the last year**
2 **dealing with the FOIA search and even previous**
3 **years, I don't recall the exact conversation we**
4 **had in regards to state.gov account -- her not**
5 **having a state.gov account. But I do recall**
6 **sharing that with him. I just don't know when.**
7 Q Okay. Did you share that with him while
8 Secretary Clinton was still in office? If you can
9 recall.
10 **A I don't recall.**
11 Q Okay.
12 **A Yeah.**
13 Q There's been testimony provided in a
14 different lawsuit that Judicial Watch filed
15 against the State Department, and that testimony
16 was provided by Ms. Karen Lang.
17 Do you know who Ms. Lang is?
18 **A Yes, I do.**
19 Q Okay. And who is she?
20 **A She works here at the Department of**
21 **State, and she used to work within the Executive**
22 **Secretariat staff.**

68

1 Q Okay.
2 **A She was the director.**
3 Q She was the director?
4 **A That is correct.**
5 Q Okay. And did you report to her --
6 **A Yes.**
7 Q -- as the director?
8 **A Yes, I did.**
9 Q Okay. She testified about an inquiry
10 that you had made with respect to Secretary
11 Clinton's use of a state.gov e-mail account.
12 **A Okay.**
13 Q Once you saw a photograph of Secretary
14 Clinton holding a BlackBerry.
15 **A Uh-huh.**
16 Q Are you familiar with Ms. Lang's
17 testimony?
18 **A Not verbatim, no. I'm familiar with that**
19 **picture, though.**
20 Q You're familiar with that picture?
21 **A Yes.**
22 Q Okay. I think we all will be after this

69

1 case.

2 Have you -- have you had a chance to

3 review Ms. Lang's testimony in preparation for

4 your deposition today?

5 **A No.**

6 Q So you said you're familiar with Ms. --

7 with that photograph?

8 **A Yes.**

9 Q Can you tell me more about that?

10 **A Yes.**

11 Q Okay.

12 **A The agency records officer had called me**

13 **about that photograph. And they actually**

14 **requested, says, Clarence, we see the Secretary is**

15 **holding a BlackBerry, you know. Does she have a**

16 **state.gov account?**

17 **And I said, I'll check. And I went to --**

18 **I said I'll check again.**

19 **And so, again, I went to S/ES-IRM.**

20 **Again, not sure who that person was I spoke to.**

21 **And then I went back to the agency records office**

22 **and said, She does not have a state.gov account.**

70

1 Q Okay. You said that you received a call

2 from the agency records officer?

3 **A I will say call. It could have been a**

4 **call, it could have been a conversation. I'm not**

5 **sure specifics.**

6 Q Okay.

7 **A Yeah.**

8 Q And who is the agency records officer?

9 **A At that time?**

10 Q Uh-huh.

11 **A That was Tasha Thian.**

12 Q Okay. And what office was Tasha Thian

13 in?

14 **A Bureau of Administration.**

15 Q Okay. So when was this conversation?

16 **A I don't recall the actual date and time**

17 **period of it. I just recall that picture, when**

18 **you mentioned the picture, that sparked my -- the**

19 **memory about that call, that conversation.**

20 Q Okay.

21 **A That's all.**

22 Q Okay. And other than Ms. Thian, who else

71

1 did you have a conversation about with respect to

2 her inquiry as to whether Secretary Clinton had a

3 state.gov e-mail account?

4 **A You said Ms. Thian?**

5 Q Ms. Thian.

6 **A No, it's Thian, Tasha Thian.**

7 Q How do you spell that?

8 **A T-H, I believe it's A-I-N.**

9 Q A-I-N. Thank you.

10 **A Uh-huh.**

11 Q So other than Ms. Thian, who did you have

12 a conversation with?

13 **A Again, concerning -- can you -- can you**

14 **be specific?**

15 Q Yes. Other than the conversations that

16 you had with Ms. Thian and then an individual in

17 the Secretary -- in S/ES-IRM, did you have any

18 other conversations with anybody else about the

19 inquiry as to whether Secretary Clinton was using

20 a state.gov e-mail account?

21 **A I don't recall discussing with anyone**

22 **else, but I think it was just those. I'm not a**

72

1 **hundred percent sure, but I just recall that**

2 **individual. And -- and IRM, and the person in**

3 **S/ES-IRM.**

4 Q S/ES-IRM. Correct?

5 **A That is correct.**

6 Q Because there's also another office IRM,

7 that's different from S/ES-IRM.

8 **A That is correct.**

9 Q Did you have any discussions with anybody

10 in IRM about --

11 **A I don't recall doing that at all.**

12 Q Okay.

13 MS. COTCA: We've been going about an

14 hour. Do you want to break?

15 MR. PRINCE: Sure.

16 MS. COTCA: Let's go off the record for a

17 minute.

18 VIDEO SPECIALIST: We are going off the

19 record at 11:10 a.m.

20 (A recess was taken.)

21 VIDEO SPECIALIST: We are back on the

22 record at 11:26.

73

1 (Finney Deposition Exhibit 1 marked for
2 identification, retained by counsel.)
3 BY MS. COTCA:
4 Q Mr. Finney, you have in front of you
5 what's been marked as Exhibit 1, which, for the
6 record, are two articles that came out on June 10,
7 2013; one by WTOP, and one by The Guardian.
8 Do you see that?
9 A **Yes, ma'am.**
10 Q Okay.
11 MR. PRINCE: There are two exhibits here?
12 MS. COTCA: No. This is a second
13 article. It just -- because it's so old, it
14 doesn't have a picture on the -- on the WTOP, this
15 article.
16 Q So The Guardian has a picture of
17 Secretary Clinton.
18 Do you see that?
19 A **Yes, ma'am.**
20 Q Okay. Since we're talking about a
21 picture of Secretary Clinton holding a BlackBerry
22 in your testimony, is this the picture that you

74

1 were referring to, or a copy of the picture you're
2 referring to?
3 A **Yes, ma'am.**
4 Q Okay. And I'll represent that this
5 photograph was first published in 2011 by the AP.
6 A **Okay.**
7 Q So I'm trying to get a sense, if we can,
8 as to when you first saw this picture that sparked
9 your questions with respect to or inquiry with
10 respect to Secretary Clinton's use of a state.gov
11 e-mail account. Okay?
12 A **Okay. Yes, ma'am.**
13 Q Okay. So the -- and the article is in
14 front of you in June of 2013, Secretary Clinton
15 had already left the State Department.
16 Do you recall if -- did you -- did you
17 first see the picture when it first came out in
18 2011?
19 A **I don't recall the exact time period I**
20 **received it, or saw the actual picture. So I**
21 **couldn't tell you what date or time period, what**
22 **year it was. I don't recall.**

75

1 Q Okay. How about, was it only on one
2 occurrence or on two occurrences or more when you
3 saw this picture and questions were -- arose as a
4 result about Secretary Clinton's use of a
5 state.gov e-mail account?
6 A **Okay. Don't recall how many times I've**
7 **actually seen the actual picture.**
8 Q Okay.
9 A **Okay? I just do recall that when it was**
10 **brought to my attention, you know, that's when the**
11 **question was asked about the state.gov.**
12 Q All right. So my followup question then,
13 is, was this picture brought to your attention on
14 only one occasion, or was it brought to your
15 attention multiple times?
16 A **Okay. I only recall one occasion, from**
17 **what I recall.**
18 Q Are you familiar with John Hackett?
19 A **I remember John Hackett, yes.**
20 Q Do you know Mr. Hackett?
21 A **Yes, I remember John Hackett.**
22 Q Okay. And did you know him when he

76

1 worked at the State Department?
2 A **I remember he worked in the State**
3 **Department with the Bureau of Administration.**
4 Q Okay.
5 A **A bureau.**
6 Q Okay. And he was -- when he worked, he
7 was the director -- well, at first he was the
8 Deputy Director of IPS. Correct?
9 A **That, I don't recall his title or**
10 **position. I just remember him and working in**
11 **Bureau of Administration.**
12 Q Okay. Mr. Hackett testified in this case
13 about him seeing this same photograph that you
14 have in front of you.
15 A **Uh-huh. Uh-huh.**
16 Q And he testified about a conversation
17 that Ms. Thian had with you with respect to his
18 inquiry as to what does this BlackBerry mean as to
19 Secretary Clinton's e-mail.
20 A **Okay.**
21 Q His testimony was that that conversation
22 took place in June of 2013.

77

1 **A Uh-huh.**
2 Q The date of these articles.
3 **A Okay.**
4 Q Or the time frame of these articles.
5 Does that at all help refresh your
6 recollection as to when you had the conversation
7 with somebody in the office of S/IRM, or S/ES-IRM?
8 **A No, ma'am.**
9 Q Okay. Is that the only time you had the
10 conversation with S/ES-IRM about Secretary
11 Clinton's use of a state.gov e-mail account?
12 **A That I don't recall.**
13 Q Okay. Well, you said one time you had it
14 with respect -- you believe it was in response to
15 a FOIA request. Correct?
16 **A Uh-huh. It was either -- again, it was**
17 **either with a FOIA request or with this right**
18 **here.**
19 **Because when you mentioned this picture,**
20 **the bell started coming off again in regards to a**
21 **state.gov account. Now, in regards to was it tied**
22 **with a FOIA request or not, that I'm not sure. I**

78

1 **do recall us getting requests for FOIAs, and also**
2 **dealing with this actual picture right here. And**
3 **that's when I remember seeing about that state.gov**
4 **account.**
5 Q Okay.
6 **A Okay. So I can't -- I don't recall how**
7 **to tie it all back together.**
8 Q Okay. Well, going back to the beginning
9 of Secretary Clinton's tenure at the State
10 Department.
11 With respect to your job to store and
12 collect the records of Secretary Clinton --
13 **A Yes, ma'am.**
14 Q Were you -- did you make any inquiries
15 with respect to whether she would have e-mail?
16 **A That I don't recall.**
17 Q Wouldn't that have been important for you
18 to be able to fulfill your duties and
19 responsibilities as the deputy director of the
20 Office of Correspondence and Records for the
21 Secretary's office?
22 **A And now specifically as far as in regards**

79

1 **to what area? So I can make sure I'm**
2 **understanding the question.**
3 Q Specifically in regards to what area,
4 what do you mean?
5 **A With regards to the question -- with**
6 **regards to the question you're asking.**
7 Q Wouldn't you have needed to know when
8 Secretary Clinton started at the State Department
9 whether she used e-mail for you to be able to make
10 sure that you were able to store the Secretary's
11 records?
12 MR. PRINCE: Objection. Form.
13 Q During her tenure?
14 MR. PRINCE: Sorry. Objection. Form.
15 **A Okay. Again, when it comes to a**
16 **state.gov account, that is something that is --**
17 **that we're not involved with as far as being**
18 **issued a state.gov account.**
19 **And -- and you're asking the question --**
20 **I just want to make sure I am clarifying the**
21 **question. You're asking the question would I be**
22 **involved in asking would she be given a state.gov**

80

1 **account. That's what you're asking?**
2 Q Yes.
3 **A Okay. I would not be involved in asking**
4 **her or her staff is she going to be getting a**
5 **state.gov account when she comes on board, because**
6 **that's not -- I'm not part of that responsibility**
7 **or whatever.**
8 Q Okay. So then the question, let's make
9 it a little broader.
10 With respect to, did you make any
11 inquiries or any discussions with anybody as to
12 whether the Secretary would be using e-mail to
13 correspond during her time as the -- as the
14 Secretary of State?
15 **A That I don't recall.**
16 Q Is that something that you would have
17 done at the beginning of the tenure of a new
18 Secretary of State?
19 **A What time period are you asking about?**
20 Q From 2009 to the -- moving on forward.
21 How about from 2006, since you started in
22 your role as the deputy director of the Office of

81

1 Correspondence and Records.
2 **A Yes.**
3 Q Is that something that you would have
4 done, and that being to know whether a new -- an
5 incoming Secretary of State would use e-mail to
6 correspond as Secretary of State?
7 **A I would say no.**
8 Q Can you explain that?
9 **A Yes, ma'am.**
10 Q Thank you.
11 **A When I came on board, the current**
12 **Secretary was Secretary Rice. Okay? And the**
13 **policy at the time was print and file. Okay?**
14 **And so -- and that was a policy that had**
15 **been for several years, even going back to**
16 **Secretary Powell. And so the goal was if an**
17 **individual did have a state.gov account, again,**
18 **the goal was print and file. So whatever you --**
19 **if you use -- everybody -- because typically**
20 **everybody would have an account that you would**
21 **print and file. Okay?**
22 **And so the reason why I bring that up,**

82

1 **again, is because you asked the reason why I would**
2 **ask -- why I wouldn't ask that question. Is**
3 **because in the past Secretary of State did not**
4 **have a state.gov account. Okay? Their**
5 **information -- yeah, they didn't have a state.gov**
6 **account, so I would not be briefing on that.**
7 **Now, today, because you asked, you said**
8 **all the way to current. Today what takes place is**
9 **when a principal comes on board, they are briefed,**
10 **you know, and that question in regards to**
11 **state.gov, that's asked as well. And they also**
12 **are briefed among several other things as well.**
13 Q In regards to e-mail?
14 **A Yes, ma'am.**
15 Q Okay. Did you, prior to the article in
16 front -- articles in front of you, June 10, 2013,
17 do you recall seeing that photograph of Secretary
18 Clinton using a BlackBerry?
19 **A I don't recall when actually I first saw**
20 **that photograph. I just recall when I saw it. I**
21 **don't recall ever seeing it multiple times, so I**
22 **can't tell you if I saw it January the 12th, 2015.**

83

1 **I just don't recall the time period.**
2 **I do recall seeing it. If I saw it**
3 **multiple times, I don't recall that, you know.**
4 **But I do recall seeing it. And, I mean, seeing it**
5 **because someone brought it to my attention.**
6 Q Okay. So you don't recall seeing this
7 photograph in 2011 when it first came out.
8 **A I don't recall that. I just recall it**
9 **being brought to my attention. And again, when**
10 **that was, I don't recall.**
11 Q Okay. Did you -- outside of this
12 photograph, did you ever see Secretary Clinton
13 carrying a BlackBerry while she was Secretary of
14 State?
15 **A No, ma'am.**
16 Q When you made the inquiry with somebody
17 in the S/ES-IRM office --
18 **A Yes, ma'am.**
19 Q -- were there -- and you were told that
20 she does not have a state.gov e-mail account.
21 Correct?
22 **A Yes, ma'am.**

84

1 Q Were there any discussions with respect,
2 well, what e-mail account was she using for this
3 BlackBerry?
4 **A No, ma'am.**
5 Q Why not?
6 **A Because when I saw that I went -- and**
7 **they asked me the question about a state.gov, I**
8 **specifically asked that question about a**
9 **state.gov. And they said they didn't have a**
10 **state.gov, and that was it.**
11 Q Who specifically asked you the question
12 about state.gov?
13 **A That was when I was talking about Tasha**
14 **Thian.**
15 Q Okay.
16 **A Yeah.**
17 Q But that photograph is of Secretary
18 Clinton holding a BlackBerry while she was at the
19 State Department. Correct?
20 **A Okay. I couldn't -- again, the time**
21 **period, I don't know if that was taken obviously**
22 **when she was the Secretary. I don't know the time**

85

1 period of the actual picture. I just know when I
2 received it and someone asked the question about
3 does she have a state.gov account.
4 Q Okay. So -- right.
5 A Yes, ma'am.
6 Q I just want to for the record make sure
7 we're on the same page.
8 We agree that this photograph was taken
9 of Secretary handwritten while she served as the
10 Secretary of State.
11 MR. PRINCE: Objection. Form.
12 Q Correct?
13 A If you say that. I -- I couldn't tell
14 you if that's the actual date, because I didn't
15 take the picture. So all I can go by is that when
16 the actual photo was provided to me and asked the
17 question. And when that time period was, I don't
18 recall when that time period was. So I don't know
19 exactly when this picture was actually taken. And
20 if you say that she was Secretary of State, then I
21 guess I would have to take your word from that.
22 But from me to say yes that's the definitive

86

1 answer, I couldn't tell you that, ma'am.
2 Q I'll represent to you that the AP took
3 this photo in 2011, when --
4 A Okay.
5 Q -- Secretary Clinton served as the
6 Secretary of State.
7 A Okay.
8 Q And my understanding from your testimony
9 is that when Ms. Thian -- is that her name?
10 A Yes. Tasha Thian.
11 Q Tasha Thian.
12 A Uh-huh.
13 Q When she approached you, your testimony
14 is that there were no discussions as to what
15 e-mail account was associated with that
16 BlackBerry?
17 A No, ma'am. Just asked the question was,
18 is that a state.gov account. And that's why I
19 said, Let me go and check with S/ES-IRM, you know.
20 Q Were you concerned at that point, when
21 you -- when that was brought to your attention,
22 with respect to what e-mail account was used --

87

1 Secretary Clinton used for that BlackBerry as the
2 deputy director of the Office of Correspondence
3 and Records for the Secretary's office?
4 A Okay. Let me just make sure I'm
5 understanding the question.
6 Q Uh-huh.
7 A You basically asked me was I concerned
8 that she was using a BlackBerry, and that she
9 didn't have a state.gov account.
10 Q My question is, were you concerned as to
11 what e-mail is associated with this BlackBerry?
12 A I think we're saying probably the same
13 thing as well.
14 Q Probably.
15 A No. Because once asked the question in
16 regards to does she have a state.gov account, and
17 the answer was no, then that's when it ended at
18 that point.
19 Q But even if somebody uses a nonstate.gov
20 e-mail account --
21 A Yes, ma'am.
22 Q -- those records, those e-mails can still

88

1 be federal records. Correct?
2 A If you're referring to the Federal
3 Records Act of 2014, which required that if an
4 individuals use their personal device to send that
5 e-mail back to their state.gov in 20 days, yes,
6 ma'am, you are correct based on that Federal
7 Records Act.
8 Q I'm not talking about the Federal Records
9 Act in 2014. I'm talking about before that.
10 If a -- if an official within the
11 Secretary -- within Secretary Clinton's office
12 used a Gmail account for government business, are
13 you saying that that was not a federal record?
14 MR. PRINCE: Objection.
15 Q Because it was used from the Gmail
16 account?
17 MR. PRINCE: Objection. Form.
18 A No, I would not say that.
19 Q Okay.
20 A I would never say that.
21 Q Okay.
22 A No.

89

1 Q So it is possible for an official, and
 2 the time frame is during Secretary Clinton's
 3 office -- tenure, to use a nonstate.gov e-mail
 4 account for State Department business, and that
 5 for still to be a federal record. Correct?
 6 MR. PRINCE: Objection. Form.
 7 **A Can you repeat the question again,**
 8 **please.**
 9 MS. COTCA: Do you mind reading that.
 10 (Pending question read.)
 11 **A If a member is using, during that time**
 12 **period, their personal e-mail account or device to**
 13 **conduct government business, is that considered to**
 14 **be a record. That's the question?**
 15 Q Correct.
 16 **A Okay. If you're conducting federal**
 17 **business, government business, and the question is**
 18 **if you're conducting business, then, yes, it would**
 19 **be a record.**
 20 Q Okay. So if -- let me start over.
 21 So why did the -- why did your inquiry
 22 end with the question was it a state.gov e-mail

90

1 account, rather than what e-mail was associated
 2 with that BlackBerry while she was the Secretary
 3 of State?
 4 MR. PRINCE: Objection. Form.
 5 **A Again, my responsibility is to make sure**
 6 **we collect the federal records. Okay? And the**
 7 **federal records, that's one of the reason why we**
 8 **said from a state.gov account, because that's the**
 9 **typical way we were communicating with, is with**
 10 **the state.gov account. And as I stated before**
 11 **about how information comes up through STARS,**
 12 **Secretary Tracking and Retrieval System.**
 13 Q And I understand all of that. But,
 14 again, now we're talking about e-mails from a
 15 nonstate.gov e-mail account, from some personal
 16 e-mail account, for government business.
 17 **A Yes.**
 18 Q And you said the important issue there is
 19 whether that communication was for State
 20 Department business. Correct?
 21 **A If it was for State Department business.**
 22 Q Correct.

91

1 **A Yes, ma'am.**
 2 Q Correct. So my question is, then, when
 3 you were inquiring as to whether Secretary Clinton
 4 had a state.gov e-mail account, because of this
 5 photograph, with her holding a BlackBerry, why did
 6 the inquiry end with the question, does she have a
 7 state.gov e-mail account, as opposed to, did she
 8 use e-mail for government business on this
 9 BlackBerry?
 10 MR. PRINCE: Objection. Form.
 11 **A Okay. In the State Department, you have**
 12 **individuals who are issued BlackBerrys. Okay?**
 13 **With a state.gov account. Okay?**
 14 **And so seeing this BlackBerry, the**
 15 **question is, is that, okay, does she have a**
 16 **state.gov account, because that's a BlackBerry.**
 17 **And because it's not a -- it wasn't -- she didn't**
 18 **issue a state.gov account. Then I said, Okay,**
 19 **then that means that's her personal. Which means**
 20 **that could -- technically that could have been**
 21 **personal business taking place.**
 22 Q Okay. Or it could have been State

92

1 Department business taking place on her personal
 2 device. Correct?
 3 MR. PRINCE: Objection. Form.
 4 **A Again, I can't assume that. You know, if**
 5 **now if I'm looking at today, you know, then**
 6 **without a doubt we are always requesting that**
 7 **information and asking those questions based on**
 8 **the light today, and based on our policies and**
 9 **things that are in place today.**
 10 **But if I go back during that time period,**
 11 **during that time period the way of communicating**
 12 **as far as getting the records was using a**
 13 **BlackBerry that was issued by the State**
 14 **Department, tied to your state.gov account.**
 15 **But if you look at today, the policy and**
 16 **the procedure in place, we go it a step further by**
 17 **asking the question or making sure if people**
 18 **realize that if you do use your personal device,**
 19 **then you're required by law to get it back to your**
 20 **state.gov account within 20 days.**
 21 **But if I going back to that time period**
 22 **during that time, during that time period, an**

Conducted on June 4, 2019

93

1 individual, if they were communicating and doing
 2 work with the State Department, then they were
 3 using their state.gov account, using it's possibly
 4 a BlackBerry that was issued.
 5 And so that was the question why when we
 6 looked at that, it says it looks like she has a
 7 BlackBerry. Does she have a state.gov account,
 8 which means did she get issued a BlackBerry. And
 9 the answer was, no, she does not have a state.gov
 10 account. So that's why I ended at that point.
 11 Q Okay. Do you know why Ms. Tasha Thian's
 12 inquiry ended with the question whether Secretary
 13 Clinton had a state.gov account?
 14 MR. PRINCE: Objection. Form.
 15 A No. No, ma'am, I don't know.
 16 Q Do you know whether Ms. Thian made any
 17 other inquiries as to whether -- as to what e-mail
 18 account was associated with that BlackBerry?
 19 A No, ma'am. I don't know.
 20 Q Do you know who else Ms. Thian had
 21 discussions about this issue at that time?
 22 A I do not know, ma'am.

94

1 Q Is Ms. Thian still at the State
 2 Department?
 3 A No, ma'am.
 4 Q When did she leave the State Department,
 5 if you know?
 6 A I do not know when.
 7 Q During -- with respect to the inquiry
 8 that Ms. Thian made, did you have any discussions
 9 with Mr. John Hackett about the issue?
 10 A I don't recall.
 11 Q Going back into your -- into FOIA.
 12 A Yes, ma'am.
 13 Q And requests that would be submitted to
 14 your office during the time frame of Secretary
 15 Clinton's tenure.
 16 A Yes, ma'am.
 17 Q Okay. Once the search is tasked and
 18 completed, I want to make sure I have the process
 19 correct.
 20 A Yes, ma'am.
 21 Q With respect to e-mails from the
 22 Secretary's office, what happens once the search

95

1 was tasked to individuals within the Secretary's
 2 office to search for their e-mails?
 3 A Okay. All right. You want to know the
 4 entire process from the time when we received the
 5 request and then work it up to that process when
 6 we task it out and so forth?
 7 Q I'm just -- I -- I think we covered the
 8 process from when you received -- when your office
 9 received the request. What I want to focus on is
 10 the time frame from when you task it out to the
 11 Secretary's office for --
 12 A Yes, ma'am.
 13 Q -- whoever the custodians are relevant to
 14 the request --
 15 A Yes, ma'am.
 16 Q -- to do a search of their e-mails.
 17 A Yes, ma'am.
 18 Q That's the process I'm interested in.
 19 A Okay. Good question. So we make sure we
 20 all understanding the process, I want to tie this
 21 into as well.
 22 As stated before, we get the request from

96

1 the Bureau of Administration. Once we get the
 2 request from the Bureau of Administration, myself
 3 and Jonathan Wasser are looking over the request.
 4 If it involves the Secretary's office, that's when
 5 I also say we also be discussing with the
 6 Executive Secretary. Okay?
 7 Q Okay.
 8 A All right. And so, therefore, we're
 9 trying to figure out who do we need to task in
 10 regards to this information, because our standard
 11 practice, as I said before, was tasking or looking
 12 at the STARS, Everest, cables, and top secret
 13 systems, as we said before. Okay.
 14 Now, if the Executive Secretary has
 15 stated that, yes, we need to definitely get with
 16 the Secretary's office, okay, that's when he is --
 17 he's working with that office as well, you know.
 18 Q Which office?
 19 A The Secretary's office.
 20 Q Thank you.
 21 A Because that's the specific office you're
 22 talking about. Okay? Now, if there are any

97

1 **responses that are found, responsive documents,**
2 **how they are actually given to Bureau of**
3 **Administration, that's the part I don't recall how**
4 **that process worked, whether it came back to us**
5 **because it was the e-mail or was it actually given**
6 **directly to A bureau, that part I don't recall,**
7 **you know.**
8 Q Do you recall reviewing e-mails from the
9 Secretary's office during her tenure, Secretary
10 Clinton's tenure from 2009 to 2013, in response to
11 FOIA?
12 A **I don't recall.**
13 Q In 2009 to 2013, did you have a manual or
14 anything in writing with respect to what this
15 process was in 2009 to 2012?
16 A **I don't recall we had an actual guide.**
17 **We just -- I don't recall that.**
18 Q If you had that manual, would that be
19 within your office?
20 A **Again, I don't recall us having the**
21 **guide. Yeah, I don't recall us having a guide.**
22 Q If the process was that e-mails that were

98

1 potentially responsive found in the Secretary's
2 office --
3 A **Yes, ma'am.**
4 Q -- to be sent back to your office, is it
5 correct that it would have been either you or
6 Jonathan Wasser who would have reviewed those
7 e-mails?
8 MR. PRINCE: Objection. Form.
9 A **Okay. Again, I just want to make sure**
10 **I'm understanding the question. You said if**
11 **e-mails would have come back from the Secretary's**
12 **office. And again, I don't recall how that**
13 **process worked. Okay? And so for me to say that**
14 **if they came back, how would that process work,**
15 **that -- I don't recall how that worked, you know.**
16 Q I understand you don't recall how it
17 worked. But it was only -- Mr. Wasser was the
18 only management analyst in your office. Correct?
19 A **Uh-huh. Uh-huh.**
20 Q And you were the deputy director of your
21 office. Correct?
22 A **That is correct.**

99

1 Q All right. Other than you and
2 Mr. Wasser, would there have been any other
3 employee in your office who would have reviewed
4 those e-mails had they come back to your office?
5 MR. PRINCE: Objection. Form.
6 A **Yeah, and again, the specific question**
7 **looking if they had come back to our office, and**
8 **that part I don't recall, if -- if they had**
9 **responsive records, did they come back directly to**
10 **us or did they go directly to the Bureau of**
11 **Administration. That part I don't recall. So**
12 **that's the reason I can't give you an answer did**
13 **we review any items, because I don't recall how**
14 **the process was as far as if S was tasked, and if**
15 **they had responsive records, did they come back**
16 **directly to our office to review. That process I**
17 **don't recall. So for me to say did we take part**
18 **in reviewing it, I couldn't tell you yes or no**
19 **because, again, I don't recall that process.**
20 Q That's fair enough.
21 A **Yes, ma'am.**
22 Q But my question is slightly different,

100

1 actually, than what you're answering.
2 A **Okay.**
3 Q So my question is, who would have
4 reviewed the e-mails that were potentially
5 responsive from the Secretary's office?
6 MR. PRINCE: Objection. Form.
7 Q From 2009 to 2013?
8 MR. PRINCE: Objection. Form.
9 A **Okay. And you're saying specifically**
10 **e-mails?**
11 Q Correct.
12 A **Okay. And again, who would have reviewed**
13 **it in that process.**
14 **Again, not knowing the process, because**
15 **what you're saying right now is there is a process**
16 **in place. And so I can only go by what you're**
17 **asking, if there was a process in place, who would**
18 **be reviewing it, you know? And, again, if there**
19 **was a process in place for S responses to come**
20 **through, okay, who would review those. Okay?**
21 **If a response -- place -- if it was in**
22 **place, it more than likely would be, and again not**

101

1 recalling this, I can only -- I don't even want to
2 guess how it is. Because, again, you're asking
3 for specifics in regards to who would be doing the
4 review.
5 I would definitely look at it, because
6 obviously being the director. But we would also
7 be involved with the Executive Secretary as well.
8 Because, again, the Executive Secretary, if we
9 were to task S front office, the Executive
10 Secretary would be involved in that process.
11 Q Okay. So did the Executive Secretary
12 also review e-mails that came back from the
13 Secretary's office as potentially responsive, in
14 response to FOIA?
15 A Again, I don't recall if we had any
16 document that came back responsive. So for me to
17 say that he reviewed it, I can't say that. You
18 know, if I -- if I knew that in fact, yes, he --
19 we got some e-mails came back, then I would say
20 that. But I don't recall we getting any. So I
21 can't say that for sure.
22 Q Okay. Let me ask you, in preparation for

102

1 your deposition today --
2 A Yes, ma'am.
3 Q -- I assume that you reviewed some
4 documents. Is that right?
5 A Yes, ma'am.
6 Q Okay. What documents did you review?
7 A Don't recall all the documents I
8 reviewed, you know. I do recall this one right
9 here.
10 Q Do you recall this particular article?
11 A I don't -- I don't particular -- I just
12 remember the picture.
13 Q Okay.
14 A Just the picture. Not the article, just
15 the picture.
16 Q Okay.
17 A Yes, ma'am.
18 Q What else did you review?
19 A I'm trying to remember now. Okay.
20 Because it's been a couple of days. Okay?
21 Q A couple of days?
22 A Yes, ma'am.

103

1 Q Okay. Let me -- let me narrow the
2 question a little bit.
3 Did you review any documents to help
4 refresh your recollection with respect to what the
5 process was in your office for conducting a search
6 and reviewing potentially responsive records from
7 2009 to 2013, during Secretary Clinton's tenure?
8 MR. PRINCE: Objection. Privileged.
9 Attorney-client and work product.
10 And I instruct you not to answer, except
11 to the extent it did not involve attorney
12 meetings.
13 A Okay. Yeah. Yeah. I don't know what
14 else to say.
15 Q I'm sorry?
16 A I don't know what else to say from what
17 we just talked about.
18 Q Are you saying you can't answer the
19 question based on your attorney's instruction?
20 MR. PRINCE: Again, my instruction is
21 that to the extent you can do so without
22 disclosing privileged information, you may.

104

1 A Okay. Okay. The -- the information we
2 looked at, that I recall, was basically the
3 process by which Jonathan and I prepared
4 documents.
5 MR. PRINCE: We'd like to take a break to
6 confer on the privilege issue.
7 MS. COTCA: In the middle of -- okay. In
8 the middle of -- I mean, the witness was in the
9 middle of answering a question. But --
10 MS. SHAPIRO: He shouldn't be answering
11 the question. So we just need to confer.
12 MS. COTCA: Okay. That's fine.
13 VIDEO SPECIALIST: We are going off the
14 record. The time is 12:01.
15 (A recess was taken.)
16 VIDEO SPECIALIST: We are back on the
17 record at 12:13.
18 MS. COTCA: I'll withdraw the question
19 that was asked.
20 THE WITNESS: Yes, ma'am.
21 MS. COTCA: Okay.
22 BY MS. COTCA:

105

1 Q Mr. Finney, when did you first see any
 2 reference to Secretary Clinton's e-mail address
 3 `hdr22@clintonemail.com`?

4 A **I don't recall when I actually saw that
 5 or referenced that. I don't recall.**

6 Q Did you at some point see a reference to
 7 `hdr22@clintonemail.com`?

8 A **I do recall the `hdr22`. I can't remember
 9 what all the other portions of it was.**

10 **But when did I -- when it was brought to
 11 my attention or I saw that, I don't recall when
 12 that was. Yes, ma'am.**

13 Q Are you able to narrow it by time, by --
 14 by year?

15 A **No, ma'am.**

16 Q Okay. How about, would that have been
 17 before Secretary Clinton left the State
 18 Department?

19 A **No, it wasn't before the Secretary left.**

20 Q So you --

21 A **It was after. It was afterwards.**

22 Q Okay.

106

1 A **Yes, ma'am.**

2 Q So is it your testimony that you never
 3 saw a reference or Secretary Clinton's e-mail
 4 account -- e-mail address --

5 A **Yes, ma'am.**

6 Q -- `hdr22@Clintonemail.com` --

7 A **Yes, ma'am.**

8 Q -- prior to her departure from the State
 9 Department?

10 A **Yeah, I don't recall ever seeing that
 11 until after she left the department. Yes, ma'am.**

12 Q Okay. And then after she left the
 13 department --

14 A **Yes, ma'am.**

15 Q -- that would have been February of 2013.
 16 Right?

17 Are you able to narrow it down as to the
 18 time frame of when you first saw her e-mail
 19 address?

20 A **No, ma'am.**

21 Q Did you ever see her e-mail address or a
 22 reference to her e-mail address prior to December

107

1 5th, 2014, when Secretary Clinton returned her
 2 e-mails to the State Department?

3 A **Again, I don't recall exactly when I saw
 4 the actual that HR, what is it, 22, I don't recall
 5 when. I just do it was after she had left. But
 6 when did I actually see it, I don't recall.**

7 Q So is it --

8 A **Again, I don't recall the actual time
 9 frame.**

10 Q So is it possible that you may have seen
 11 it before Secretary Clinton returned her e-mails
 12 to the State Department in -- on December 5th,
 13 2014?

14 A **Again, I don't recall when I saw it, so I
 15 can't say I saw it before she returned it. I just
 16 don't recall.**

17 Q I'm just asking if it's possible.

18 A **I don't believe so, but I don't know.**

19 Q You don't know?

20 A **No. I don't recall, so that's why I say,
 21 yeah.**

22 Q Early on in your testimony you testified

108

1 that Ms. Lang came on board as the director of the
 2 Executive Secretariat staff office. Correct?

3 A **Yes, ma'am.**

4 Q All right. And that was in 2013.
 5 Correct?

6 A **I don't recall the time period.**

7 Q Okay.

8 A **So I don't recall.**

9 Q That -- that's okay.

10 When Ms. Lang came on board as the
 11 director, she became your direct supervisor.
 12 Is that right?

13 A **Yes. Yes, ma'am.**

14 Q At that time did you have any discussions
 15 with Ms. Lang with respect to any e-mails
 16 associated with Secretary Clinton?

17 A **I don't recall. That's not to say we
 18 didn't, but I don't recall.**

19 Q Would Ms. Lang know whether you had those
 20 discussions?

21 A **I couldn't even tell you. I wouldn't
 22 know.**

109

1 Q Okay.

2 A **No. Sorry.**

3 Q If -- would anybody else have been part

4 of those discussions with you and Ms. Lang?

5 MR. PRINCE: Objection. Form.

6 A **Conversations specifically ...**

7 Q Still talking about the same subject.

8 With -- with respect to any conversations you may

9 have had with Ms. Lang when she came on board in

10 your office, or heading your office, about any

11 e-mails associated with Secretary Clinton during

12 her tenure at the State Department.

13 A **That I couldn't tell you. Because,**

14 **obviously, I will definitely be talking with**

15 **Ms. Lang. But in regards to when that took place**

16 **and who could have been involved in our**

17 **conversation, that I don't recall, I wouldn't**

18 **know.**

19 Q Okay. I want to focus on the time frame

20 of Secretary Clinton's tenure from 2009 to 2013.

21 Was there any training that your office

22 provided to the Secretary's office with respect to

110

1 preserving their records and e-mails?

2 A **Yes, ma'am.**

3 Q Okay. Can you tell me what that training

4 was and when it was held?

5 A **Okay. I can't give you the exact dates.**

6 Q Okay. I understand that.

7 A **But we periodically, at least once a**

8 **year, we conducted -- the Executive Secretariat**

9 **conducted a -- a training session. And it was**

10 **more of a discussion, making sure people**

11 **understood what their recordkeeping**

12 **responsibilities were. And that -- again, that**

13 **took at least once a year, and it wasn't just for**

14 **the Secretary office, as well.**

15 Q Who else was that for?

16 A **It was for the Secretary, the Deputy**

17 **Secretary's office, and the Under Secretary. So**

18 **it was the principals.**

19 Q The principals?

20 A **Yes. Their staff.**

21 Q Okay. And did you partake in that

22 training?

111

1 A **Yes, ma'am. I hosted the training, along**

2 **with the agency records officer.**

3 Q And who was the agency records officer?

4 A **During that time it was Tasha Thian.**

5 Q Okay. And how long was that training?

6 A **Talking about as far as the length in**

7 **hours and minutes?**

8 Q Yes.

9 A **Oh.**

10 Q And I'm not asking you to the minute,

11 but ...

12 A **I would -- I would -- don't recall, but I**

13 **know it was not a 15-minute. It was more between**

14 **45 minutes to an hour. Because you try not to**

15 **have them two-hour meetings at the State**

16 **Department. You know, for me, anyway. You know,**

17 **so I want to make sure people are understood and**

18 **they ask a question. So I would say around about**

19 **45 minutes to an hour.**

20 Q Okay. And you say this training was

21 periodically, once a year during that time frame?

22 A **At least once a year. And again, not**

112

1 **knowing the exact dates, you know, but I do recall**

2 **we did that.**

3 Q Okay.

4 A **Yes, ma'am.**

5 Q So during those -- during those

6 trainings, who from Secretary Clinton's office

7 attended -- attended the training?

8 A **That I don't recall, who attended.**

9 Q Okay.

10 A **Yes, ma'am.**

11 Q Do you have any recollection of Huma

12 Abedin attending any of those meetings?

13 A **That I don't recall. Sorry.**

14 Q Do you have any recollection of Cheryl

15 Mills attending any of those meetings?

16 A **I don't recall.**

17 Q Okay.

18 MS. COTCA: We'll mark this as Exhibit 2.

19 (Finney Deposition Exhibit 2 marked for

20 identification, retained by counsel.)

21 (A discussion was held off the record.)

22 BY MS. COTCA:

113

1 Q Mr. Finney, if you can look at what's
2 been marked as Exhibit 2 and review that.
3 **A Yes, ma'am.**
4 Q And let me know once you're done
5 reviewing it.
6 **A Yes, ma'am.**
7 Q Okay. Thank you.
8 Do you recognize these documents?
9 **A Yes, ma'am.**
10 Q Okay. And can you tell us what they are?
11 **A This is a -- a memo that would go out to**
12 **the department, specifically to our principals,**
13 **you know, letting them be aware that the Executive**
14 **Secretariat will be hosting a record management**
15 **workshop, you know, or a training session. And**
16 **basically to make sure the principals' offices**
17 **will understand their recordkeeping**
18 **responsibilities.**
19 Q Okay.
20 **A Yes, ma'am.**
21 Q And the recordkeeping workshop, is that
22 the same thing as to the training that you just

114

1 testified about?
2 **A Yes, ma'am.**
3 Q Okay. Thank you.
4 Just as an initial question here, who
5 is -- Ruby Thomas appears I think on all of these.
6 **A Uh-huh.**
7 Q Who is Ruby Thomas?
8 **A Ms. Ruby Thomas was one of the**
9 **individuals that worked in the Office of**
10 **Correspondence and Records.**
11 Q And -- and what was her duty in that
12 office?
13 **A She took care of the time and attendance,**
14 **and, also, if we had memos that needed to go out,**
15 **you know, she will make sure the actual -- if she**
16 **had to type it up for us, you know. And basically**
17 **if we had to get information in, she would just**
18 **make sure that folks get that information out**
19 **there. So, for example, this right here, make**
20 **sure that gets posted and so forth. So the**
21 **administrative portion.**
22 Q Okay. Thank you.

115

1 **A Yes, ma'am.**
2 Q I want to go through -- through these.
3 So these are the notices that were sent
4 out from 2008 to 2012. Is that -- is that fair
5 description?
6 **A Yes, ma'am.**
7 Q Okay. And I'll just represent to you
8 that these documents were provided to us from your
9 attorneys in this case.
10 **A Yes, ma'am.**
11 Q Okay?
12 With respect to the first memorandum,
13 what's the date on that one?
14 **A September 29, 2008.**
15 Q Okay. And that workshop would have been
16 provided prior to Secretary Clinton's tenure at
17 the State Department. Is that ...
18 **A It's depends on the date she came in. I**
19 **don't recall the exact date that she came in. But**
20 **if she came in after that, then you are correct.**
21 Q Okay. Would that workshop include
22 anybody from the transition team from Secretary

116

1 Clinton who was coming on board?
2 MR. PRINCE: Objection. Form.
3 **A And I guess you would specifically have**
4 **to find out when the transition team came on**
5 **board. And if I -- and, yes. You know, and**
6 **also -- yeah. Because right now this is addressed**
7 **to those principals, you know.**
8 Q Okay.
9 **A And so, again, these are the individuals**
10 **as we said before. So if the transition team was**
11 **not here and they're not part of the principals,**
12 **then they wouldn't be included.**
13 Q Okay.
14 **A Okay?**
15 Q All right. And can you specify what
16 you're referring to when you say "principals"?
17 **A Principals, that is the -- the Office of**
18 **the Secretary, the Deputy Secretaries, the Under**
19 **Secretaries, and then of course we have some of**
20 **the different offices, what we call the S/offices.**
21 **It might be the Office of the Ombudsman, the OCR,**
22 **Office of Civil Rights. Those offices. Certain**

117

1 **offices fall into our purview.**
2 Q Okay.
3 **A Yes, ma'am.**
4 Q Okay. Thank you. I want to go to, if
5 you can look at the second page.
6 **A Yes, ma'am.**
7 Q And that's dated June 30th, 2009.
8 Do you -- is that correct?
9 **A I can only go by what I see here. But if**
10 **that's the date, then -- then that would have to**
11 **be it.**
12 Q Yes.
13 **A Okay.**
14 Q I'm just saying that's the date, based on
15 the document that we have.
16 **A Yes. Okay.**
17 Q Was this the first workshop that was
18 provided when Secretary Clinton came into office?
19 **A I will say, based on this information**
20 **here, this is the workshop that we had. Because**
21 **we normally do them annually.**
22 Q Okay.

118

1 **A Yes, ma'am.**
2 Q All right. And I'll just point you to
3 the first paragraph.
4 **A Yes, ma'am.**
5 Q On that. In the second sentence, and I
6 will read it to you, "The representatives from the
7 Office of Correspondence and Records, (S/E S-C R)
8 and the office of Information Programs and
9 Services" -- then the acronym follows -- "will
10 discuss the laws, procedures, and responsibilities
11 relating to the preservation of U.S. government
12 records (to include electronic messages,
13 e-mails)."
14 Do you see that?
15 **A Yes, ma'am.**
16 Q Okay. Were you involved in preparing the
17 workshop and the training that was provided in
18 June of 2009?
19 **A Yes. I worked with the agency records**
20 **officer, because the agency records officer was**
21 **there. That is the Office of Information and**
22 **Services.**

119

1 Q Okay.
2 **A Representative from that office. So we**
3 **worked together and doing the training. Yes,**
4 **ma'am.**
5 Q Okay. And that would have been -- that
6 was Tasha Thian at the time. Correct?
7 **A Yes, ma'am.**
8 Q Okay.
9 **A I believe that's -- I believe she was**
10 **here during that time.**
11 Q Okay. Well, let me ask you, in 2009, the
12 memorandum that went out from the Executive
13 Secretary about the workshops, it makes a
14 reference to include electronic e-mail.
15 **A Yes, ma'am.**
16 Q And that was not included in 2008.
17 **A Yes, ma'am.**
18 Q Why was that added in 2009?
19 **A I don't recall specifically. But I**
20 **would -- you probably would have to look and see**
21 **what the policies, if something -- maybe the**
22 **policies might have changed concerning during that**

120

1 **time. But I can't say specifically why that was**
2 **added to it.**
3 Q Okay.
4 **A Because, again, this, this memo that goes**
5 **out, is coming from the Executive Secretary. And,**
6 **again, the workshop is also done with the agency**
7 **records officer.**
8 Q Okay. So according to this memorandum
9 that went out from the Executive Secretary, did
10 your workshop include discussions about
11 responsibilities relating to preserving e-mails of
12 the principals?
13 **A Yeah, if it's -- if it stated that, then**
14 **we covered it.**
15 Q Okay.
16 **A Yes, ma'am.**
17 Q And then you included e-mail as part of
18 the description of what was to be covered in 2010,
19 2011, and 2012. Is that right?
20 **A Yes, ma'am. I see that included in that**
21 **first paragraph.**
22 Q Okay.

121

1 A Yes, ma'am.
2 Q For each of those years. Correct?
3 A Yes. Based on this memo, it looks like
4 it was.
5 Q Okay. So then was e-mail discussed and
6 the requirements related to preserving e-mails of
7 the principals and their staff discussed during
8 the workshops in 2010, 2011, and 2012 --
9 A Again --
10 Q -- similar to the way they were discussed
11 in 2009?
12 A I can only go by what's on here because I
13 don't have the actual agenda of things covered.
14 But this memo specifically talks about
15 these are the area we covered. So based on what
16 I'm reading here, that we would have covered
17 e-mail, yes, ma'am.
18 Q So in preparation for this workshop were
19 there agendas that was created?
20 A No. It was basically this right here,
21 what we had here. And there was a slide deck, but
22 I don't recall -- yeah.

122

1 Q Okay. Other than the slide deck, were
2 there any other handouts or documents that were
3 created for purposes of the training?
4 A I don't recall all -- I don't recall all
5 that was included. I just know we did have a
6 workshop.
7 Q Okay.
8 A Yes, ma'am.
9 Q Was there a sign-in sheet for these
10 workshops to keep record of who attended them?
11 A That I don't recall.
12 Q Where would those sign-in sheets be kept?
13 MR. PRINCE: Objection. Form.
14 A Again, I don't recall, you know, if we
15 actually had a sign-in sheet or not. So, yeah.
16 Q Okay. Okay. Would Ruby Thomas have
17 known who was going to attend the workshop based
18 on -- based on the memos that went out?
19 A No, ma'am.
20 Q Well, do you see the last paragraph on
21 each of the memos? Second to last. Excuse me.
22 Where it says, Please respond by July 10, or

123

1 whatever date it is, to Ms. Ruby Thomas at Thomas
2 R at S dot gov, and then it says dot gov, on the
3 classified system, and provide the name of the
4 designated representative who will attend from
5 your office.
6 Do you see that?
7 A Yes, ma'am.
8 Q Okay.
9 A Yeah. I'm asking the question from the
10 same. I can't say if she would recall it, because
11 I don't know if we kept an attendance, you know,
12 as far as who attended it.
13 Q Okay.
14 A You know, so ...
15 Q Okay. But that information would have
16 been sent to Ms. Thomas by -- to her -- is that
17 her e-mail account, ThomasR@Sgov.gov?
18 A Yes, ma'am.
19 Q Okay.
20 A Yes, ma'am.
21 Q Starting in 2009 through 2012 --
22 A Yes, ma'am.

124

1 Q -- did the workshop include discussions
2 with respect to the responsibilities to preserve
3 any e-mails that State Department officials sent
4 or received about State Department business to
5 their personal account?
6 A Again, the -- to actually say what
7 exactly was discussed in that briefing, I can't
8 recall. I just know that this is kind of giving
9 the hits of what we talked about. But to get into
10 specifics, I couldn't tell you now.
11 Q Who led the training?
12 A It was co-hosted together myself and
13 Tasha Thian.
14 Q Okay. And why did you hold these
15 workshops an annual at this?
16 A This is something I just wanted to make
17 sure the knowledge as far as recordkeeping
18 responsibilities was knowledgeable for the staff.
19 And when I say "staff," for the office of the
20 principals.
21 Q And why was that important?
22 A Because part of recordkeeping

125

1 responsibilities, we want to make sure that word
2 gets out to them. You know, and that's something
3 I established when I came on board.
4 Q You want to make sure that word about
5 what gets out to them?
6 A Just recordkeeping in general, in regards
7 to recordkeeping, records management.
8 Q Is it fair to say that was very important
9 with respect to your role as the deputy director
10 of correspondence and records for Secretary's
11 office?
12 A That was important for the department.
13 And so that's the reason why the agency records
14 officer attended. Yeah.
15 MS. COTCA: Can we go off the record.
16 VIDEO SPECIALIST: We are going off the
17 record at 12:37.
18 (A recess was taken.)
19 VIDEO SPECIALIST: We are back on the
20 record at 13:34.
21 MS. COTCA: Can you mark that.
22 (Finney Deposition Exhibit 3 marked for

126

1 identification, retained by counsel.)
2 BY MS. COTCA:
3 Q Mr. Finney, you've been handed Exhibit 3.
4 If you could take a look at it and let me know
5 once you've had a chance to review it.
6 A Yes, ma'am.
7 Q Thank you.
8 A Yes, ma'am.
9 Q You've had a chance to review it? Thank
10 you.
11 A Yes, ma'am.
12 Q Do you recognize this document?
13 A Not right offhand, no, ma'am.
14 Q Okay. What do you mean by "right
15 offhand"?
16 A I don't recall seeing this. I see that
17 it's a request that has come in from CREW. But do
18 I recall seeing this? No.
19 Q Okay. Just to clarify your testimony,
20 are you saying you don't recall seeing this when
21 the request came in?
22 A No. I see that this is a request that

127

1 has come in that was addressed to A/ISS/IPS/RL.
2 But from the standpoint do I recall actually
3 seeing this since today? No, I don't recall.
4 Q Okay.
5 A I'm not saying I never received it or
6 seen it, but I just don't recall it.
7 Q Okay. Okay. Let's go through it for a
8 bit. Are you -- well, are you familiar with the
9 request that came from CREW, with this request
10 that came from CREW?
11 A Not right offhand, because I know we get
12 a lot of different requests that come in, you
13 know, so ...
14 Q Okay. So according to this request
15 identified as Exhibit 3, do you see -- is it fair
16 to say that it's a request for records sufficient
17 to show the number of e-mail accounts of or
18 associated with Secretary Hillary Rodham Clinton
19 and the extent to which those e-mail accounts are
20 identifiable as those of or associated with
21 Secretary Clinton?
22 A Yes. Based on what I've just read here

128

1 and what you've just read.
2 Q Okay.
3 A Or paraphrase -- or summarize, yeah.
4 Q Okay. So is it a -- okay. I show you
5 what's ...
6 (Finney Deposition Exhibit 4 marked for
7 identification, retained by counsel.)
8 Q You can look at what's been marked
9 Exhibit 4.
10 A Yes, ma'am.
11 Q Let me know once you've had a chance to
12 look at it.
13 A Okay. That's fine.
14 Q Have you had a chance to look at it?
15 A Uh-huh.
16 Q Okay. And just for the record, to make
17 sure we're talking about the same thing as Exhibit
18 4, it's a -- it's a string of e-mails that's dated
19 December 11, 2012, with the subject line,
20 Significant FOIA Report. Is that fair?
21 A Yes, ma'am.
22 Q Okay. If you can, take a look at the

129

1 first e-mail that appears in this e-mail chain.
2 And that would be the first one from the bottom.
3 It's from IPS-STAFF-Assistants, to Neal B.
4 Larkins, on December 12, 2012, at 4:11 p.m.
5 Do you see that?
6 **A Yes, ma'am.**
7 Q Okay. Do you see -- according to this
8 document, did you receive that FOIA report?
9 **A Yes. Yes, according to this document, I**
10 **received the report, or it was sent to me as a**
11 **courtesy copy on December 11, 2012.**
12 Q Okay.
13 **A Yes, ma'am.**
14 Q Okay. And just to make sure we're clear,
15 that -- according to the document, the FOIA report
16 included the CREW request that we've -- we've
17 identified as Exhibit 3?
18 **A Okay. I couldn't recall if it was**
19 **attached or not, you know.**
20 **I see they talk about the report. But**
21 **whether or not the actual request was attached, I**
22 **don't recall. I just can only go by what I'm**

130

1 **seeing here. And that I was cc'd on an e-mail**
2 **that went forward. But what was attached, I don't**
3 **know. I -- I don't recall.**
4 Q Okay. Is it fair to assume that if the
5 e-mail says that a document was attached, that it
6 was likely attached to the e-mail?
7 **A Well, it all depends on you look at it,**
8 **because it says a report. It could have been the**
9 **actual report. And then another attachment could**
10 **have been added later in regards to the actual**
11 **request. But they're saying a report. So for**
12 **what came to me, it says -- attaches as the report**
13 **for this week.**
14 Q Okay.
15 **A So I couldn't say if the actual request**
16 **was attached, you see.**
17 Q Fair enough.
18 **A Okay.**
19 Q Okay. What is a significant FOIA report?
20 **A From what I recall, it was a report that**
21 **was generated from A bureau, you know, dealing**
22 **with different FOIA requests that were coming into**

131

1 **the department.**
2 Q From, I'm sorry, which bureau?
3 **A A bureau. Bureau of Administration.**
4 Q Okay. So when you say A, that's the
5 acronym for Bureau of Administration?
6 **A Yes, I'm sorry. That's Bureau of**
7 **Administration.**
8 Q That's okay. I'm learning.
9 **A Okay.**
10 Q And that would be from IPS within the
11 Bureau of Administration?
12 **A I believe so, just looking at what it**
13 **shows here.**
14 Q Okay. And do you know how -- how the
15 significant FOIA report was compiled?
16 **A No, ma'am.**
17 Q Okay.
18 **A No, ma'am.**
19 Q All right. Do you know who Walter --
20 Sheryl Walter is, who is also included in the copy
21 that -- on the e-mail that you were copied on?
22 **A I remember -- I remember the name, but I**

132

1 **don't remember where she worked at. I know she**
2 **worked in the State Department, but where I**
3 **couldn't recall, where she worked at.**
4 Q Okay. And then it appears that Jonathan
5 Wasser also received a copy of the FOIA -- of the
6 significant FOIA report.
7 Is that Jonathan Wasser who was in your
8 office?
9 **A It seems to be, yeah.**
10 Q Okay. And Eric Stein also received a
11 copy of the significant FOIA report, according to
12 the document.
13 Can you -- do you know who Eric Stein is?
14 **A I know a Eric Stein. I'm not sure if**
15 **this is the Eric Stein.**
16 Q Which Eric Stein do you know?
17 **A Okay. I know an Eric Stein who works in**
18 **the Bureau of Administration. You know, whether**
19 **that's this Eric Stein, because I do believe there**
20 **are a couple of Eric Steins in the department. So**
21 **I'm not sure if this is the right one, because I**
22 **can't recall his middle initial.**

133

1 Q Okay.
2 A Okay.
3 Q And does Eric Stein who works in the
4 Bureau of Administration also work within IPS, the
5 one that you know?
6 A **The one I know, I know he works in the
7 Bureau of Administration. I'm not sure which
8 bureau or office within Bureau of Administration.
9 I'm not sure if it's II IPS, or IPS. That part
10 I'm not a hundred percent sure, so. But I just
11 know he worked in the Bureau of Administration.**
12 Q Okay. And do you know who Jonathan Davis
13 is, who is also copied on the same e-mail that you
14 were copied on?
15 A **I remember the name, but I don't recall
16 where he worked.**
17 Q Okay.
18 A **Yes, ma'am.**
19 Q And the same question, if you know who
20 Gene Smilansky is?
21 A **No, I don't.**
22 Q Who is also copied on the same e-mail

134

1 that you were copied.
2 A **Yeah. No, that name doesn't ring --
3 doesn't bring any kind of memory to who that was.**
4 Q Okay. In the second e-mail on this
5 e-mail chain, further up, there is an e-mail from
6 Brock A. Johnson to Ms. Mills, stating, "FYI on
7 the attached FOIA request from" -- and then it has
8 a summary of the request from CREW.
9 Do you see that?
10 A **Yes, ma'am.**
11 Q Okay. Who was Brock Johnson?
12 A **I heard the name, but I can't recall. I
13 know he worked in the department, I believe. But
14 I just don't recall exactly who he was.**
15 Q Okay. Did he work within the Secretary's
16 office during Secretary Clinton's tenure?
17 A **That I can't recall. I just remember the
18 name and hearing the name, you know. But I don't
19 recall where exactly in the office did he work.**
20 Q Did you -- did you engage with
21 Mr. Johnson in regards to FOIA requests during
22 Secretary Clinton's tenure at the State

135

1 Department?
2 A **I don't recall, yeah.**
3 Q Just to make sure I understand your
4 answer.
5 A **Yes.**
6 Q Is it that you don't recall either way --
7 A **Okay.**
8 Q -- whether you did or did not?
9 A **Again, when I saw his name, I remember
10 his name based on some of the communications that
11 we've seen recently, you know, whether it's in the
12 news, so forth. But as far as knowing where he
13 works at, I don't know. And so for -- for me to
14 say that did I work with Brock Johnson concerning
15 FOIAs with the Office of the Secretary, I don't
16 recall even working with him at all. So again, I
17 don't -- I don't recall.**
18 Q Okay. Do you know why Mr. Johnson
19 forwarded the CREW request to Ms. Mills on
20 December 11, 2012?
21 MR. PRINCE: Objection. Form.
22 A **No, I -- no, I do not. No.**

136

1 Q Okay. Do you have any knowledge whether
2 Mr. Brock Johnson forwarded any other FOIA
3 requests to Ms. Mills during Secretary Clinton's
4 tenure at the State Department?
5 A **I have no knowledge on that.**
6 Q Okay. During Secretary Clinton's tenure
7 at the State Department, did you on any occasion
8 forward any FOIA requests to Cheryl Mills?
9 A **I don't recall. I don't recall.**
10 Q You don't recall either way or --
11 A **Yeah, I don't recall forwarding or being
12 involved with sending something to her. Again, I
13 don't recall that at all.**
14 Q Okay. Do you know what Ms. Mills did in
15 response to receiving the CREW request on December
16 11, 2012?
17 A **No, ma'am.**
18 (Finney Deposition Exhibit 5 marked for
19 identification, retained by counsel.)
20 Q Mr. Finney, I'm sorry, you've been shown
21 exhibit -- what's been marked as Exhibit 5.
22 A **Yes, ma'am.**

Conducted on June 4, 2019

137

1 Q Have you had a chance to review this?
 2 A **Yes, ma'am.**
 3 Q Okay. Do you identify -- do you
 4 recognize this document?
 5 A **I recognize the form of it. Do I recall**
 6 **seeing this? I don't recall seeing this. Not**
 7 **saying that I did not; I just -- it doesn't just**
 8 **bring memory.**
 9 **The format of the document is what comes**
 10 **to mind, you know. Which is a DS-1748.**
 11 Q Okay. Okay. I'll just represent to you
 12 that these documents were produced to Judicial
 13 Watch in response to a request for records
 14 relating to the processing of the CREW FOIA
 15 request.
 16 A **Okay. Thank you.**
 17 Q To provide context as to where we
 18 received these documents from.
 19 A **Yes, ma'am.**
 20 Q Okay. All right.
 21 What's the case number that you see at
 22 the top there?

138

1 A **What's shown at the top is 2012-40981,**
 2 **preceded by F.**
 3 Q And what does that represent?
 4 A **That's normally the case number that's**
 5 **assigned by the Bureau of Administration.**
 6 Q Okay. So that would be the case number
 7 for the FOIA request?
 8 A **Yes, ma'am.**
 9 Q Okay. And who is -- who is Anne
 10 Weismann, the requestor name?
 11 A **Without seeing the actual request, you**
 12 **know, I would say more than likely it's probably**
 13 **the requestor's name. But again, that's something**
 14 **that's filled out by the Bureau of Administration.**
 15 **So I couldn't tell you who that exactly is. Okay.**
 16 Q Okay. Can you look at Exhibit 3?
 17 A **Yes, ma'am.**
 18 Q And can you tell me who signed that
 19 request that was --
 20 A **Yes.**
 21 Q -- submitted to the State Department?
 22 A **Yes. Anne Weismann.**

139

1 Q Okay. And the date of that request of
 2 Exhibit 3 is December 6, 2012. Is that right?
 3 A **That is correct.**
 4 Q Okay. And what is the date of this
 5 Search Tasker?
 6 A **December the 21st, 2012.**
 7 Q And if you can look at the second line of
 8 boxes that appears on Exhibit 5?
 9 A **Yes.**
 10 Q Okay. Do you see where it says "Office
 11 tasked with search"?
 12 A **That is correct.**
 13 Q Okay. What is -- what is written in
 14 there, in that box?
 15 A **SESCR.**
 16 Q Okay. Is that your office?
 17 A **Normally it would be S/ES-CR. But they**
 18 **have just put it all together, it looks like.**
 19 Q Okay.
 20 A **Yeah.**
 21 Q And according to this document, when was
 22 the search to be completed by S/ES-CR?

140

1 A **Okay. They requested it, it looks to be**
 2 **by December the 21st, 2013.**
 3 Q On Page 2 of the document.
 4 A **Uh-huh.**
 5 Q It looks like it was signed by Jonathan
 6 Wasser.
 7 A **Yes.**
 8 Q Is that Jonathan Wasser in your office?
 9 A **I -- I couldn't confirm that, you know.**
 10 **But just looking at the name, you would say that**
 11 **it could be. But without knowing for sure, okay,**
 12 **looking at Jonathan, looking at his signature and**
 13 **saying that's it. But it looks to be that it**
 14 **could be very well.**
 15 Q So according to this document, did
 16 Mr. Wasser conduct the search in response to this
 17 FOIA request?
 18 A **Based on what I see in front of me, it**
 19 **looks as though he was the one who conducted the**
 20 **search.**
 21 Q Okay. And based on this document, how
 22 much time did he spend on conducting the search?

141

1 A It looks as he spent one hour, based on
2 what's annotated on this form.
3 Q Okay. And can you tell, based on looking
4 at this document, when he completed the search?
5 A No, not based on this document.
6 Q Okay.
7 A This looks like he filled it out on
8 February the 14th, 2013. Or signed it, should I
9 say. Yeah.
10 Q Okay. I want to ask you, on the first
11 page of the document, the third -- if you split it
12 up in thirds.
13 A Yes.
14 Q Do you see where the box begins with,
15 from the bottom up, Time Period Searched?
16 A Yes, ma'am.
17 Q Okay. What does that mean, Time Period
18 Searched?
19 A Typically that is annotated with showing
20 the beginning date of the search and the end date
21 of the search, which is basically the date range.
22 Q The date range?

142

1 A Yes, ma'am.
2 Q Okay. And what was the date range,
3 according to this document, for the search that
4 Mr. Wasser conducted?
5 A Based on this DS-1748, the search was
6 conducted based on information from February --
7 January the 1st, 2009, to February 14th, 2013.
8 Q Okay. Do you know how the date range --
9 how Mr. Wasser came about the date range that he
10 used for this, to search in response to this
11 request?
12 A Without seeing the -- the actual request,
13 because many times the request may have the actual
14 date range in it, you know, so I'm assuming that,
15 again, that this is the actual request for here,
16 you know.
17 Q When you're saying "this," you're
18 referring to --
19 A I mean.
20 Q -- pages, specify the exhibit.
21 A I'm sorry. Based on Exhibit 3.
22 Q Yeah.

143

1 A Based on they have the person's name
2 here. And so we're assuming this is the specific
3 request for this particular 1748. But not being a
4 hundred percent sure, because CREW could have sent
5 several requests that are coming from Anne. And
6 so without knowing if this is the specific one
7 that's talking about that -- and it could very
8 well be, but I'm not sure.
9 Q So based -- based on a review of the
10 request marked as Exhibit 3 --
11 A Yes, ma'am.
12 Q -- and Exhibit 5, are you able to tell
13 how Mr. Wasser came about with creating that
14 specific date range?
15 A If it was based on this request of
16 Exhibit 3?
17 Q Yes.
18 A More than likely started based on the
19 beginning of January the 1st, 2009, and ended on
20 the date that he ended the search.
21 Q So that would be the date of the search,
22 February 14, 2013.

144

1 A Uh-huh.
2 Q Right?
3 A Yes.
4 Q Okay.
5 A And, again, that's my speculation. You
6 know, the person who would actually be able to
7 tell you that for sure, if he can recall it, would
8 be Mr. Wasser. Because he was the one who
9 actually conducted the search. I can only base it
10 on what I see here and what we typically have done
11 in the past.
12 Q Okay.
13 (Finney Deposition Exhibit 6 marked for
14 identification, retained by counsel.)
15 Q Mr. Finney, I'll show you what's -- what
16 we're marking at Exhibit 6.
17 A Yes, ma'am.
18 Q If you can take a look at that. And let
19 me know once you've had a chance to review it.
20 A Yes, ma'am.
21 Q Have you had a chance to review it?
22 Do you recognize this document?

145

1 **A I recall this document, just looking at**
 2 **it, just something from old. But do I remember**
 3 **it? No.**
 4 Q I'm sorry, I couldn't hear your answer.
 5 **A If you ask me do I remember this**
 6 **document, no. Does it look like something from**
 7 **the past? I'm just looking at it because it has**
 8 **my name on it, and it has the actual requestor, or**
 9 **in this case the analyst's name on it. So I'm**
 10 **just going by that. Yeah.**
 11 Q Okay.
 12 **A Yeah.**
 13 Q Okay. So this exhibit appears to be a
 14 memorandum that Jonathan Wasser sent to you on
 15 February 14, 2013. Is that correct?
 16 **A It looks -- yes. Based on what we're**
 17 **seeing here, it looks as though this was a memo**
 18 **that he sent to me.**
 19 Q Okay.
 20 **A Yes, ma'am.**
 21 Q All right. And it's -- do you see the
 22 subject line, Regarding? On the memo?

146

1 **A I see the reference.**
 2 Q Or reference. Okay.
 3 **A Yes, ma'am.**
 4 Q Okay. And it's FOIA Number 2012-40981.
 5 Is that correct?
 6 **A Yes, that's what it shows.**
 7 Q Okay.
 8 **A Yes.**
 9 Q Is that the same FOIA number that is
 10 reflected on Exhibit 5 in the Search Tasker from
 11 Anne Weismann that was dated December 21, 2012?
 12 **A It seems to be. The only difference is**
 13 **it doesn't have the dashes in it. But that could**
 14 **have been just an oversight. But it looks like it**
 15 **could be, very well be one.**
 16 Q Okay. But the dashes wouldn't change --
 17 **A No.**
 18 Q -- the request number?
 19 **A That's correct. Yeah.**
 20 Q Okay. So if you can -- if we can go over
 21 this document a little bit.
 22 According to this document, did

147

1 Mr. Wasser conduct a search in response to this
 2 request?
 3 **A Yes, based on the number and the**
 4 **individual who actually conducted the search, I**
 5 **will say you're correct.**
 6 Q Okay. And what are the systems of
 7 records that Mr. Wasser searched in response to
 8 the request?
 9 **A He searched STARS, CARS, and STePs.**
 10 Q Okay.
 11 **A Yes, ma'am.**
 12 Q Do any of these systems of record, STARS,
 13 CARS, and STePs that are referenced in Exhibit 6,
 14 do any of them contain e-mail?
 15 **A The only system that could possibly have**
 16 **a -- yes, it could be one that could have one.**
 17 Q Which one?
 18 **A It could be STARS.**
 19 Q STARS. All right. And do you know how
 20 he searched e-mails in the STARS system of
 21 records?
 22 MR. PRINCE: Objection to form.

148

1 **A Okay. If you asking me specifically how**
 2 **he conducted this search, no, I couldn't tell you,**
 3 **based on what I see in front of me.**
 4 Q Okay.
 5 **A No.**
 6 Q That is the question.
 7 **A Yes, ma'am.**
 8 Q Let me ask the question in general terms.
 9 **A Yes, ma'am.**
 10 Q How would a search of STARS be done to
 11 search for e-mails?
 12 **A Okay.**
 13 Q And the time frame is December 2012,
 14 February 2013.
 15 **A Okay. Specifically, it would look**
 16 **specifically for e-mails. Because if I'm not**
 17 **mistaken, you're asking could an e-mail be in**
 18 **STARS. Okay? And there could be an e-mail in**
 19 **STARS. It's how would you know that, if I'm**
 20 **understanding what you're asking.**
 21 Q Yes.
 22 **A Okay. Basically in STARS, remember I**

149

1 said before how that system is -- information is
2 being sent up from the department, coming up to
3 the Secretaries. Okay? And in this particular
4 case let's say there was an action memo, okay,
5 that was coming from an Assistant Secretary,
6 addressed to the Secretary. Okay?
7 In that action memo where they're asking
8 for them to take action, there could be
9 attachments, background information. That
10 background information could very well be an
11 e-mail that someone printed off, say, as a
12 reference material.
13 Q Okay.
14 A So ...
15 Q Okay. Would STARS contain -- or did
16 STARS contain any department-wide notifications
17 that were sent on behalf of Secretary Clinton
18 during her tenure?
19 A I don't recall.
20 Q All right. Is that the type of record
21 that would be contained within STARS at that time?
22 A What would known to be in STARS, again,

150

1 if the action came up for the Secretary to be
2 approved, then that action would be in STARS.
3 Q Okay. So notifications that Secretary
4 Clinton sent department-wide during her tenure, by
5 e-mail, what system of records would that type of
6 notification be contained in from the
7 Secretary's -- the system of records from the
8 Secretary's office?
9 MR. PRINCE: Objection. Form and
10 foundation.
11 A Okay. I guess we're looking at -- you're
12 saying if it came from the Secretary's office.
13 Q Uh-huh.
14 A Okay. Are you saying that it was
15 generated by the Secretary's office or someone
16 sent it up to them, like, for example, like I
17 said, an action memo that went up to the
18 Secretary's office.
19 Q No. I'm saying a notification from the
20 Secretary's office department-wide.
21 A What system would it be in?
22 Q Yes.

151

1 A Depending on how they went out.
2 Q By e-mail.
3 A Okay. So if it's in an e-mail, then more
4 likely it will probably be in the e-mail itself.
5 Q The e-mail account from where it was
6 sent?
7 A Not necessarily. Again, not knowing how
8 that system operated, because we weren't involved
9 in that system at all, you know.
10 Q What's the -- what's the "that system"
11 you're referring to?
12 A When I say -- when I say "system," you're
13 saying how would that e-mail be sent out, if an
14 e-mail was sent from the Secretary, how would that
15 be sent out. I wouldn't know how that would be
16 sent out.
17 Q Well, how you -- how would you keep a
18 record of that notification for purposes of your
19 role as the deputy director of the Office of
20 Correspondence and Records?
21 MR. PRINCE: Objection. Form.
22 Foundation.

152

1 A Okay. Can you ask the question
2 specifically one more time for me?
3 Q Yes. How would a notification from
4 Secretary Clinton be collected and stored in your
5 office?
6 MR. PRINCE: Same objections.
7 A Okay. One, it wouldn't be stored by the
8 Office of Correspondence and Records. Okay?
9 We're responsible for it once the member leaves,
10 we make sure that information is being properly
11 retired. So it would not be captured by this,
12 this Office of Correspondence and Records.
13 Again, our goal is, as I said before, the
14 information that goes into STARS, that's the
15 reason why I asked the question was it something
16 that was sent up for approval. Because if it came
17 up for approval, it more likely would be in STARS,
18 the Secretary Tracking and Retrieval System. So,
19 yeah.
20 Q Okay.
21 (Finney Deposition Exhibit 7 marked for
22 identification, retained by counsel.)

153

1 Q Mr. Finney, if you can look what's been
2 marked as Exhibit 7. Let me know once you've had
3 a chance to look at it.

4 A **Yes, ma'am.**

5 Q Okay. And just for context, I'll
6 represent that this is also a document that was
7 produced by the State Department to Judicial
8 Watch, in response to a request for processing
9 records of the December 6 CREW request --

10 A **Yes, ma'am.**

11 Q -- marked as Exhibit 3.

12 A **Yes, ma'am.**

13 Q Okay?

14 Do you recognize this document?

15 A **I recognize the format. But to say do I**
16 **recognize this specific document as being, no. I**
17 **just recognize the format that normally is being**
18 **used.**

19 Q Okay.

20 A **Okay.**

21 Q Can you tell me, what is this document?

22 A **This is typically a document that**

154

1 **basically documents the areas that were searched**
2 **for a particular request. And when I say**
3 **"request," for a FOIA request.**

4 Q Okay. Is this document generated, or
5 typically generated when a search is done by your
6 office, whether it's done by you or Mr. Wasser,
7 back in December of 2012, January of 2013?

8 A **This, I do recall this is the format that**
9 **we would normally use. So if it was generated,**
10 **more than likely would be.**

11 **Now, was this specific one we did? I**
12 **couldn't tell you for sure. I'm just going by**
13 **what you have here. Yeah.**

14 Q Okay. Do you still generate -- did you
15 still generate this type of form for FOIA requests
16 in 2014?

17 A **We generate something, but I can't recall**
18 **what exactly that it is. It could very well be**
19 **just this. But without looking at it and seeing**
20 **what we did in the past, I wouldn't be able to**
21 **tell you. So I don't want to say yes, we did, and**
22 **we may not have.**

155

1 Q That's fine. All right.
2 So according to Exhibit 7, you see
3 there's a number next to STARS and IPS in the box
4 over there towards the top?
5 Do you see that?

6 A **Yes, ma'am.**

7 Q Okay. Is that the same number that's
8 referenced on Exhibit 6 and Exhibit 5 that we just
9 spoke about?

10 A **Without seeing the entire package, it**
11 **seems though it is. Okay? Based on the numbers.**
12 **It looks like it is.**

13 Q Okay.

14 A **Okay? But without seeing the entire**
15 **package together that was with this particular**
16 **case, I wouldn't be able to say yes or no.**
17 **But based on the numbers that are here, I**
18 **would say you're probably correct.**

19 Q I don't understand what you mean,
20 "without seeing the entire package."

21 A **Well, for example, if I had the entire**
22 **package, meaning, for example, if you had the --**

156

1 **the memo that went out, the actual letter that was**
2 **coming in for the initial request, and so forth.**
3 **Then I see the whole packet, then I say, Yep, this**
4 **is the one. But based on what I'm seeing here, I**
5 **would say more than likely that is the number.**

6 Q Okay. But there's only one number that
7 is -- let me reask it.

8 Does the State Department issue more than
9 one number to associate with each FOIA request?

10 A **No. It's typically one number. So**
11 **that's why I said more than likely it is.**

12 Q Okay.

13 A **But, of course, you just want to make**
14 **sure that this is the exact one that's tied to**
15 **that particular case.**

16 Q Okay. Well, according to the exhibit you
17 have in front of you, it's the same number.
18 Correct?

19 A **Uh-huh. Yes, ma'am.**

20 Q Okay. And the search, do you see for the
21 search it says "Any e-mail accounts used by
22 Secretary Clinton."

157

1 Do you see that?

2 **A Yes, ma'am.**

3 Q According to this document, when was the

4 search due?

5 **A The search looks like on this particular**

6 **Exhibit 7, it looks like the search was due**

7 **January the 21st, 2013.**

8 Q Okay. And Secretary Clinton was still in

9 office at the time. Right?

10 **A I -- I am not sure. I have to go back**

11 **and look at the date when she came -- left. I'm**

12 **not sure what date -- I can't recall what date she**

13 **actually left, so ...**

14 Q Okay. I believe the date that she left

15 was February 1, 2013.

16 **A Okay. Okay. All right.**

17 Q Okay. Do you see where it says Search

18 for e-mail on this document?

19 **A Do I see where it says that?**

20 Q Yes.

21 **A Yes. It says "Search any e-mail accounts**

22 **used by Secretary Clinton."**

158

1 Q Okay. How about in the chart that you

2 have on Exhibit 7? Can you actually describe what

3 that chart is?

4 **A Yes. That chart basically shows the**

5 **systems that was searched by the Correspondence**

6 **and Records, and what search terms we used.**

7 Q Okay. So where are the search terms that

8 were used for this request?

9 **A Under where it says, Search For.**

10 Q Okay. And according to this document,

11 was e-mail a search term that was used?

12 **A Yes, according to this document, "e-mail"**

13 **was a search term that was used.**

14 Q And how about Secretary Hillary Clinton,

15 then semicolon, Clinton?

16 **A Yes.**

17 Q Are those two separate search terms or --

18 **A Yes. "Secretary Hillary Clinton" was a**

19 **search term that was used, "Clinton" was a search**

20 **term that was used, "e-mail" was a search term**

21 **that was used.**

22 Q Okay. Now, you earlier testified that

159

1 before the officials leave the State Department --

2 **A Uh-huh.**

3 Q -- that if a request was for their

4 e-mails --

5 **A Uh-huh.**

6 Q -- that that search would be tasked out

7 to the Secretary's office.

8 **A Uh-huh.**

9 Q Do you recall that testimony?

10 **A That's correct.**

11 Q Yes. Okay.

12 **A And, actually, we wouldn't -- as I**

13 **stated, we wouldn't task it. We would actually**

14 **coordinate. And I didn't know how that process**

15 **worked because I didn't recall. But I knew that**

16 **we would be in coordination or contact with the**

17 **Executive Secretary.**

18 Q Okay.

19 **A Yeah. So I didn't know how that process**

20 **worked. I don't recall that process, how it**

21 **worked. But I do know we would definitely be in**

22 **contact with the Executive Secretary.**

160

1 Q Okay. So do you recall, were you in

2 contact with the Executive Secretary for the

3 search of this request?

4 **A Again, I don't recall. But if I follow**

5 **the normal procedures, then we would be. But I**

6 **don't recall.**

7 Q Do you recall whether any officials

8 within the Secretary's office were asked to search

9 any of the e-mails in the Secretary's office in

10 response to this request?

11 **A I don't recall that.**

12 Q Do you know whether any official within

13 the Secretary's office was asked to search e-mails

14 in the Secretary's office in response to this

15 request?

16 **A That I don't recall.**

17 (Finney Deposition Exhibit 8 marked for

18 identification, retained by counsel.)

19 Q Mr. Finney.

20 **A Yes, ma'am.**

21 Q I'm going to ask for you to look at

22 what's been marked as Exhibit 8. Let me know once

161

1 you've had a chance to review this.

2 **A Okay. I'm done. Yes, ma'am.**

3 Q Okay. Thank you. And again, the same as

4 the previous exhibits on this subject matter.

5 This is a document that was produced to Judicial

6 Watch in response to its FOIA request to the State

7 Department for records relating to the processing

8 of the CREW request marked as Exhibit 3.

9 **A Yes, ma'am.**

10 Q Okay. Do you recognize this document?

11 **A I don't recognize this specific document.**

12 **But it does remind me of the format we used when**

13 **we were finalizing a request.**

14 Q Okay. What is this document?

15 **A This is a memo that's typically coming**

16 **from the Office of Correspondence and Records,**

17 **going back to the Bureau of Administration.**

18 Q Okay.

19 **A Concerning a FOIA request.**

20 Q Okay. And you sent this memo? According

21 to this document.

22 **A Yes. According to this document, that is**

162

1 **correct.**

2 Q Okay. And what did you -- who -- I'm

3 sorry, who did you say you sent the memo to?

4 **A It would go to the Bureau of**

5 **Administration, and this individual by the name of**

6 **Edgar Jaramillo.**

7 Q Okay. And the Bureau of Administration,

8 would it go to IPS?

9 **A Yes, ma'am.**

10 Q Okay.

11 **A Because they are a part of the Bureau of**

12 **Administration.**

13 Q Okay. And what did you advise Mr. Edgar

14 Jaramillo within IPS on February 26, 2013?

15 **A We advised that the Secretariat -- we**

16 **conducted a search of the Secretary Tracking and**

17 **Retrieval System, which is STARS; StePs; and the**

18 **top secret files, and found zero documents related**

19 **to the above-referenced tasker.**

20 Q Okay.

21 **A And it was completed by Jonathan Wasser.**

22 **And he spent one hour performing the search.**

163

1 Q Okay. Let me ask you if you can look at

2 the Exhibit 7 and Exhibit 6. Well, Exhibit 7.

3 **A Yes, ma'am.**

4 Q Do you know why the search -- or the memo

5 went out on February 26, rather than February --

6 January 21st, 2013?

7 **A I don't recall why.**

8 Q Okay.

9 **A No, ma'am.**

10 Q Well, it appears from the -- from what

11 you've testified about the date range, and from

12 Exhibit 5, that the search was concluded on

13 February 14, 2013.

14 **A Uh-huh.**

15 Q Is that accurate?

16 **A Yeah, based on the documents that you**

17 **provided us, it looks as though that was the case.**

18 Q Okay. Do you know why the search was not

19 completed by January 21st, 2013, when the Search

20 Tasker had the deadline for the search?

21 **A No, ma'am. Not without having to go back**

22 **and trying to recollect and bring everything back**

164

1 **what was going on that particular day or that**

2 **week, you know, what case was being processed. So**

3 **I would not know the reason why.**

4 Q So when the search was completed on

5 February 14, 2013 --

6 **A Yes, ma'am.**

7 Q -- did you or Mr. Wasser request any PST

8 file of the officials from Secretary Clinton's

9 office who had departed at that point, to search

10 for records in response to the request?

11 **A I don't recall.**

12 Q According to your testimony earlier

13 today, isn't that the process that should have

14 been followed with the search that was done on

15 February 14, 2013, in this case?

16 MR. PRINCE: Objection. Form.

17 Foundation.

18 **A Can you give more specifics?**

19 Q Specifics about what?

20 **A In -- or repeat the question again,**

21 **please.**

22 MS. COTCA: Can you read the question.

165

1 Thank you.
2 (The Reporter read the record as follows:
3 "QUESTION: According to your testimony
4 earlier today, isn't that the process that should
5 have been followed with the search that was done
6 on February 14, 2013, in this case?")
7 **A Okay. In that process I said when we
8 started searching the PSTs when individuals
9 departed, I think I shared with you that I didn't
10 know exactly when that process started as far as
11 searching PSTs, you know. I'm just trying to
12 recall exactly what I shared.**
13 But I will say this: Again, we did a
14 search of the items we have here, but -- yeah, I
15 can't recall the exact -- what -- when that
16 actually started as far as doing the PSTs.
17 Q Well, wouldn't it have to start on the
18 day, first day after the officials left the State
19 Department, since they were no longer physically
20 within the Secretary's office to do the search
21 themselves?
22 MR. PRINCE: Objection. Foundation.

166

1 Form.
2 **A Again, without having the -- to go back
3 and look at this request to see exactly what all
4 the details specific with it, I can't really
5 answer that question fairly.**
6 You know, I would be speculating, you
7 know, how that process -- you know, how did we go
8 about during that time period, as far as with the
9 e-mails and so forth.
10 So again, I don't want to just speculate
11 and say, Oh, okay, no, we didn't do it, and this
12 is the reason why. I couldn't -- I can't put it
13 all back together to figure out what was
14 transpiring with this particular case or any of
15 those cases during that time period.
16 Q Okay. So how would e-mails from
17 Secretary Clinton's office be searched from
18 February 1 to February 14, 2013, after the
19 officials left the State Department?
20 MR. PRINCE: Objection. Form.
21 **A Again, I have -- I knew we started
22 searching with PSTs. When we actually started**

167

1 that process, that I don't recall.
2 Q Well, if you didn't search the PST, how
3 else would you search for these officials' e-mails
4 during this time period?
5 **A Okay. Again, one of the things we were
6 looking for right here, it says it pertains to any
7 e-mail accounts used by Secretary Clinton. Okay?
8 And then if you look at the request, again only
9 going by what I'm reading here, it says, E-mails
10 used by Secretary Clinton. Okay?**
11 Again, if she doesn't have a state.gov
12 account, you know, which we asked that question,
13 you know, then that's what we're basing it on at
14 that time. Because they're looking at e-mails
15 used by Secretary Clinton.
16 Q That's not my question here. And I'm
17 asking you the question --
18 **A Yes.**
19 Q -- as in your role as the deputy director
20 of the Office of Correspondence and Records --
21 **A Yes.**
22 Q -- for the Secretary's office.

168

1 A Yes.
2 Q So when on February 1st, Secretary
3 Clinton's last day in office --
4 **A Yes.**
5 Q -- how did you search e-mails from the
6 Secretary's office from February 1 to February 14,
7 2013?
8 **A Uh-huh.**
9 Q In your role as the deputy director.
10 MR. PRINCE: Objection. Form and
11 foundation.
12 **A Okay. And again, as I say again, I don't
13 recall how we did that during that time. I don't
14 recall.**
15 Q Okay. And you have no recollection of
16 requesting any PST files in -- to search records
17 in response to this request from February 1 to
18 February 14, 2013.
19 **A Yeah, again, I just don't recall.**
20 Q Okay. Do you know what involvement, if
21 any, Cheryl Mills had with respect to this FOIA
22 request prior to her departure from the State

169

1 Department?
2 **A No, ma'am.**
3 Q Do you know what role Mr. Brock Johnson
4 had with respect to this FOIA request?
5 **A No, ma'am.**
6 Q Okay. I'm going to switch gears a little
7 bit here.
8 **A Yes, ma'am.**
9 MS. COTCA: Can we go off the record for
10 a minute.
11 VIDEO SPECIALIST: We are going off the
12 record at 14:26.
13 (A recess was taken.)
14 VIDEO SPECIALIST: We are back on the
15 record at 14:26.
16 BY MS. COTCA:
17 Q Okay. Mr. Finney, you testified that you
18 also had a role with respect to departing
19 officials from the State Department in the
20 collection of their records prior to their
21 departure.
22 **A Yes, ma'am.**

170

1 Q Can you elaborate more about what that
2 role was and what the process was?
3 **A Okay. If you could get more specific.**
4 **Is it for a specific time frame?**
5 Q Yes.
6 **A Yes, ma'am.**
7 Q Thank you for asking for that. It would
8 be for 2013, the departure from -- of Secretary
9 Clinton and her staff.
10 **A Yes, ma'am. All right. We are basically**
11 **working with the Executive Secretary to basically**
12 **set up a meeting with the Secretary's staff to**
13 **kind of go over the process of getting their**
14 **records to be retired.**
15 **Typically when I have that meeting, I**
16 **also would have the office -- the agency records**
17 **officer attend that meeting, as well, you know.**
18 **And typically during that meeting we will be**
19 **discussing what is required to retire the records.**
20 **And, also, if they had any things that they wanted**
21 **to take with them, we'll tell them about the**
22 **process of doing that as well.**

171

1 Q Okay. So let's break that down.
2 **A Yes, ma'am.**
3 Q If you can tell me for 2013 --
4 **A Yes, ma'am.**
5 Q -- what was the process that was required
6 with respect to retiring their records?
7 **A Okay. Not recalling completely, I can**
8 **only go by what I kind of vaguely remember,**
9 **because things have changed.**
10 Q Sure.
11 **A But, again, we'll be covering -- did you**
12 **want to go specifics of what I covered, or did you**
13 **just want it in general?**
14 Q Specifics of what you covered.
15 **A And that's going to be kind of hard.**
16 Q To the best that you can.
17 **A Okay. Again, what we're covering is**
18 **similar to what's in that memo that was sent out**
19 **to them every year, you know. We're talking about**
20 **what their recordkeeping responsibilities are and**
21 **also about making sure that the documents they**
22 **have in their possession, you know, are properly**

172

1 **retired, you know.**
2 **And, of course, when it comes to the**
3 **actual documents they want to take with them,**
4 **we're also talking about making sure that it is**
5 **reviewed by myself, as well as the agency records**
6 **officer and a DS-1904 is completed, which**
7 **authorizes them to remove personal and nonrecord**
8 **material.**
9 Q Okay. Let's back up just a little bit.
10 **A Yes, ma'am.**
11 Q When you were explaining about the
12 documents, you said that they are "properly
13 retired."
14 **A Yes.**
15 Q Can you just explain to me, as someone
16 who's --
17 **A Sure.**
18 Q -- doesn't do this day-to-day, what that
19 means?
20 **A Basically, we're just saying that we want**
21 **to make sure they're being boxed up and properly**
22 **retired so they become part of the State**

173

1 Department archives.
2 Q Okay.
3 A Yes, ma'am.
4 Q Thank you.
5 A Yes.
6 Q Were e-mails included in records that
7 were discussed to be retired of Secretary
8 Clinton's staff?
9 A Okay. Again, not knowing completely what
10 was all discussed, you know, I do know, just
11 looking at the memos that you refreshed my memory
12 when we talked about that, we would discuss about
13 the same aspect in regards to whatever policy was
14 during that time period.
15 So again, looking at the memos that you
16 refreshed my memory with, those are the type of
17 things we talked about. So whatever we talked
18 about in that yearly meeting, we'll talk about the
19 same thing as far as retiring those e-mails. But
20 specifically what we discussed, I can't recall
21 that.
22 Q Okay.

174

1 A Or I don't recall, I'm sorry. Not that I
2 don't want to. But I just don't remember.
3 Q Okay. Were those discussions in 2013 --
4 A Yes, ma'am.
5 Q -- would they have included discussions
6 as to what State Department officials needed to do
7 who were departing with respect to any e-mails
8 that they had either received or sent for
9 government business, for State Department
10 business --
11 A Okay.
12 Q -- before their departure?
13 A Okay. Again, I don't recall all the
14 specifics about what we discussed in regards to
15 e-mails. So to be able to -- to answer that
16 question, say did it cover those -- each one of
17 those areas, I don't recall.
18 Q Well, I'm just asking in a general sense,
19 because you discussed e-mails --
20 A Yes.
21 Q -- during the annual --
22 A Yes.

175

1 Q -- briefings. Right?
2 A Yes, ma'am.
3 Q Okay. If you discussed e-mails during
4 the regular briefing --
5 A Yes, ma'am.
6 Q -- your testimony, as I understand it,
7 you would have discussed e-mails during the
8 meetings that you had with Secretary Clinton or
9 her staff prior to their departure.
10 Is that right?
11 A Yes. Yes. We would have discussed
12 whatever policy was at that time in the department
13 concerning e-mails, that would have been
14 discussed.
15 Q Okay.
16 A Because that's one of the reasons why we
17 also had the agency records officer there as well,
18 so to make sure they can articulate that as well.
19 Q Okay.
20 A But exactly what was discussed concerning
21 e-mails, that I don't recall.
22 Q Okay. And if the policy was that State

176

1 Department officials print off any e-mails from
2 their personal accounts, that was for business
3 purposes, would that have been discussed at the
4 meeting in 2013, prior to the departure of
5 Secretary Clinton and her staff?
6 A Okay. I will say whatever that policy
7 was at that time, that's what would have been
8 discussed.
9 Q Okay.
10 A Yeah. Yes, ma'am.
11 Q Then with respect to the second part of
12 what you testified as to what you covered, with
13 respect to personal records.
14 A Yes, ma'am.
15 Q I believe you said that those -- well,
16 what is the process -- what was the process at the
17 time?
18 A Yes, ma'am. From what I recall, the
19 process typically would involve, as far as talking
20 about in the briefing or the actual physical
21 process? Because you said what is the process.
22 So I want to know is what we discussed about, or

Conducted on June 4, 2019

177

1 are you talking about what actually took place as
2 far as for those items that are personal and
3 nonrecord?
 4 Q Well, what was the policy, first.
5 A Okay. Again, not knowing a hundred
6 percent in -- I can just only kind of go by what I
7 recall.
8 Basically, personal and nonrecord
9 material, if a member leaves the department, for
10 them to leave the department with personal or
11 nonrecord material, it has to be reviewed by
12 myself, who was the bureau's records coordinator,
13 as well as the agency records officer. Okay? And
14 that's a physical review that needs to take place.
15 And then a form DS-1904 would need to be
16 completed.
 17 Q Okay. I just want to back up one --
18 A Yes, ma'am.
 19 Q -- one question, followup question from
 20 before.
 21 Was the policy in 2013 at the State
 22 Department for officials who e-mailed from

178

1 personal e-mail accounts about State Department
 2 business to print and file those e-mails?
3 A That I don't recall. Sorry.
 4 Q And with respect -- time frame of 2013,
 5 upon departure of Secretary Clinton and her staff,
 6 did you, personally, review the personal records
 7 that were removed from the State Department by her
 8 staff?
9 A If documents that were provided to me to
10 review, yes.
 11 Q Okay.
12 A Myself and the agency records officer.
 13 Q Okay.
14 A Yes, ma'am.
 15 Q Okay.
 16 (Finney Deposition Exhibit 9 marked for
 17 identification, retained by counsel.)
 18 Q Mr. Finney.
19 A Yes, ma'am.
 20 Q You've been handed what's been marked as
 21 Exhibit 9.
22 A Yes, ma'am.

179

1 Q This is a string of e-mails that was
 2 produced by the State Department to Judicial Watch
 3 in this case.
4 A Okay.
 5 Q If you can take a look at it and let me
 6 know once you've had a chance to review.
7 A Yes, ma'am.
 8 Q Well, have you seen this document before,
 9 or a copy of it?
10 A I don't recall this document.
 11 Q Okay.
12 A Or this e-mail chain. I don't recall
13 this one.
 14 Q Okay. Just for identification purposes,
 15 it looks like it's an e-mail string starting on
 16 January 27, 2013, through January 30th, 2013, with
 17 the subject line, Departing Officials.
 18 Is that a fair representation of the
 19 e-mail string attached as Exhibit 9?
20 A Yes, it looks like it started off with
21 department officials, and then it end up
22 continuing being forwarded or referenced, yes.

180

1 Q Okay.
2 A You're correct.
 3 Q Thank you. I just want to point you to
 4 the e-mail in the middle of Page 2.
5 A Yes, ma'am.
 6 Q Dated January 29, from -- 2013, at 7:53
 7 a.m., from Tasha Thian, to Margaret Grafeld and
 8 Sheryl Walter.
 9 Do you see that e-mail?
10 A Yes, ma'am.
 11 Q All right. Do you see where Ms. Thian
 12 writes "I have been working with Clarence on the S
 13 departing officials," and then the rest of -- most
 14 of the rest of that e-mail is redacted?
15 A Yes, ma'am.
 16 Q Okay. Is that reference to you,
 17 Mr. Finney, in that e-mail?
18 A It looks, seems to be.
 19 Q Okay.
20 A Yes, ma'am.
 21 Q And were you at the -- at that time, or
 22 around that time, towards the end of January 2013,

181

1 working with departing officials in the
2 Secretary's office?
3 **A That looks about the time frame. Because**
4 **if she left about February the 1st, then we would**
5 **have been working closely with -- with Tasha**
6 **Thian, yes, ma'am.**
7 Q Okay. And just for -- make sure the
8 record is clear.
9 **A Yes, ma'am.**
10 Q Does the S in that e-mail refer to
11 Secretary, Secretary Clinton?
12 **A Face value, it looks as though it is.**
13 Q Okay.
14 **A Okay. From face value.**
15 **And it's dealing specifically with the**
16 **Secretary's office, not so much as Secretary**
17 **Clinton. The Secretary's office, department**
18 **officials, because you're working with that entire**
19 **office.**
20 Q Okay. Fair enough.
21 Did you, when you worked with the
22 Secretary, Secretary's office --

182

1 **A Yes, ma'am.**
2 Q -- prior to their departure with respect
3 to retirement of their records, was there a
4 briefing that you held or a meeting that you held
5 with -- with the Secretary's office, or staff from
6 their office?
7 **A Typically we would have a meeting, you**
8 **know. And that was a meeting, as I mentioned**
9 **earlier, that would be with Tasha Thian, who is**
10 **the agency records officer, as well as members of**
11 **the Secretary's staff. We would coordinate this**
12 **with the Executive Secretary, you know. And**
13 **again, the goal was to making sure they have the**
14 **knowledge and the understanding of what their**
15 **recordkeeping responsibilities were. So that's**
16 **one also the reasons we had the agency records**
17 **officer there.**
18 Q Okay. Did you require Secretary staff to
19 attend this meeting prior to their departure?
20 **A Did I require each person to attend?**
21 Q Yes.
22 **A Okay. We basically set up the meeting**

183

1 **and told them the significance behind being there.**
2 **But for me to be the one to say, You will be**
3 **there, no, I don't have that leverage -- leverage**
4 **to do that.**
5 Q Okay.
6 **A No, ma'am.**
7 Q Did Ms. Abedin attend that meeting?
8 **A That I don't recall.**
9 Q Okay. Did Ms. Mills, Cheryl Mills,
10 attend that meeting?
11 **A That I don't recall. I don't recall who**
12 **actually attended. But I know we set up that**
13 **meeting for them.**
14 Q Okay.
15 **A And when I say "them," the Secretary's**
16 **office.**
17 Q Right. Did Jacob Sullivan from Secretary
18 Clinton's office attend that meeting?
19 **A I don't recall.**
20 Q Was there any recordkeeping of that
21 meeting to be able to go back to to see if they
22 attended the meeting?

184

1 **A Not to my knowledge, no. I think the**
2 **best thing is probably an e-mail that was sent**
3 **out.**
4 Q Okay.
5 **A Yeah.**
6 Q And who would have sent out that e-mail?
7 **A Oh, it probably would have been me.**
8 Q Okay. Okay. Let's move on.
9 (Finney Deposition Exhibit 10 marked for
10 identification, retained by counsel.)
11 Q Mr. Finney, if you can look what's been
12 marked as Exhibit 10. Let me know once you've had
13 a chance to do so.
14 **A Okay.**
15 Q And once more I'll represent to you that
16 the e-mail string that's been marked as Exhibit
17 10 --
18 **A Yes, ma'am.**
19 Q -- is part of the document production
20 that the State Department made to Judicial Watch
21 in this case.
22 **A Yes, ma'am.**

185

1 Q Okay? All right.
2 Have you seen a copy of this document
3 before?
4 A **It's been -- it's been a while. The only**
5 **reason I say it's been a while, because Gene Davis**
6 **was the person in the Secretary's office. And if**
7 **this is an accurate record, this would have been**
8 **an e-mail she probably sent out to the Secretary's**
9 **staff to let them know I was trying to set up a**
10 **meeting with them.**
11 So you asked about an e-mail that went
12 out, here is a prime example of one right here.
13 Q Oh, I'm sorry.
14 A I'm sorry.
15 Q I thought you were still reading.
16 A **No. I'm ready. I'm sorry.**
17 Q I want to go through this a little bit,
18 if we can.
19 A **Yes.**
20 Q Do you recall receiving -- do you recall
21 these e-mails from January 11, 2013, on which
22 you -- on which you are on?

186

1 A **I don't directly recall them. I just**
2 **know this is typically my procedure as far as**
3 **making sure that the principal's staff is briefed.**
4 **But I don't recall these specific e-mails.**
5 Q And when you say that the Secretary's
6 staff was briefed, briefed with respect to what?
7 A **In this case it looks as though it's the**
8 **case when the Secretary is departing. And so**
9 **basically this is that briefing that we want to**
10 **get with the Secretary's staff to make sure they**
11 **understand what their responsibilities are and**
12 **what needs to be done. Whether it's the archiving**
13 **of their records and, also, when they're about to**
14 **leave what needs to be reviewed, such as the**
15 **personal and nonrecord material, the DS-1904.**
16 **Again, that's that meeting I was talking about**
17 **earlier.**
18 Q Okay.
19 A **Yes, ma'am.**
20 Q Thank you.
21 In the first e-mail of the e-mail chain,
22 which would be the last one that appears.

187

1 A **Yes, ma'am.**
2 Q Dated January 11, 2013. Time stamped
3 8:44 a.m., from Jennifer Davis, and then it's
4 addressed to you, Ethan Gelber, Caroline Adler,
5 and John Bass, and then copied to other
6 individuals.
7 Do you see that?
8 A **Yes, ma'am.**
9 Q Okay. Do you recall when you had the
10 briefing with the Secretary's office?
11 A **When did I -- what date it was?**
12 Q Uh-huh.
13 A **No, I don't recall the date.**
14 Q Okay. Who was -- or who is Caroline
15 Adler, who also received this e-mail on January
16 11, 2013?
17 A **That I'm not sure of, who Caroline is.**
18 Q Okay.
19 A **I'm not sure who she is.**
20 Q Was she in Secretary Clinton's office?
21 A **That I'm not sure of, you know.**
22 Q And then it looks like Brock Johnson also

188

1 received a copy of the same e-mail.
2 A **Okay.**
3 Q Correct?
4 A **It looks that way on the cc. That's**
5 **correct.**
6 Q Okay. Then in the second e-mail that
7 appears on this document.
8 A **Yes, ma'am.**
9 Q That's from Tasha Thian to Sheryl Walter.
10 Do you see that?
11 A **Yes, I do.**
12 Q Okay. The subject line is, "Heads up -
13 briefing at S today."
14 A **Okay.**
15 Q Do you that?
16 A **Yes.**
17 Q Okay. I'll just read for you the portion
18 of the e-mail that I want to ask you about.
19 A **Yes, ma'am.**
20 Q "Sheryl, I received a request from
21 Clarence to attend a briefing for S staffers on
22 departing officials procedures. Now I understand

189

1 that Cheryl Mills will be attending as well."
 2 Do you see that?
 3 **A Yes, ma'am.**
 4 Q Okay. Do you know whether Ms. Mills
 5 attended the briefing in --
 6 **A That I don't recall. According to this**
 7 **e-mail, it looks as though she was supposed to be**
 8 **attending, based on a conversation, you know. But**
 9 **whether or not she attended that, I don't recall**
 10 **that.**
 11 Q Okay. And this e-mail from Ms. Thian
 12 appears to suggest that the reason that you asked
 13 her to attend was because Ms. Mills was planning
 14 to attend the meeting.
 15 **A No, that -- it was always my standard**
 16 **practice to have Tasha Thian there, like we do**
 17 **those annual briefings? You know, we do that.**
 18 **Because, again, she is the agency records officer**
 19 **who is responsible for the entire records for the**
 20 **entire department. And so when we definitely did**
 21 **them at the highest level, you know, we want to**
 22 **make sure representation is there.**

190

1 Q Okay.
 2 **A Yeah.**
 3 Q And, actually, the third sentence to last
 4 of her e-mail says, "Since Ms. Mills is attending,
 5 the Executive Secretary's attending as well."
 6 **A Okay.**
 7 Q Do you recall whether the Executive
 8 Secretary attended the briefing on January 11,
 9 2013?
 10 **A I don't recall --**
 11 Q Okay.
 12 **A -- that portion.**
 13 Q Was there any agenda or any handouts that
 14 were provided during the briefing?
 15 **A That I don't recall, no. The essence I**
 16 **know we set up the meeting. But what was actually**
 17 **provided, that I don't recall.**
 18 Q Okay. Well, in -- was it normal practice
 19 for your office to prepare written materials for
 20 such a briefing?
 21 **A Normally in these briefings, especially**
 22 **of this nature, Tasha Thian would come with some**

191

1 **information that needs to be provided. But**
 2 **exactly what was provided, I can't recall. Or I**
 3 **don't recall.**
 4 Q Okay.
 5 (Finney Deposition Exhibit 11 marked for
 6 identification, retained by counsel.)
 7 MS. COTCA: Oh, I'm sorry.
 8 Q Mr. Finney, if you can look at what's
 9 been marked as Exhibit 11. Let me know once
 10 you've had a chance to review it.
 11 **A Yes, ma'am.**
 12 **Okay. Yes, ma'am.**
 13 Q Okay. Thank you.
 14 Now, once more I'll represent to you that
 15 this e-mail string marked as Exhibit 11 has been
 16 produced by the State Department to Judicial Watch
 17 in this case.
 18 **A Yes, ma'am.**
 19 Q Okay. Have you seen this document before
 20 today?
 21 **A No, ma'am.**
 22 Q Okay. Just for the record, is it fair

192

1 that -- to describe the document as an e-mail
 2 string amongst State Department officials with the
 3 subject line, Secretary -- well, "Secretary
 4 Clinton's papers," and the e-mails here to have
 5 been dated January 30, 2013?
 6 Is that a fair representation?
 7 **A I will agree, yes.**
 8 Q Okay. Thank you.
 9 I want to point you to the second e-mail
 10 that appears on this document, from -- sent from
 11 Tasha Thian to Margaret Grafeld on January 30,
 12 2013, at 9:01 a.m.
 13 Do you see that?
 14 **A Yes, ma'am. Yes, ma'am.**
 15 Q And I'll just read the portion of the
 16 e-mail I want to focus on. "Peggy, on Ms. Mills
 17 we are waiting the electronic e-mails to review.
 18 My understanding at this point is that she only
 19 wants personal e-mails. But there are a lot of
 20 them. I have asked that they are staffer identify
 21 the individuals so the review is quick."
 22 Do you see that?

193

1 **A Yes, ma'am.**
2 Q Okay. Do you know who were the
3 individuals that Ms. Mills' staffer identified for
4 the review of her personal e-mails?
5 **A That I don't recall.**
6 Q Okay. I don't think we actually got to
7 the point, if you can explain to us what the
8 process was for reviewing of personal papers prior
9 to --
10 **A Sure.**
11 Q -- Secretary Clinton's staff leaving the
12 State Department?
13 **A Typically when you're dealing with**
14 **personal papers -- I'll give you an example.**
15 **Let's say an individual received a letter, and it**
16 **was a congratulatory letter. You know, said**
17 **congratulations on your promotion or**
18 **congratulations on your award. Okay? And that's**
19 **personal in nature, you know. But it still has to**
20 **be reviewed. Okay?**
21 **And then, of course, you have the**
22 **nonrecord material that still has to be reviewed**

194

1 **as well. Okay? And that review process basically**
2 **would take place is, the member would grab the**
3 **documents, and they would be reviewed by the**
4 **agency records officer for approval. Okay. Yes.**
5 **So that's our process.**
6 Q Okay. And they would be reviewed by the
7 agency records officer?
8 **A Yes.**
9 Q Who was Tasha Thian at the time.
10 Correct?
11 **A That is correct.**
12 Q But I believe your testimony was that you
13 would also review them?
14 **A Oh, most definitely. Most definitely.**
15 **Yes. Yes.**
16 Q Okay. So what was the process in your
17 review of the records?
18 **A Typically I would review them, you know,**
19 **let's say because normally they would be hard-copy**
20 **documents, you know. And you're reviewing them.**
21 **Now, when you say what's the process,**
22 **reviewing, do you mean what am I looking for?**

195

1 Q Yes.
2 **A Okay. Sure. For example, what I'm**
3 **looking for items, such as, let's say it was a**
4 **picture. If it was a picture, I'm looking to make**
5 **sure that in the background of that picture are**
6 **there any documents on that table. Because if**
7 **there were some documents on that table, it could**
8 **very well be classified. If someone blew it up,**
9 **you could see those documents. So I have a**
10 **watchful eye for those types of things.**
11 **You know, I'm also looking for if it's**
12 **got information in there that's dealing with this**
13 **department. You know, and is it something that we**
14 **would allow to be released out. Okay? So those**
15 **are the type of things I'm looking at as well.**
16 **And again, that still has to be reviewed**
17 **by the agency records officer, just in case I miss**
18 **something. Because, also, they want them to look**
19 **at it, because that individual is a principal, and**
20 **it has to be reviewed by the agency records**
21 **officer as well.**
22 Q So the agency records officer was kind of

196

1 a double-check?
2 **A Oh, most definitely.**
3 Q Okay.
4 **A And that's what made it official.**
5 Q Okay.
6 **A Yeah. Yeah.**
7 Q Did you look to see if records were of
8 mixed use? And by "mixed use" what I mean is it
9 contained personal information of the official,
10 but also whether the document also included State
11 Department business, to ensure that any record
12 that had State Department business was maintained
13 and retained by the State Department?
14 **A Yes. I'll give you an example. Yes.**
15 **Yes.**
16 Q Okay. Was that discussed during the
17 briefing with Secretary's staff?
18 **A About the review process?**
19 Q With respect --
20 **A Or discussed specifically?**
21 Q With respect to what they're supposed to
22 look for, and if the mixed use discussion was had

197

1 during that briefing?

2 **A That, I can't recall exactly what areas**

3 **we covered. I know we covered about the policy in**

4 **regards to e-mails. But, also, just papers in**

5 **general, you know. If the individuals wanted to**

6 **walk out the door with documents, even if it was**

7 **something they created themselves, you know, and**

8 **it was unclassified, it still would have to be**

9 **reviewed. But exactly what we discussed**

10 **specifically in regards to what they can and**

11 **cannot, I don't recall exactly all that was**

12 **covered. I don't recall that, unfortunately.**

13 Q Well, as the deputy director --

14 **A Yes, ma'am.**

15 Q -- of the Office of Correspondence and

16 Records, would you want the departing officials to

17 know that if a document is mixed use, contains

18 personal information as well as State Department

19 business, that that official -- that that document

20 is supposed to be retained by the State

21 Department?

22 **A Yeah. Again, what we would cover,**

198

1 **because I don't want to cover something that we**

2 **didn't cover during that policy. Because as you**

3 **know, some of the policies have changed today.**

4 **Okay?**

5 **But again, what we would cover is**

6 **whatever the policy was during that time, as far**

7 **as for records, whether it's e-mail, personal,**

8 **that's one of the things we definitely would be**

9 **covering.**

10 Q So are you saying that at some point from

11 2006 since you've been at the State Department

12 there was ever a policy that if a document

13 contained both personal information as well as

14 State Department information, that the policy that

15 that record would be considered a federal

16 record --

17 **A No. No.**

18 Q -- was different at any point?

19 **A No, no, no. It's just the process by**

20 **which we're going through the review process.**

21 **Because a lot of things now is electronic --**

22 Q I understand.

199

1 **A -- versus paper.**

2 Q I understand.

3 **A Sorry.**

4 Q But I'm just -- again, my question is, is

5 that -- is the -- let me rephrase it.

6 Was that -- and by "that" I mean the

7 departing official's understanding of how to

8 categorize or classify mixed use documents prior

9 to their departure, was that important to you for

10 them to understand?

11 **A Again, not going over the actual what we**

12 **covered, you know, but I do know we covered**

13 **specifically in regards to what's considered**

14 **personal and what's considered work, or nonrecord**

15 **material.**

16 **So without being able to see exact the**

17 **policy that we covered during that time or what we**

18 **actually stated, meaning seeing some of the**

19 **documents that we covered, you know, I couldn't**

20 **tell you if we gave that as an example, you know.**

21 **I do know we basically shared with them,**

22 **again, the policies concerning personal, what's**

200

1 **personal, and -- and basically anything you're**

2 **walking out the door with, it has to be reviewed,**

3 **whether it's mixed or not. If you're walking out**

4 **the door with it, it has to be reviewed.**

5 Q Okay.

6 **A Yeah.**

7 Q Do you know how many personal e-mails

8 Ms. Mills wanted to remove upon her departure

9 that's referenced in Ms. Thian's e-mail here?

10 **A I don't recall.**

11 Q Did you review e-mails from Secretary --

12 from Cheryl Mills before her departure?

13 **A I don't recall, you know. I just know we**

14 **normally go through the same process. But I don't**

15 **recall exactly how many we reviewed, how many were**

16 **there. I don't recall that.**

17 Q Okay. Do you recall that this issue

18 being discussed as to the number of e-mails that

19 Ms. Mills wants to remove, which she considered

20 personal e-mails?

21 **A Yeah, I don't recall. But just looking**

22 **at this, it looks as though it's something -- it**

201

1 was discussed. But I don't recall the
2 conversation or the e-mail.
 3 Q Okay.
 4 MR. PRINCE: Just checking real quick.
 5 Are we moving to a new topic any time soon?
 6 Because we've been going for a little more than
 7 hour, or a lot more than an hour. I just wanted
 8 to know is it a good time for a break.
 9 MS. COTCA: I'm almost done with this.
 10 And I'm going to move on to a new topic. So if
 11 you give me five minutes --
 12 MR. PRINCE: Perfect.
 13 MS. COTCA: -- then we will break.
 14 Q Are you okay, Mr. Finney, for five
 15 minutes?
16 A I'm fine.
 17 Q And I'm sorry, what was your answer to my
 18 question whether you reviewed e-mails that
 19 Ms. Mills wanted to take with her upon her
 20 departure?
21 A Yeah, that I don't recall.
 22 Q Do you recall reviewing any e-mails of

202

1 any of Secretary Clinton's staff that they wanted
 2 to remove from the State Department upon their
 3 departure?
4 A That I don't recall.
 5 Q Do you recall reviewing any e-mails that
 6 Huma Abedin removed from the State Department
 7 prior to her departure?
 8 MR. PRINCE: Objection. Foundation.
 9 Form.
10 A Yeah, again, I don't recall.
 11 Q Okay. And I'll rephrase it.
 12 Do you recall reviewing any e-mails of
 13 Huma Abedin during this process?
14 A That I don't recall.
 15 Q Okay.
16 A No.
 17 Q In the first e-mail of Exhibit 11?
18 A Yes, ma'am.
 19 Q If I can just point you to where
 20 Ms. Margaret Grafeld wrote to Ms. Thian and cc'd
 21 Sheryl Walter. She wrote, "I would expect that
 22 Sheryl e-mails our prescreen to identify personal

203

1 ones so it is not left to you to make the call."
 2 Do you know what that is referring to?
3 A No, ma'am, I sure do not.
 4 Q Okay. With respect to Ms. Mills' records
 5 and e-mails that she left with from the State
 6 Department, what was the process as to how they
 7 were identified as personal? Was that done by
 8 Ms. Mills herself or somebody on her behalf in the
 9 Secretary's office?
10 A That I don't recall. I just recall that,
11 you know, we just go through the normal process of
12 the review process.
13 Now, how they determined what was
14 personal, I don't recall that.
 15 Q Is that something that would have been
 16 done by the official themselves, or is that
 17 something that you would do or your office would
 18 do?
19 A No. Typically our office would get in
20 the items that the member wants to remove from the
21 department. And then we will review that. But I
22 wouldn't go down and say, This is personal, this

204

1 is -- I'm going through it to see if it's okay to
2 remove it or not, whether it is personal or
3 nonrecord material, we've got to go through that
4 review process.
 5 MS. COTCA: I think we can take a break.
 6 MR. PRINCE: Okay. Just before we go
 7 off, I just want to reiterate that we're reserving
 8 the right to read and sign for this.
 9 MS. COTCA: Oh, sure.
 10 VIDEO SPECIALIST: We are going off the
 11 record at 15:05.
 12 (A recess was taken.)
 13 VIDEO SPECIALIST: We are back on the
 14 record at 15:14.
 15 BY MS. COTCA:
 16 Q Mr. Finney, with respect to the review
 17 process for the departing officials.
18 A Yes, ma'am.
 19 Q Did Jonathan Wasser have any role or
 20 involvement in that?
21 A No, ma'am. No, ma'am.
 22 Q So were you the only individual from your

205

1 office that was involved in that process?
2 **A No, ma'am. It's myself and the agency**
3 **records officer.**
4 Q From -- I'm asking specifically from your
5 office.
6 **A For the review process or the --**
7 Q Yes.
8 **A -- briefing?**
9 **Myself.**
10 Q Thank you.
11 **A Yes, ma'am.**
12 Q The time frame of 2013 to two thousand --
13 early 2014.
14 **A Yes, ma'am.**
15 Q Were you aware of a FOIA request that was
16 submitted by Gawker for e-mails between Secretary
17 Clinton and Sidney Blumenthal? And the request
18 itself had Mrs. Clinton's e-mail address
19 `hdr22@clintonemail.com`.
20 **A No, I don't recall.**
21 Q Do you recall if that request came into
22 your office in 2013 or 2014 for a search to be

206

1 conducted in response to the FOIA request?
2 **A No, I don't recall.**
3 Q Do you know if that FOIA request was
4 tasked to your office for a search to be conducted
5 in response to the FOIA request in 2013, 2014?
6 **A Yeah. No, I don't recall.**
7 Q Okay.
8 **A I don't recall the request, and I don't**
9 **recall even receiving it. Not to say we didn't,**
10 **but I just don't recall.**
11 Q But I'm asking if you know if it did.
12 Not necessarily if you recall. But do you know
13 whether that request was tasked to your office?
14 **A Oh. No, I don't know.**
15 Q Okay. Do you know if a search was
16 conducted in response to that request?
17 **A That I don't know.**
18 Q Okay. Do you know if any records were
19 located as potentially responsive to that request
20 in 2013, early 2014?
21 **A That I don't know.**
22 Q Were you ever made aware or did you --

207

1 let me -- let me rephrase it.
2 Did you know of a record that was located
3 in connection with that request that referenced
4 Secretary Clinton's e-mail at -- in two
5 thousand -- in late 2013, early 2014, around
6 December 2013, January of 2014?
7 **A I don't recall.**
8 Q Again, I'm not asking if you recall.
9 **A Yes.**
10 Q I'm asking if you know about a record
11 that was located in connection with --
12 **A Okay.**
13 Q -- that FOIA request --
14 **A Yes, ma'am.**
15 Q -- that referenced Secretary Clinton's
16 e-mail address.
17 **A Yeah, no, I don't remember that. I don't**
18 **know.**
19 Q Did you have any discussions with
20 anybody, including Mr. Hackett, in 2014, about a
21 record referencing Secretary Clinton's e-mail
22 address in connection with the Gawker request?

208

1 **A Not to my knowledge.**
2 Q Moving forward in the summer of 2014.
3 **A Uh-huh.**
4 Q At that point the Benghazi Select
5 Committee had been formed, and requests were made
6 by the committee to the State Department for
7 records about Benghazi during Secretary Clinton's
8 tenure.
9 **A Uh-huh.**
10 Q Were you aware of document requests that
11 were made to the State Department from -- by the
12 Benghazi Select Committee?
13 **A I do recall requests. Not specific**
14 **requests, but I just recall in general requests**
15 **coming to the department for that.**
16 Q Okay. And that was in summertime of
17 2014. Correct?
18 **A That time period, I'm not sure. I just**
19 **recall in general that we received it. But the**
20 **actual time period, that I don't know for sure,**
21 **what time it covered.**
22 Q Okay. Did your office conduct any

209

1 searches in response to the document requests that
2 came in from the Benghazi Select Committee in
3 2014?
4 **A I know we've done searches in the past.**
5 **But was it specifically for that request, for that**
6 **time period, that I don't know. I don't know for**
7 **sure.**
8 Q When you say that "I know we've done
9 searches in the past," what searches are you
10 referring to?
11 **A For example, one times we get searches,**
12 **whether it's a FOIA request or Congressional, that**
13 **deals with Benghazi, you know. But I don't recall**
14 **or don't know if that was that specific request**
15 **that came in in 2013 or 2014 that dealt with that,**
16 **from that particular person. That I don't know.**
17 Q And I just want to focus on requests for
18 documents --
19 **A Yes, ma'am.**
20 Q -- related to the Benghazi attacks in
21 2012.
22 **A Yes, ma'am.**

210

1 Q That came from the Hill, from Congress.
2 **A Yes, ma'am.**
3 Q Okay.
4 **A Okay.**
5 Q Do you know if your office -- or was your
6 office involved in conducting the search for
7 records responsive to that request?
8 **A Okay. Again, not sure if that was the**
9 **request, because I'm not sure if we received more**
10 **than just that one.**
11 **But I do recall that we did do searches**
12 **in our systems specifically for things dealing**
13 **with Benghazi attack. But was it tied to that**
14 **particular request during that time period, that I**
15 **don't have knowledge of, of whether it was that**
16 **time, that specific request.**
17 Q Okay. And the summer of 2014 --
18 **A Yes, ma'am.**
19 Q -- is it still the case that if a search
20 was done --
21 **A Yes, ma'am.**
22 Q -- in response to the requests from the

211

1 Benghazi Select Committee about Benghazi --
2 **A Yes, ma'am.**
3 Q -- that those searches would have been
4 done by either you or Jonathan Wasser in your
5 office?
6 **A If we were tasked by the Bureau of**
7 **Administration, and it came to us, then that**
8 **search definitely would have been done by myself**
9 **or Jonathan Wasser during that time period.**
10 Q Okay.
11 **A If we were tasked.**
12 Q Okay. And if you were tasked to do a
13 search in response to the Benghazi Select
14 Committee's request for documents --
15 **A Yes, ma'am.**
16 Q -- would a task sheet similar to the one
17 that we looked at in regards to the CREW request
18 have been generated?
19 **A I'm not sure what would have been**
20 **generated. Because I'm trying to wrap my mind**
21 **around what was generated back then versus what's**
22 **generated today, you know.**

212

1 **But if we would have been tasked, you**
2 **know, we would have had some type of paperwork**
3 **that we would have generated, saying that what we**
4 **conducted a search for and what search terms we**
5 **used.**
6 **Exactly what format and what it would**
7 **have looked that, that I don't recall.**
8 Q Would it be -- would it be fair to say
9 the records that would have been generated would
10 have been similar in nature to the type we
11 reviewed in regards to the CREW request?
12 **A Okay. When you say "similar in nature,"**
13 **can you kind of ...**
14 Q Providing the same information with
15 respect to what was searched, when the search was
16 done, who did the search.
17 **A More than likely, yes, I would say you're**
18 **correct in saying that.**
19 Q Okay.
20 **A Yeah.**
21 Q Okay. And would your office have copies
22 of those -- of those records?

213

1 **A Those records that we had responsive**
2 **records to, that would have been turned over to**
3 **the Bureau of Administration, and they would have**
4 **them now.**
5 (Finney Deposition Exhibit 12 marked for
6 identification, retained by counsel.)
7 Q Mr. Finney, if you can look at what's
8 been marked as Exhibit 12. And again I'll
9 represent to you that it's a document that was
10 produced by your attorneys to Judicial Watch in
11 this case.
12 **A Yes, ma'am.**
13 Q Let me know once you've had a chance to
14 review it.
15 **A Yes, ma'am. Okay.**
16 Q Okay. Have you seen this document before
17 today?
18 **A No, ma'am.**
19 Q Okay. Or any copy of this document
20 before today?
21 **A No, ma'am.**
22 Q Okay. Let's work through it a little

214

1 bit.
2 **A Yes, ma'am.**
3 Q Just for the record, to make sure we're
4 talking about the same document, is it fair to
5 represent that this appears to be a string of
6 e-mails dated August 8, 2014, with the subject
7 matter Former Secretary E-mail Account?
8 **A That is correct, yes.**
9 Q And the e-mail string is between various
10 State Department officials. Is that right?
11 **A That is correct.**
12 Q Okay. Thank you. I want to point you to
13 the last -- well, the first e-mail in the e-mail
14 chain, which appears as the bottom one on the --
15 on the document. Time stamped at 4:19 p.m.
16 Do you see there's an e-mail from you to
17 James Bair, and a copy to Jonathan Wasser, as well
18 as to yourself.
19 **A Uh-huh.**
20 Q Is that a fair representation?
21 **A That is correct.**
22 Q Okay. Who is James Bair?

215

1 **A James Bair used to work in the Department**
2 **of State. And I believed he worked in the office**
3 **of LM, which is legal advisor's office. Yes.**
4 Q So in 2014 was he an attorney working for
5 the State Department?
6 **A I believe so. If he's there, I would say**
7 **he would be.**
8 Q Okay. And then Jonathan Wasser is the
9 same Jonathan Wasser working in your office.
10 Correct?
11 **A I'm pretty sure, yeah.**
12 Q Okay.
13 **A Okay.**
14 Q All right. Do you recall sending this
15 e-mail to Mr. Bair on August 8, 2014?
16 **A No, I do not.**
17 Q Okay. What did you know about Secretary
18 Clinton's e-mail account during this time period?
19 **A That I don't recall. Because I'm looking**
20 **at this and I'm trying to remind myself what was**
21 **going on during that time period, and I just don't**
22 **recall.**

216

1 Q Is it fair to say that this e-mail that
2 you sent to Mr. Bair has to do with Secretary
3 Clinton's e-mail account, based on the subject
4 line in the e-mail?
5 **A If you base it on the subject line, it**
6 **says former Secretary e-mail account. But is it**
7 **actually dealing with her e-mail accounts? I**
8 **don't know, because I don't know what the context**
9 **of it is.**
10 Q Okay.
11 **A But I know we just gave the subject of**
12 **that being, that is.**
13 Q But based on -- based on what we can see,
14 because the rest of it has been redacted by your
15 attorneys.
16 **A Yes, ma'am. Yes, ma'am.**
17 Q So based on what we can see in the
18 document, is it fair to say that your e-mail to
19 Mr. Bair and a copy to Mr. Wasser dealt with
20 Secretary Clinton's e-mail account on August 8,
21 2014?
22 MR. PRINCE: Objection. Form.

217

1 Foundation.
2 **A Okay. I can only base it on what I'm**
3 **seeing here. And based on what I'm reading here,**
4 **one could come to that conclusion. But I can't**
5 **say a hundred percent that is the case, you know,**
6 **because it could be something there, and it was**
7 **redacted. Could be more than just that. So I**
8 **couldn't say a hundred percent that's what that**
9 **is.**
10 Q Okay. Did you in August of 2014 receive
11 a request from the Public Affairs office to
12 provide a briefing about Secretary Clinton's
13 e-mail account?
14 **A No, I don't recall.**
15 Q Mr. Hackett in this case testified that
16 he received a similar request, and that you had
17 received one as well.
18 **A Uh-huh.**
19 Q Do you -- did you have any discussions
20 with Mr. Hackett in August of 2014 about any
21 requests for a briefing by the Public Affairs
22 office with respect to Secretary Clinton's e-mail

218

1 account?
2 **A Not to my knowledge, no. I just don't**
3 **recall that. That's why I said, not to my**
4 **knowledge.**
5 Q Okay. Are you saying you did not have
6 such conversations, or are you saying that you
7 don't recall having such conversations?
8 **A I don't recall.**
9 Q Okay.
10 **A Yeah.**
11 (A discussion was held off the record.)
12 (Finney Deposition Exhibit 13 marked for
13 identification, retained by counsel.)
14 Q Mr. Finney.
15 **A Yes, ma'am.**
16 Q Can you look at what's been marked as
17 Exhibit 13 in this case.
18 **A Yes, ma'am.**
19 Q And let me know once you've had a chance
20 to review it.
21 And for right now you don't have to read
22 the whole entire document line by line.

219

1 **A Okay.**
2 Q But I want to give you enough time to at
3 least look through it.
4 **A Yes, ma'am.**
5 Q Okay. Had a chance to look at it?
6 **A Yeah.**
7 Q Okay. Have you seen this document before
8 today, or a copy of it?
9 **A No, ma'am.**
10 Q Okay. Do you recognize what the document
11 is?
12 **A I -- based on what I reviewed here, it**
13 **looks like a chronological breakdown of what's**
14 **going to be provided or has been provided to the**
15 **Hill. And this is the person from Legislative**
16 **Affairs office, which is the Secretary.**
17 Q Okay. And when you -- I just want to
18 make sure the record is clear. When you say
19 what's been provided to the Hill, was it -- is it
20 accurate to say it was what was provided to the
21 Select Committee on Benghazi?
22 **A I would say that to -- well, just going**

220

1 **by this, I'm not sure if it would have been**
2 **addressed to them, to this individual here. But I**
3 **just know this is something that Legislative**
4 **Affairs provided to, in this case, Gowdy. Okay?**
5 Q Who is Gowdy?
6 **A The Honorable Chair, Gowdy Chairman.**
7 Q Okay. And he was the chairman of what?
8 **A The Select Committee on Benghazi.**
9 Q Okay. Thank you.
10 **A Oh, okay. Sorry.**
11 Q Okay. And it looks like this document
12 was -- or this letter was sent by the State
13 Department on April 15, 2015. Is that accurate?
14 **A Yes, that's the date of the letter.**
15 Q Okay. Do you know who Julia Frifield is
16 who signed this letter?
17 **A Julia was an Assistant Secretary for**
18 **Legislative Affairs. That's a bureau within the**
19 **Department of State.**
20 Q Okay. I want to point you to Page 3.
21 **A Yes, ma'am.**
22 Q Of this document.

221

1 **A Yes, ma'am.**
2 Q At the top. And the entry right under
3 August 11, 2014.
4 **A Uh-huh.**
5 Q And I'll just read it for you.
6 "As part of its rolling production to
7 Congress, on August 11 the department provided to
8 the committee approximately 15,000 pages of
9 documents responsive to prior congressional
10 committee requests. The production included,
11 among other things, e-mails, including former
12 Secretary Clinton's," in quotes,
13 "hdr22@clintonemail.com," end quotes, "address."
14 Do you see that?
15 **A Yes, ma'am.**
16 Q Okay. Did the state -- did the State
17 Department produce Secretary Clinton's e-mails in
18 August of 2014 regarding Benghazi to the select
19 committee?
20 **A That I -- I don't -- I couldn't tell you,**
21 **because we don't handle that portion. So I**
22 **couldn't tell you.**

222

1 Q According to this document, is it a fair
2 representation that the State Department produced
3 e-mails from former Secretary Clinton's
4 hdr22@clintonemail.com e-mail account to the
5 Benghazi Select Committee about Benghazi in August
6 of 2014?
7 **A Yeah. Yeah, based on this letter, yes.**
8 Q Okay. Do you have any reason to believe
9 that this letter is not accurate, or the
10 representations in this letter is not accurate?
11 **A Again, I'm just looking at a copy here.**
12 **And so based on what you said here in this**
13 **signature, it looks as though it came from the**
14 **Department of State. But for me to say this is**
15 **definitely it, I couldn't tell you that.**
16 Q Whose PST files did Secretary Clinton's
17 e-mails appear from that were sent to the Benghazi
18 Select Committee in August of 2014?
19 MR. PRINCE: Objection. Foundation.
20 **A Okay. I do not know.**
21 Q In August of 2014, were you given a
22 heads-up by Jim Bair or anybody else at the State

223

1 Department about Secretary Clinton's e-mails being
2 delivered or produced to the Hill about Benghazi?
3 **A I -- I don't really recall. Because you**
4 **gave a time period, and I don't recall, you know.**
5 **I do recall us being notified about**
6 **something. But I don't recall who it was and what**
7 **time period it was.**
8 Q Okay. Well, what were you notified
9 about?
10 **A Again, that was in regards to the HRC**
11 **e-mails.**
12 Q Okay. My question is, being given a
13 heads-up, we're talking about given a heads-up
14 that Secretary Clinton's e-mails would be produced
15 to the Benghazi Select Committee.
16 **A Oh, no. No. No. Just looking at it**
17 **from the overall as far as the HRC e-mails. But**
18 **as far as what's being produced to the Hill, no,**
19 **ma'am.**
20 Q Okay. So I just want to make sure I have
21 the record -- your testimony clear on this issue.
22 **A Yes, ma'am. Yes, ma'am.**

224

1 Q Okay. At any point in the summer of 2014
2 were you given a heads-up by either Mr. Bair,
3 James Bair, or anybody else at the State
4 Department, that Secretary Clinton's e-mails were
5 being produced to the select -- to the Hill about
6 Benghazi, the Benghazi attacks?
7 **A No, I don't recall that. No, I do not.**
8 Q Did you have any discussions with
9 Mr. Hackett about that?
10 **A Not to my knowledge.**
11 Q Are you saying you didn't have it, or are
12 you saying that you don't recall?
13 **A Okay. I don't recall, I better say that.**
14 **Yeah.**
15 Q Did your office search for the records
16 that were produced to Chairman Gowdy's committee
17 in August of 2014?
18 **A I can only go by whatever request that we**
19 **had received. And not knowing if we received that**
20 **request. If we would have received that request,**
21 **we would have conducted a search. And so not**
22 **knowing if we actually received that request in**

Conducted on June 4, 2019

225

1 **our office to conduct that search, I couldn't say**
 2 **a hundred percent, yes, we did. So it would have**
 3 **to be based on, if we received it. I don't know**
 4 **if we received that request for that.**
 5 Q So I'm not asking about any particular
 6 request. I'm just asking if your office conducted
 7 any searches for the records that were produced to
 8 Chairman Gowdy's committee --
 9 A **Yes, ma'am.**
 10 Q -- during the summer of 2014?
 11 A **Okay. Again, I would have to get a**
 12 **request. And the only reason I want to share that**
 13 **is because in order for us to do a search, we get**
 14 **a search based on a request that comes down from**
 15 **the Bureau of Administration. And so from that**
 16 **request, that's when we go into action as far as**
 17 **conducting the search.**
 18 **So I don't recall us receiving a request.**
 19 **I'm not saying we didn't, you know, but I don't**
 20 **recall us receiving a request to conduct a search**
 21 **for the Benghazi on behalf of the chairman.**
 22 Q But wouldn't it be normal practice that

226

1 the Bureau of Administration, if it received a
 2 request for records relating to the Secretary's
 3 office, that that request for a search would be
 4 tasked over to your office? Isn't that part of
 5 the general duties of your office?
 6 A **That's correct. And we will receive an**
 7 **official request.**
 8 **So I'm -- and again, the letter might**
 9 **have come to the department, but where the**
 10 **Executive Secretary in our office specifically**
 11 **tasked to conduct that search, that part I don't**
 12 **recall. Yeah.**
 13 Q Does this at all refresh your
 14 recollection, having reviewed Exhibit 13, as to
 15 what your e-mail was about with respect to
 16 Secretary Clinton's e-mail account on August 8,
 17 2014?
 18 A **No, ma'am.**
 19 Q Do you think that being able to see what
 20 you actually wrote in your August 8, 2014,
 21 e-mail --
 22 A **Yes, ma'am.**

227

1 Q -- that's been redacted --
 2 A **Yes, ma'am.**
 3 Q -- that that would help refresh your
 4 recollection about what you knew with respect to
 5 Secretary Clinton's e-mail account at that time?
 6 A **No, ma'am.**
 7 Q You don't think that would help refresh
 8 your recollection?
 9 A **No, it doesn't. Because when I looked at**
 10 **it and I looked at this, it didn't -- it didn't**
 11 **recall. It didn't recall anything. Or it didn't**
 12 **spark any kind of memory at all.**
 13 Q Right. So I think you misunderstood the
 14 question.
 15 A **Okay.**
 16 Q My question is, do you think that if you
 17 were to be presented with a copy of this e-mail
 18 without the redaction in the document, that that
 19 would help refresh your recollection as to what
 20 you knew about Secretary Clinton's e-mail account
 21 on August 8, 2014?
 22 A **I think if I would see this document,**

228

1 **without any redactions on it, it would give me a**
 2 **context of what the e-mail is about.**
 3 **Now, whether it was tied to this,**
 4 **obviously you would have to based on looking at**
 5 **what that context was first.**
 6 Q Okay.
 7 A **Yeah.**
 8 Q And as of today --
 9 A **Yes, ma'am.**
 10 Q -- you have not -- have you seen an
 11 unredacted copy of this e-mail that's part of
 12 Exhibit 12?
 13 A **No, ma'am. No.**
 14 Q Did you do any review of your own e-mails
 15 with respect to the subject matters of the
 16 deposition today, that you did on your own,
 17 without -- outside the context of what you
 18 reviewed with your attorneys?
 19 A **Oh, no, ma'am. No, ma'am.**
 20 Q And I think you've already testified that
 21 you don't recall Gene Smilansky?
 22 A **No. No.**

229

1 Q Is that right, who appears on Exhibit 12?
2 A **Yes, I don't recall who he is.**
3 Q Okay.
4 A **Or she is, yeah.**
5 Q What about Andrew Keller; do you know who
6 Andrew Keller is?
7 A **No, that name doesn't ring a bell. No, I**
8 **have no memory.**
9 Q Did you ever receive any requests for a
10 briefing by the Public Affairs office about
11 Secretary Clinton's e-mail account in 2014?
12 MR. PRINCE: Objection. Form.
13 A **Okay. Can you just repeat that one more**
14 **time for me, please?**
15 Q Yes. Did you ever receive a request by
16 the Public Affairs office for a briefing about
17 Secretary Clinton's e-mail account in 2014?
18 A **I don't recall.**
19 Q Okay.
20 A **No.**
21 Q I want to move forward now to December of
22 2015.

230

1 A **Yes, ma'am.**
2 Q Secretary Clinton's return of her e-mails
3 to the State Department.
4 A **Yes, ma'am.**
5 Q Okay. When were you first aware that the
6 State Department was going to make a request to
7 the former Secretary for any federal records that
8 she may have in her possession?
9 A **I don't remember the actual date and time**
10 **period. I just recall -- I don't know if it was**
11 **an e-mail concerning a document that they was**
12 **going to be sending out, you know. But that was**
13 **it, yeah.**
14 Q And when you say "a document that was
15 going to be sending out" --
16 A **Yes, ma'am.**
17 Q -- is that a letter that was going to be
18 sent out?
19 A **It looks like it probably was, yes,**
20 **ma'am.**
21 Q And just for the record --
22 A **Yes, ma'am.**

231

1 Q -- a letter that was going to be sent out
2 to the former Secretary for her records.
3 Is that correct?
4 A **No. Actually, it was -- it was specific**
5 **for the Secretary. I just know it was going out**
6 **for a principal. Now, I'm not sure if it was for**
7 **the specific Secretary. But I know it was for a**
8 **principal.**
9 **You know, now, again, it could have been**
10 **for the Secretary. But just from a vague memory,**
11 **it was something that I had to look at.**
12 Q Okay. And just trying to narrow down the
13 time frame.
14 A **Yes, ma'am. Yes, ma'am.**
15 Q That would have been before December of
16 2014, before she actually returned the records.
17 Correct?
18 A **That I don't recall. But it makes sense**
19 **that if -- if a letter went out, she probably sent**
20 **something back, you know. But I can't say, yes,**
21 **this is what it was. But it makes sense that, you**
22 **know, someone sent something back after they got a**

232

1 **letter.**
2 Q Okay.
3 A **You know.**
4 Q And when were you first aware that
5 Secretary Clinton would be returning records to
6 the State Department in 2014?
7 A **Okay. Again, don't know the time period.**
8 **I think it came about when -- with that letter,**
9 **you know. Because it was sending things out to**
10 **the principals. And I can't remember if it was**
11 **for the Secretary. But I know it was for the**
12 **principals. And when I say "principals," I mean**
13 **former principals, you know. And that's when I**
14 **had that knowledge of what was going on, that I**
15 **recall.**
16 Q Okay. And when you say when you had that
17 knowledge what was going on, that knowledge that
18 there would -- that Secretary Clinton would be
19 returning records to the State Department?
20 A **I think it was more that e-mail. Yeah, I**
21 **think it was, like, an e-mail that came and asked**
22 **me to look at this letter, you know. And again,**

Conducted on June 4, 2019

233

1 not sure if it was directed to Secretary Clinton
2 or which former principal. But I just recall a
3 letter. And it – and it was in an e-mail.
4 Q Okay.
5 A And it was getting my thoughts on it.
6 Q Right.
7 A Yes, ma'am.
8 Q Did you at that point know that Secretary
9 Clinton would be returning records to the State
10 Department?
11 A That I don't recall. I just remember
12 that letter that was – that we had to go about
13 reviewing, you know. And – yeah, that's what I
14 was recalling at that point.
15 (Finney Deposition Exhibit 14 marked for
16 identification, retained by counsel.)
17 Q Mr. Finney, if you can look at what's
18 been marked as Exhibit 13, and let me know once
19 you've had a chance to review it. Exhibit 14, I'm
20 sorry.
21 (A discussion was held off the record.)
22 MS. COTCA: Can we go off the record for

234

1 a minute.
2 VIDEO SPECIALIST: We are going off the
3 record at 15:48.
4 (A recess was taken.)
5 VIDEO SPECIALIST: We are back on the
6 record at 15:49.
7 BY MS. COTCA:
8 Q Okay. Mr. Finney, have you had a chance
9 to review what's been marked as Exhibit 14?
10 A Yes, ma'am.
11 Q Okay. And do you recognize this
12 document?
13 A I recognize from an e-mail standpoint.
14 But do I recall seeing it? No, ma'am.
15 Q Okay. Have you seen -- reviewed a copy
16 of this document before today?
17 A No, ma'am.
18 Q For this deposition?
19 A No, ma'am.
20 Q Okay. And just so the record is clear,
21 this is an e-mail from William Fischer to Margaret
22 Grafeld and copying John Hackett, Eric Stein,

235

1 Celeste Houser-Jackson, with the subject line S
2 E-mail, dated December 3rd, 2014.
3 Is that an accurate representation of
4 what you have in front of you?
5 A Yes, ma'am.
6 Q Okay.
7 A Yes, ma'am.
8 Q I want to just direct you to the first
9 sentence in that e-mail from Mr. Fischer.
10 Well, first of all, do you know
11 Mr. Fischer, William Fischer?
12 A Yes, ma'am.
13 Q Who is Mr. Fischer?
14 A Mr. Fischer was the agency records
15 officer.
16 Q Okay. So did he replace Ms. Tasha Thian?
17 A Yes, ma'am.
18 Q All right. And what about Margaret
19 Grafeld?
20 A I believe Mr. Fischer worked for Margaret
21 Grafeld. Because he worked in Bureau of
22 Administration.

236

1 Q And then you know Mr. Hackett.
2 And is this Eric Stein the Eric Stein
3 that -- that you testified earlier that you know?
4 A Yeah, I believe if this is the same Eric
5 Stein, yes, he would be the one that works in
6 Bureau of Administration.
7 Q Okay. And then what about Celeste
8 Houser-Jackson; do you know who she is?
9 A No, ma'am.
10 Q Okay. All right. So I want to point you
11 to the first part of this e-mail, where
12 Mr. Fischer informs Ms. Grafeld that she -- that
13 Mr. Fischer spoke with you this morning, Clarence
14 said S/ES wants IPS to pick up any records but
15 then deliver them to S/ES for inventorying and
16 retirement.
17 Do you see that?
18 A Yes, ma'am.
19 Q I'm sorry, do you see that?
20 A Oh, I'm sorry. Yes, ma'am.
21 Q Okay. What did you mean by -- do you --
22 well, do you recall this conversation with

237

1 Mr. Fischer?

2 **A No, I do not. And even though it's here,**

3 **you know, it's vague in my memory. Very vague.**

4 Q Okay. Do you recall what -- or do you

5 know what the inventory and retirement refers to

6 in this e-mail?

7 **A No, ma'am. You know, and I -- I don't**

8 **want to guess.**

9 Q Okay.

10 **A Because I would be wrong.**

11 Q What is inventorying and retirement of

12 records mean to you?

13 **A Inventorying and retirement of records,**

14 **it's making sure -- obviously, when you're**

15 **retiring the records, you get them prepared to go**

16 **to the A bureau records archives. And so that**

17 **means you're making sure there were no paper clips**

18 **in it, you know, that they're properly boxed up,**

19 **you know, and so they can actually do the**

20 **manifest, which is a DS-693, which a transmittal**

21 **form. And then getting that over to the Bureau of**

22 **Administration so it can be retired properly.**

238

1 Q Okay. Do you see the sentence where he

2 says "Clarence said this is to remove any personal

3 material that may be included in the collection"?

4 **A Yes, ma'am.**

5 Q Okay. Did you do a review of Secretary

6 Clinton's e-mails returned to the State Department

7 to -- that remove personal material from the

8 collection?

9 **A I don't recall that, ma'am.**

10 Q You don't recall doing any review of

11 Secretary Clinton's e-mails returned to the State

12 Department in December of 2014?

13 **A Again, I don't recall --**

14 MR. PRINCE: Objection. Foundation. And

15 form.

16 **A The question here says as far as removing**

17 **documents from it? Again, I don't recall. I'm**

18 **looking at this, and I'm trying to wrap my mind**

19 **around what transpired and so forth. And I just**

20 **don't recall all the pieces to it. But made that**

21 **statement there.**

22 Q Okay. So let me actually narrow the

239

1 question, then.

2 **A Sure.**

3 Q Did you do a review of the records that

4 were returned by Secretary Clinton for purposes of

5 making a determination if any personal material

6 was included --

7 **A I don't --**

8 Q -- in the records?

9 **A Excuse me. I'm sorry.**

10 Q That's okay.

11 **A I don't recall.**

12 Q Did your office do a review of the

13 e-mails returned by Secretary Clinton in December

14 2014 to determine whether and what personal

15 information may have been included in those

16 records?

17 **A I don't -- I don't recall us doing that.**

18 **So I don't recall.**

19 Q Again, would there be documentation with

20 respect to whether you conducted such a search or

21 a review of Secretary Clinton's e-mails to

22 determine whether any information was personal in

240

1 nature?

2 **A Yeah, typically if we would have done a**

3 **search of anything, we would have had some type of**

4 **documentation. And that's why I said I don't**

5 **recall that at all.**

6 Q Okay. Just for the time frame, December

7 3rd, 2014.

8 **A Yes, ma'am.**

9 Q At that point would it still just have

10 been you or Jonathan Wasser in your office who

11 would have conducted any such review of the

12 e-mails, if one was done?

13 **A Okay. If one was done in this particular**

14 **case, because this doesn't look like it's even**

15 **tied to a FOIA.**

16 Q Right.

17 **A Okay? No, ma'am. It would have just**

18 **been myself, and that's it.**

19 Q Okay.

20 **A No.**

21 Q And as you sit here today, you don't

22 remember whether you reviewed the e-mails returned

241

1 by Secretary Clinton to determine if any personal
 2 material was included in the documents in December
 3 of 2014?
 4 **A Yeah, I don't recall.**
 5 Q Okay.
 6 **A I don't recall at all.**
 7 Q Do you know why Mr. Fischer would have
 8 represented that you asked for a copy of these
 9 records for purposes of reviewing to see if any
 10 personal material was included in the collection?
 11 **A No.**
 12 MR. PRINCE: Objection. Form.
 13 **A You know, it's -- you know, I -- I really**
 14 **can't -- I don't want to speculate, because I**
 15 **don't know what the conversation all that was**
 16 **going on concerning that. So -- and I don't want**
 17 **to tell you yes, this was this, because I don't**
 18 **know, you know.**
 19 Q Well, do you think Mr. Fischer would have
 20 represented that you asked for a copy of the
 21 records for purposes of reviewing to determine
 22 whether personal material was included in the

242

1 collection, if that had not been the case?
 2 **A Again, not knowing exactly, I can only**
 3 **just read what he shared here. And so based on**
 4 **that, and again I don't recall us receiving them**
 5 **from the standpoint of doing an inventory. I just**
 6 **don't recall that.**
 7 Q Did your office ever do an inventory of
 8 Secretary Clinton's e-mails returned in December
 9 of 2014?
 10 **A I don't know when the time period was,**
 11 **but it wasn't so much as an inventory; it was just**
 12 **the boxes were delivered. And we had to sign,**
 13 **hand receipt saying we received this many boxes,**
 14 **you know.**
 15 Q Okay.
 16 **A So if you want to call that an inventory**
 17 **from that standpoint, yes, ma'am.**
 18 Q And what did you do once you received the
 19 boxes containing Secretary Clinton's e-mails that
 20 she returned in December of 2014?
 21 **A Okay. Initially they -- they sat in a**
 22 **section, you know, because we was trying to get**

243

1 **guidance from the Bureau of Administration what**
 2 **they wanted us to do with them.**
 3 Q Okay.
 4 **A Yes, ma'am.**
 5 Q Did anybody tell you, Don't do anything
 6 with them until you receive guidance?
 7 **A No. Because this is something new, you**
 8 **know, concerning the department receiving**
 9 **something like this, so that's why I was**
 10 **looking -- I was seeking guidance from them**
 11 **concerning what should we do with these.**
 12 Q Okay. So who did you seek guidance from
 13 in the Bureau of --
 14 **A From the bureau --**
 15 Q Hang on just one second, to make sure
 16 that the record is clear.
 17 **A Oh, yes.**
 18 Q Who did you seek guidance from within the
 19 Bureau of Administration as to what to do with the
 20 boxes that contained Secretary Clinton's e-mails
 21 once you received them in December of 2014?
 22 **A Okay. I don't recall who I specifically**

244

1 **dealt with in the Bureau of Administration. But I**
 2 **know I would have dealt with the Bureau of**
 3 **Administration, because that's where they came**
 4 **from.**
 5 Q And what did the Bureau of Administration
 6 advise you as to what to do with them when you
 7 made that request in December of 2014?
 8 **A Okay. Again, what they advised me in**
 9 **2014, I don't recall specifically if it was 2014.**
 10 **So I don't want to say that in 2014 it took place.**
 11 **But I do recall vaguely is that, again,**
 12 **when we got those documents, you know, the goal**
 13 **was they were trying to do a -- when I say**
 14 **inventory of mainly just putting them in a system**
 15 **so that we could actually do a review of them.**
 16 **What I mean by for FOIA, yeah.**
 17 (Finney Deposition Exhibit 15 marked for
 18 identification, retained by counsel.)
 19 Q Mr. Finney, if you can look at what's
 20 been marked as Exhibit 15 in this case.
 21 **A Yes, ma'am.**
 22 Q And again, as before, this is a document

245

1 that was produced to Judicial Watch by the State
2 Department. And it was produced in a different
3 case, Case Number 15-692, I believe.
4 **A Okay.**
5 Q Let me know once you've had a chance to
6 review the document.
7 **A Yes, ma'am.**
8 Q Okay. Again, just for the record, to
9 make sure we're talking about the same document,
10 is it fair to say it appears it's an e-mail string
11 between State Department officials from December
12 6, 2014, and on December 9, 2014, with the subject
13 line, Signed Memorandum?
14 **A Yes, ma'am.**
15 Q Okay. Okay. Do you see, I want to point
16 you to the top e-mail on this exhibit, from Eric
17 Stein to William Fischer, with a cc to Margaret
18 Grafeld and John Hackett. Where it says "Attached
19 is a copy of signed memo about our providing S/ES
20 with a copy of the 12 boxes of material."
21 **A Yes, ma'am.**
22 Q Do you see that?

246

1 **A Yes, ma'am.**
2 Q Okay. Does this help refresh your
3 recollection as to when you, your office, received
4 the boxes of the e-mails Secretary Clinton
5 returned to the State Department?
6 **A This does help.**
7 Q Okay.
8 **A Yes, ma'am.**
9 Q So when did your office receive --
10 **A I don't have the exact date. I'm just**
11 **looking at here where Eric Stein is sending them a**
12 **copy, "them" being Bill Fischer, a copy of the**
13 **actual memo that I signed off, saying that we**
14 **received the actual boxes of material.**
15 Q Okay.
16 MS. COTCA: I have one more document.
17 We'll mark this as Exhibit 16.
18 (Finney Deposition Exhibit 16 marked for
19 identification, retained by counsel.)
20 Q This may help clear up even more. If you
21 can take a look at Exhibit 16. And again, this is
22 a document that was produced in a FOIA -- in a

247

1 FOIA case by the State Department.
2 **A Yes, ma'am.**
3 Q Have you seen this document or a copy of
4 this document before?
5 **A Yes, I do recall this document.**
6 Q You do. Okay.
7 **A Yes, ma'am.**
8 Q When did you last see the document or
9 review this document?
10 **A I saw this document about a -- about a**
11 **week ago.**
12 Q About a week?
13 **A About a week ago.**
14 Q Okay. And you had a chance to review it
15 at that time. And did you review the date of this
16 document?
17 **A You mean this date here that was ...**
18 Q Yeah.
19 **A Yes, ma'am.**
20 Q You did. Okay.
21 What -- for the record, what is this
22 document?

248

1 **A This looks, appear to be the -- a copy of**
2 **the actual hand receipt that was provided when the**
3 **boxes were delivered.**
4 Q Okay. So let's clarify a few things.
5 **A Yes, ma'am.**
6 Q When you said "a hand receipt," receipt
7 by whom?
8 **A From the Bureau of Administration.**
9 Q Okay. And a copy of the documents, are
10 you referring -- are you talking about the 12
11 boxes of e-mails that Secretary Clinton returned
12 to the State Department?
13 **A Yes. These are the boxes that were**
14 **provided from the Bureau of Administration, and it**
15 **dealt with Secretary Clinton's e-mails.**
16 Q Okay. And the Bureau of Administration
17 provided a copy of these documents to whom?
18 **A They provided them to the Executive**
19 **Secretariat staff, Office of Correspondence and**
20 **Records.**
21 Q Is that your office?
22 **A Yes, ma'am.**

Conducted on June 4, 2019

249

1 Q Okay. And did you sign when you received
 2 these boxes, these 12 boxes of Secretary Clinton's
 3 e-mails?
 4 A **Yes. This looks like my handwriting.**
 5 Q Okay. Great. What is the dates when you
 6 signed these?
 7 A **It looks like it was December the 9th,**
 8 **2014.**
 9 Q Okay. So does this help refresh your
 10 recollection as to the time frame of when your
 11 office received --
 12 A **It does.**
 13 Q -- copies of Secretary Clinton's e-mails?
 14 A **It does.**
 15 Q Okay. And when did your office then
 16 receive a copy of Secretary Clinton's e-mails?
 17 A **I would just say if you're basing it on**
 18 **this right here, I don't have the exact date. But**
 19 **if you're going by this one, it looks as though it**
 20 **took place on December the 9th. Okay.**
 21 Q So once you receive the 12 boxes of
 22 Secretary Clinton's e-mails, what did you do on

250

1 December 9?
 2 A **Once we received them, we had them**
 3 **stacked up in our office. And then we were**
 4 **waiting on more guidance from the Bureau of**
 5 **Administration concerning how we should proceed as**
 6 **far as if we needed to retire them. Because they**
 7 **had a copy of the boxes of material as well. So**
 8 **we're trying to get some guidance from them on**
 9 **that.**
 10 Q Okay. And how soon upon receipt of the
 11 12 boxes did you seek guidance from the Bureau of
 12 Administration as to what you should do with them?
 13 A **That was probably as they gave them -- as**
 14 **he was giving it to us, we were discussing that.**
 15 **And they were still trying to figure out how it**
 16 **was going to move forward with them.**
 17 Q Okay. So the time frame when you sought
 18 guidance was December 9, 2014. Is that fair?
 19 A **Yeah, it wasn't guidance. But asking for**
 20 **guidance.**
 21 Q Asking for guidance.
 22 A **Yes, ma'am.**

251

1 Q Correct.
 2 A **Yes, ma'am.**
 3 Q So that was December 9 of 2014. Correct?
 4 A **Yes, ma'am.**
 5 Q Okay. And would that request for
 6 guidance have been made to William Fischer?
 7 A **I would say that I spoke to Eric Stein,**
 8 **and -- and more than likely he spoke to -- I can't**
 9 **say who he spoke to.**
 10 Q Okay.
 11 A **I just know Eric Stein was the one who**
 12 **delivered it. And said, Okay, how do we proceed**
 13 **with this. Because again, this is something new.**
 14 Q Okay. And so you made the request to
 15 Mr. Stein on December 9, 2014, as to what you
 16 should do with the documents.
 17 When did you hear back from Mr. Stein as
 18 to what you should do with the documents?
 19 A **That I don't recall.**
 20 Q Did you ultimately receive a response
 21 from Mr. Stein, or the bureau, his Bureau of
 22 Administration, as to what you should do with the

252

1 12 boxes of documents?
 2 A **I'm just thinking right now.**
 3 **We eventually got some guidance, I just**
 4 **don't know when and how that came in. I don't**
 5 **know if it was verbal or if they -- I just -- I**
 6 **don't recall how that process was.**
 7 Q Okay.
 8 A **Yes, ma'am.**
 9 Q Did you have any discussions with
 10 Mr. Stein on December 9, 2014, as to how to
 11 proceed in FOIA cases relevant to records or
 12 e-mails from Secretary Clinton?
 13 A **I don't recall.**
 14 Q With respect to FOIA --
 15 A **Yes, ma'am.**
 16 Q -- on December 9, 2014, and specific to
 17 requests that dealt with Secretary Clinton's
 18 e-mails, what did you do as a result for -- for
 19 purposes of processing FOIA requests and searches
 20 for those requests?
 21 A **Okay.**
 22 MR. PRINCE: Objection. Form.

253

1 **A Okay. When you -- when you say, how did**
2 **we -- are you saying how we process a specific**
3 **case, or can you explain what are you looking**
4 **specifically for, so I make sure I hit on exactly**
5 **what you're asking.**
6 MS. COTCA: Can you read it back.
7 (The Reporter read the record as follows:
8 "QUESTION: With respect to FOIA --
9 "ANSWER: Yes, ma'am.
10 "QUESTION: -- on December 9, 2014, and
11 specific to requests that dealt with Secretary
12 Clinton's e-mails, what did you do as a result for
13 purposes of processing FOIA requests and searches
14 for those requests?")
15 **A Okay. All right. We were looking at**
16 **ways on how we can search those records, you know.**
17 **That's what we were looking at.**
18 **And because the records are broken down,**
19 **that I recall, by date sent and so forth. And so**
20 **we were looking at ways what we could do just**
21 **that. How can we search these records as far as**
22 **for FOIA. Okay?**

254

1 Q Okay. And when you say we were looking
2 for ways, who is "we"?
3 **A Basically when I was talking with the**
4 **Executive Secretariat, Secretary, as well as with**
5 **the Bureau of Administration. And so we was**
6 **trying to look at ways where we can do just that.**
7 Q Who was the Executive Secretariat who you
8 were discussing this with?
9 **A I don't recall who the Executive**
10 **Secretariat was during that time.**
11 Q Are you saying --
12 **A I don't recall who was the Executive**
13 **Secretary at that time.**
14 Q Okay. And what about with respect to the
15 Bureau of Administration; who in that bureau were
16 you discussing this with?
17 **A I don't recall. I know the conversation**
18 **started off with Mr. Eric Stein, you know. Again,**
19 **looking at the ways where how we'll be able to**
20 **conduct a good search of the material, you know.**
21 **Whether there will be scanning the material in,**
22 **you know. But that -- that was things that were**

255

1 **discussed.**
2 Q Okay.
3 **A Yes, ma'am.**
4 Q Anybody else from the Bureau of
5 Administration who you remember having those
6 discussions with at that time?
7 **A No, ma'am. But I know it all -- the**
8 **conversation didn't all just take place on**
9 **December the 9th. It started with December the**
10 **10 9th.**
11 Q Right.
12 **A But who else we discussed it with, that I**
13 **don't recall.**
14 Q Okay.
15 (Finney Deposition Exhibit 17 marked for
16 identification, retained by counsel.)
17 Q Mr. Hackett, if you can look at Exhibit
18 17, let me know -- I'm sorry, Mr. Finney, if you
19 can look at Exhibit 17.
20 **A Okay.**
21 Q I think I just called you Mr. Hackett.
22 **A Okay.**

256

1 Q Mr. Hackett appears at the top of this
2 exhibit.
3 **A Yes, ma'am.**
4 Q Okay. Thank you.
5 And again, I'll represent to you that
6 this document was produced to Judicial Watch in
7 response to a separate FOIA request in a case that
8 was filed against the State Department. Okay?
9 **A Uh-huh.**
10 Q All right. Just to make sure the record
11 is clear, is it fair to say that this appears to
12 be an e-mail string between State Department
13 officials that occurred on December 2nd, 2014, and
14 December 3rd, 2014, regarding records?
15 **A Yes, ma'am.**
16 Q Okay. After reviewing this e-mail
17 string, what does the records refer to?
18 **A Based on what I'm reading in this e-mail**
19 **chain, it looks as though the records that might**
20 **be coming in from former Secretaries.**
21 Q Okay.
22 **A Yes.**

257

1 Q This was on December 2nd, 2014.
2 Is that what you're looking at?
3 A Yes, ma'am.
4 Q Okay. And is that your e-mail to
5 Mr. Fischer that you're looking at at the bottom
6 of the second page of the exhibit?
7 A Yes, ma'am.
8 Q Okay. December 2014, did you receive any
9 records from any other Secretary other than
10 Secretary Clinton?
11 A Not to my knowledge.
12 Q Okay.
13 A Yeah.
14 Q All right. I just want to make sure
15 we're talking about the same thing. The records,
16 we're talking about Secretary Clinton's records.
17 Correct?
18 A Right. And I think on this one right
19 here, you know, it looks as though we're talking
20 about in general, you know, how we're going to
21 process and receive and retire hard copies of
22 former Secretary records.

258

1 Because remember I said before, this is
2 something that has never been done before, or
3 happened. And so I was trying to look at so how
4 we were supposed to process this. So I really
5 wasn't looking specifically that I can know of.
6 Q Sure. And -- and I appreciate that.
7 Actually, that's the reason I showed you this
8 exhibit.
9 A Yeah.
10 Q Because I had questions with respect to
11 your request --
12 A Yes, ma'am.
13 Q -- for reference steps for receiving and
14 retiring hard copies of a former Secretary's
15 records.
16 A Yes, ma'am.
17 Q What did you -- what did you receive in
18 response to your request as to the steps for
19 receiving and retiring Secretary Clinton's
20 e-mails?
21 A I think, you know -- and again, I don't
22 recall the total guidance on that, you know. I

259

1 can just only go by what we're seeing here.
2 But, again, it was trying to understand
3 how do we go about processing it for retirement.
4 And the only reason I say that is because
5 these are former Secretaries. And so that's why
6 it went to the Bureau of Administration, to take
7 care of those.
8 Q I didn't -- what was the last part of it?
9 A Okay. Because these were -- because
10 these were former principal records, so they were
11 going to the Bureau of Administration. And so
12 when they're looking at giving it, sending a copy
13 to us and for retiring, that's why I wanted to
14 say, Okay, give me some instructions on how you
15 want to do this. Because again, as I said
16 earlier, we're responsible for retiring that
17 principal who is active right there. So this is
18 stepping into a new area.
19 Q Okay. And -- and did you receive
20 instructions as to what to do with them in
21 response to your request?
22 A Yeah --

260

1 Q On December 2nd?
2 A I'm pretty sure we received something,
3 but I just don't recall. Because we moved forward
4 since then. Yeah.
5 Q Okay. Did you at any point after
6 December -- after receiving a copy of Secretary
7 Clinton's e-mails on December 9 --
8 A Yes, ma'am.
9 Q -- 2014, did you at any point look
10 through the boxes of the e-mails to see what was
11 in the boxes?
12 A No, I don't recall doing that.
13 Q Back to when -- the time that the State
14 Department was working on preparing a letter to be
15 sent out to Secretary Clinton that you testified
16 to earlier.
17 A Yes, ma'am.
18 Q Okay. Were there any discussions at that
19 point with respect to what the parameters of the
20 search should be by Secretary Clinton or her team
21 for the e-mails that she was going to return to
22 the State Department?

Conducted on June 4, 2019

261

1 **A** **If it was, I wasn't privy to that**
2 **conversation at all.**
3 **Q** Did you --
4 **A** **All I knew -- all I knew was just that**
5 **letter.**
6 **Q** Did you raise that issue with anybody
7 during this time frame prior to Secretary Clinton
8 returning her records to the State Department?
9 **A** **No, ma'am.**
10 **Q** Okay. Actually, I want to move on to the
11 processing of the FOIA request in this case.
12 **A** **Yes, ma'am. Yes, ma'am.**
13 **Q** Are you okay to keep going --
14 **A** **Yes, ma'am.**
15 **Q** -- or would you like a few-minute break?
16 **A** **I just want to get some cold water,**
17 **that's all.**
18 MS. COTCA: We can go off the record for
19 a few minutes.
20 THE WITNESS: Thank you.
21 VIDEO SPECIALIST: We are going off the
22 record at 16:18.

262

1 (A recess was taken.)
2 (Finney Deposition Exhibit 18 marked for
3 identification, retained by counsel.)
4 VIDEO SPECIALIST: We are back on the
5 record at 16:21.
6 BY MS. COTCA:
7 **Q** Mr. Finney, you have in front of you
8 what's been marked as Exhibit 18, which is a copy
9 of the FOIA request that was submitted in this
10 case to the State Department. Let me know once
11 you've had a chance to review it.
12 **A** **Yes, ma'am.**
13 **Okay.**
14 **Q** Okay. Thank you.
15 Have you seen this document before or a
16 copy of the document marked as Exhibit 18?
17 **A** **I don't recall.**
18 **Q** You don't recall. Okay.
19 (Finney Deposition Exhibit 19 marked for
20 identification, retained by counsel.)
21 **Q** Have you had a chance to review Exhibit
22 19 as well?

263

1 **A** **Yes, ma'am.**
2 **Q** Okay. Do you recognize Exhibit 19, or
3 the document, a copy of the document contained in
4 Exhibit 19?
5 **A** **Okay. I just recall the actual form that**
6 **we use. But to actually say I recall this**
7 **specific one, no.**
8 **Q** Okay. With respect to the form that you
9 use, is this the Search Tasker form that your
10 office uses to conduct searches in response to a
11 FOIA request?
12 **A** **Yes. This is the request that we know**
13 **and receive in this format from the Bureau of**
14 **Administration to conduct a search.**
15 **Q** Okay. And do you see the requestor name
16 in Exhibit 19, in the Search Tasker form?
17 **A** **Yes, I do.**
18 **Q** Okay. And is that Kate Bailey?
19 **A** **Yes, it is.**
20 **Q** Okay. And is that the same name on
21 Exhibit 18 who submitted the request to the State
22 Department?

264

1 **A** **Yes, it is.**
2 **Q** Okay. And just for the record, so it's
3 clear, what was the date of the request submitted
4 by Kate Bailey as represented in Exhibit 18?
5 **A** **May 13, 2014.**
6 **Q** Okay. Thank you.
7 **A** **Yes, ma'am.**
8 **Q** In Exhibit 19, you see the office tasked
9 with the search?
10 **A** **Yes, I do.**
11 **Q** Okay. And what's the office that was
12 tasked to search in response to this FOIA request?
13 **A** **SESCR, which more than likely means**
14 **S/ES-CR. But it just seems like they wrote it all**
15 **together. Yes.**
16 **Q** And that is your office. Correct?
17 **A** **That is correct.**
18 **Q** And what's the date that the search was
19 tasked to your office?
20 **A** **It looks like the date was tasked July**
21 **the 9th, 2014.**
22 **Q** Okay. And when was the response due,

265

1 according to Exhibit 19?
2 **A August 9th, 2014.**
3 Q Okay. And according to Exhibit 19, was a
4 search conducted in response to this Search
5 Tasker?
6 **A If it's -- if this specific case number**
7 **is tied to this specific letter.**
8 Q Yes.
9 **A Then I would say, yes, you're correct in**
10 **saying that's tied to this one.**
11 Q And just for context and clarification
12 for your purposes, I'll represent that these
13 documents that we're going to talk to about on
14 this subject matter --
15 **A Yes, ma'am.**
16 Q -- were all produced to Judicial Watch --
17 **A Yes, ma'am.**
18 Q -- by your attorneys in this case.
19 **A Okay. Thank you.**
20 Q Okay. And the documents that were
21 requested by plaintiff were processing records
22 related to Judicial Watch's FOIA request for this

266

1 case.
2 **A For this case.**
3 Q Yes.
4 **A Okay. Thank you.**
5 Q Sure. Okay. So based on Exhibit 19, was
6 a search conducted in response to plaintiff's FOIA
7 request in this case?
8 **A Yes. It would show -- normally would be,**
9 **normally we would have something else to kind of**
10 **go with it. This is the actual tasking, to**
11 **actually show that we conducted a search, knowing**
12 **we would have some other type of internal**
13 **documentation or memo or a memo that's going to**
14 **the Bureau of Administration.**
15 **But this shows that A bureau definitely**
16 **tasked it out, and it looks like they tasked us**
17 **with it.**
18 Q Okay. And let me show you a copy of the
19 memo that you're referring to.
20 **A Oh, okay.**
21 (Finney Deposition Exhibit 20 marked for
22 identification, retained by counsel.)

267

1 Q Let me know once you've had a chance to
2 review Exhibit 20.
3 **A Okay.**
4 Q Actually, I want to add another page to
5 that exhibit.
6 Now you have two pages, marked as Exhibit
7 20. The bottom referenced DOS document 42 and DOS
8 43.
9 **A Yes.**
10 Q Is that accurate?
11 **A That is correct.**
12 Q Okay. Do you recognize these documents?
13 **A They do look familiar from the standpoint**
14 **of this is what we typically would do.**
15 Q Okay.
16 **A Internally.**
17 Q Okay. And what are -- what are the
18 documents contained in Exhibit 20?
19 **A Exhibit 20 shows a memo that is addressed**
20 **to me, coming from Jonathan Wasser, for FOIA Case**
21 **2014-08848. And then the top memo is the actual**
22 **memo that will be going from the Office of**

268

1 **Correspondence and Records from me, to the Bureau**
2 **of Administration, specifically Monica Tillery in**
3 **IPS, so the Bureau of Administration.**
4 Q Okay. And just to make sure it's the
5 same FOIA request that we're talking about, that's
6 the same number that's referenced in Exhibit 19 in
7 the Search Tasker. Is that correct?
8 **A Yes. It does look like it's the same**
9 **one.**
10 Q Okay.
11 **A Yes.**
12 Q Thank you. Okay. And according to --
13 based on Exhibit 20, was the search conducted by
14 your office in response to plaintiff's FOIA
15 request in this case?
16 **A Yes.**
17 Q Okay. And who conducted the search?
18 **A Mr. Jonathan Wasser.**
19 Q Okay. And what did Mr. Wasser search in
20 response to the FOIA request?
21 **A Okay. Based on here, it looks like he**
22 **searched the STARS, STePs, and the top secret**

<p style="text-align: right;">269</p> <p>1 files.</p> <p>2 Q Okay. And did any records come back as</p> <p>3 potentially responsive?</p> <p>4 A Based on this memo of September 2014, it</p> <p>5 says zero.</p> <p>6 Q Zero records?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Okay. And how much time did Mr. Wasser</p> <p>9 spend on conducting this search?</p> <p>10 A One hour.</p> <p>11 Q Okay. Now, prior to Mr. Jonathan Wasser</p> <p>12 conducting the search, were there any discussions</p> <p>13 between you and Mr. Wasser as to what systems to</p> <p>14 search and how to conduct the search?</p> <p>15 A Normally what he would do, he would</p> <p>16 search our standard systems, which were -- which</p> <p>17 are listed here. And then he would come up with</p> <p>18 the search terms that he would use. And then if I</p> <p>19 had some questions about the search terms, that's</p> <p>20 when I would bring that up to him as well.</p> <p>21 Q Okay.</p> <p>22 A Okay.</p>	<p style="text-align: right;">271</p> <p>1 searched for potentially responsive records?</p> <p>2 A I don't recall on that part.</p> <p>3 Q I have a question about the date range at</p> <p>4 the bottom of Exhibit 21.</p> <p>5 A Yes, ma'am.</p> <p>6 Q Okay. Do you see that? What's the date</p> <p>7 range reflected here?</p> <p>8 A September 1, 2012, to December 31st,</p> <p>9 2012.</p> <p>10 Q Okay. And is that the date range that</p> <p>11 Mr. Wasser would have used --</p> <p>12 A Yes, ma'am.</p> <p>13 Q -- for the search?</p> <p>14 A Excuse me. Yes, ma'am.</p> <p>15 Q Okay. Did you have any discussions with</p> <p>16 him about the date range prior to him conducting</p> <p>17 the search?</p> <p>18 A Not that I -- I don't recall.</p> <p>19 Q Okay. Do you know why the search was cut</p> <p>20 off to December 31, 2012, even though Secretary</p> <p>21 Clinton continued in office until February 1,</p> <p>22 2013?</p>
<p style="text-align: right;">270</p> <p>1 (Finney Deposition Exhibit 21 marked for</p> <p>2 identification, retained by counsel.)</p> <p>3 Q Mr. Finney, if you can take a look at</p> <p>4 Exhibit 21.</p> <p>5 A Yes, ma'am.</p> <p>6 Q Do you recognize this document?</p> <p>7 A Yes. This seems like the same format we</p> <p>8 would normally use internally in the office as far</p> <p>9 as documenting, when we did a search, what search</p> <p>10 terms were used.</p> <p>11 Q Okay. And, again, this is in regards to</p> <p>12 the FOIA request at issue in this case. Correct?</p> <p>13 A That is correct.</p> <p>14 Q Okay. And based on this document, what</p> <p>15 were the search terms that were used by</p> <p>16 Mr. Wasser?</p> <p>17 A Ambassador Rice, USUN/W, September 11,</p> <p>18 2012; attack; Benghazi, Libya; talking points; and</p> <p>19 updates.</p> <p>20 Q Okay. As part of Mr. Wasser's search on</p> <p>21 September 9, 2014, did you have any discussions</p> <p>22 with him as to whether any PST files should be</p>	<p style="text-align: right;">272</p> <p>1 A I don't recall why.</p> <p>2 Q Have you had a chance to review the</p> <p>3 declaration that was submitted by Mr. Hackett in</p> <p>4 this litigation pertaining to the searches that</p> <p>5 were conducted in this case?</p> <p>6 A A long time ago.</p> <p>7 Q And when would that have been?</p> <p>8 A I don't remember the time frame, but it</p> <p>9 was years ago, you know. But I don't recall when,</p> <p>10 you know.</p> <p>11 Q Okay. Would it have been at the time of</p> <p>12 the litigation, when he actually submitted the</p> <p>13 declaration?</p> <p>14 A I don't recall. I'm sorry.</p> <p>15 Q That's okay.</p> <p>16 (Finney Deposition Exhibit 22 marked for</p> <p>17 identification, retained by counsel.)</p> <p>18 Q Mr. Finney, if you can review what's been</p> <p>19 marked as Exhibit 22.</p> <p>20 A Yes, ma'am.</p> <p>21 Q Let me know once you've had a chance to</p> <p>22 look at it.</p>

273

1 A Yes, ma'am.
2 Q Okay.
3 A Okay.
4 Q Okay. Have you had a chance to look at
5 it?
6 A Yes, ma'am.
7 Q Okay. Have you seen a copy of this
8 document before?
9 A I don't recall seeing this.
10 Q Do you recognize what this document is?
11 A It looks to be a letter that was coming
12 from John Hackett, going to the plaintiff, Kate
13 Bailey.
14 Q Okay. And according to this letter, it
15 appears that four documents were located as a
16 result of the search.
17 Do you see that?
18 A Yes. Yes, ma'am.
19 Q Okay. Do you know what search was
20 conducted to retrieve those four documents in
21 response to plaintiff's FOIA request?
22 A No, I do not. It just looks as though by

274

1 reading this, it looks as though they came from a
2 case -- another case.
3 Q Okay.
4 A And so it looks as though, from reading
5 this memo, it looks as though A bureau -- excuse
6 me, the Bureau of Administration, provided
7 additional documents based on this particular
8 search.
9 Q Okay. And I'll represent to you, and to
10 provide context, these documents were produced to
11 Judicial Watch in a separate FOIA request for the
12 same records, but from a different office within
13 the State Department.
14 A Okay.
15 Q Okay?
16 A Okay.
17 Q Were you aware of Judicial Watch's
18 initial request for records about -- I'll withdraw
19 the question.
20 A Okay.
21 (Finney Deposition Exhibit 23 marked for
22 identification, retained by counsel.)

275

1 Q Have you had a chance to look at what's
2 been marked as Exhibit 23?
3 A Yes.
4 Q And do you recognize this document?
5 A I recognize the format of it that we use.
6 But to say I specifically recognize this document,
7 no.
8 Q Okay. And what is this doc -- what is
9 this document?
10 A It looks like it is an additional search
11 that was conducted, you know. And that we
12 provided additional documents to the Bureau of
13 Administration.
14 Q Okay. And how many documents were
15 provided to the Bureau of Administration?
16 A Two documents.
17 Q Okay. And what's the date of this
18 document?
19 A The date of this memo was November the
20 17th, 2014.
21 Q Okay. So with the documents referenced
22 in this memo marked as Exhibit 23rd [sic] --

276

1 A Yes.
2 Q -- would they have been included with the
3 memo to Monica Tillery?
4 A Okay. You said November 23rd?
5 Q November -- the date of this document.
6 A Yes.
7 Q November 17, 2014.
8 A Okay. And would those two documents have
9 been provided as part of this one right here? Can
10 you repeat the question for me?
11 Q I'm sorry. Yes. Sure.
12 A Okay.
13 Q The documents referenced in Exhibit 23.
14 A Yes, ma'am.
15 Q The memo on November 17, 2014.
16 A Uh-huh.
17 Q From you to Monica Tillery.
18 A Yes.
19 Q Would they have been attached to this
20 memo?
21 A Yes.
22 Q Okay. And do you know what type of

Conducted on June 4, 2019

277

1 documents were forwarded to Monica Tillery on
 2 November 17, 2014?
 3 **A No, I don't recall.**
 4 Q Okay. And who retrieved these two
 5 documents referenced on November 17, 2014?
 6 **A Based on this memo, it looks like the**
 7 **documents were retrieved by Jonathan Wasser.**
 8 Q Okay. That's Mr. Wasser in your office.
 9 Correct?
 10 **A That is correct.**
 11 Q Okay. And how much time did he spend in
 12 performing this search?
 13 **A Three hours.**
 14 Q Okay. Did you review the two documents
 15 that were sent over to Monica Tillery and IPS on
 16 November 17, 2014?
 17 **A I don't recall, but our normal procedure**
 18 **was that I would review it. But I don't recall if**
 19 **I reviewed this. But our normal procedure,**
 20 **internal procedures, is that I would review it.**
 21 Q Okay. Did those two documents contain
 22 any e-mails with Secretary Clinton's e-mail

278

1 account?
 2 **A That I don't recall.**
 3 Q Did those two documents contain any
 4 e-mail between or with Cheryl Mills, Jacob
 5 Sullivan, Secretary Clinton, or Philippe Reines?
 6 **A That I don't recall.**
 7 Q Do you know what IPS did with the two
 8 documents that were produced to their office on
 9 November 17, 2014?
 10 **A No, ma'am.**
 11 Q Let me ask you, when you -- when your
 12 office, whether it's you or Mr. Wasser, do a
 13 search, and like in this case you collect two
 14 documents that are potentially responsive to a
 15 FOIA request, and you send them over to IPS --
 16 **A Yes, ma'am.**
 17 Q -- does your office make any redactions
 18 at that point prior to sending them to IPS?
 19 **A No, ma'am.**
 20 MR. PRINCE: Objection. Foundation.
 21 THE WITNESS: Oh, sorry.
 22 Q Okay. Let me, to make sure we have this

279

1 accurate on the record.
 2 When these two documents were sent over
 3 to IPS, did you or Mr. Wasser do any review of
 4 these two documents to make any redactions in the
 5 documents?
 6 **A Okay. Our standard procedure is that**
 7 **what we receive, we turn that over. And I don't**
 8 **recall us doing any type of redactions at all.**
 9 **Because our standard procedure is we turn them**
 10 **over as is.**
 11 Q Okay. And when you say you "turn them
 12 over" --
 13 **A To the Bureau of Administration.**
 14 Q Okay. And that's IPS. Correct?
 15 **A Yes, ma'am.**
 16 Q Okay. And do you know Monica Tillery?
 17 **A Not personally. I just remember the**
 18 **name.**
 19 Q Okay. And do you know that she was the
 20 case tasker in this case from IPS?
 21 **A Based on -- yeah, based on the -- the**
 22 **memo, yes.**

280

1 Q Okay.
 2 **A Yeah.**
 3 (Finney Deposition Exhibit 24 marked for
 4 identification, retained by counsel.)
 5 **A Okay.**
 6 Q Have you had a chance to review Exhibit
 7 24?
 8 **A Yes, ma'am.**
 9 Q Okay. Do you recognize this document?
 10 **A Not right offhand. It seems like the**
 11 **first time I recall seeing it.**
 12 Q Okay. I'll represent to you it's a
 13 letter that plaintiff received from the State
 14 Department in response to this FOIA request.
 15 **A Okay.**
 16 Q And the document attached to the letter,
 17 the three pages of e-mail string, is part of the
 18 production that is referenced in the April 18,
 19 2016, letter.
 20 **A Okay.**
 21 MR. PRINCE: Just to clarify, you don't
 22 have the entire production here?

281

1 MS. COTCA: Correct. It's 70-some pages.
2 I figured I would save some paper.
3 MR. PRINCE: No, that's perfect. Just
4 wanted to clarify for the record.
5 MS. COTCA: Yes.
6 BY MS. COTCA:
7 Q Mr. Finney, do you know if any of the
8 e-mails contained in this document were located by
9 Mr. Wasser when he did his initial search in
10 September 2014?
11 **A That I don't recall.**
12 Q Let's go through the e-mails a little
13 bit.
14 **A Yes, ma'am.**
15 Q Okay. The first page appears to be an
16 e-mail from Cheryl Mills to Jake Sullivan,
17 Philippe Reines. Then at the bottom it says "On
18 Saturday, Cheryl Mills," and then it has her
19 state.gov e-mail account.
20 Do you see that?
21 **A Yes, ma'am.**
22 Q Okay. And then on the next page it

282

1 appears to be a -- an e-mail from Jacob Sullivan
2 to Secretary Clinton at her hdr22@clintonemail.com
3 account?
4 **A Yes, ma'am.**
5 Q Okay. And the date of these e-mails are
6 September 29, 2012.
7 **A Yes, ma'am.**
8 Q Okay. And that's shortly after the
9 attacks in Benghazi. Correct?
10 **A That's correct.**
11 Q Okay.
12 (Finney Deposition Exhibit 25 marked for
13 identification, retained by counsel.)
14 Q Mr. Finney, this is a -- the declaration
15 that Mr. Hackett produced in this case. It's been
16 marked as Exhibit 25.
17 **A Yes, ma'am.**
18 Q You don't have to read it line by line.
19 I'll point you to the relevant portions.
20 **A Okay.**
21 Q But I want to give you a chance to at
22 least look through it, if you want to.

283

1 **A Okay.**
2 Q Okay. All right. I want to point you to
3 Paragraph 11.
4 Actually, just as a general question,
5 when Mr. Hackett would prepare his declarations to
6 submit in litigation of FOIA requests, what would
7 your office's involvement be with respect to
8 helping prepare for the declaration?
9 **A In preparing for the declaration,**
10 **normally they will send us pieces of what we may**
11 **have involvement with, and they allow us to review**
12 **that portion.**
13 Q Okay.
14 **A Okay.**
15 Q All right. And was that done in this
16 case?
17 **A That I don't recall.**
18 Q Okay.
19 **A Yeah, but that's normally the process.**
20 Q Okay. And that would be -- would that be
21 sent to your office by e-mail?
22 **A Normally it would be.**

284

1 Q Okay.
2 **A Yes, ma'am.**
3 Q On -- and as part of normal process, once
4 you reviewed the relevant portions for your
5 office, would you then review that portion to make
6 sure it's accurate?
7 **A Yes, we review that portion.**
8 Q Okay. And when you say "we," did
9 Mr. Wasser review them as well, or did you review
10 them also?
11 **A I reviewed it, and I can't recall if**
12 **Mr. Wasser reviewed it as well. But the process,**
13 **we will review it. And I would say I can't answer**
14 **for him if he reviewed it. It depends on who it**
15 **came to and how that process was working.**
16 Q Okay. So if Mr. Wasser did the search,
17 would you consult with him to make sure that it's
18 accurate?
19 **A More than likely I would.**
20 Q Okay. Thank you.
21 Paragraph 11 of the declaration.
22 Are you there?

Conducted on June 4, 2019

285

1 **A** **Yes, ma'am.**
 2 **Q** Okay. States, "On September 23rd, in
 3 furtherance of this process, S/ES also searched
 4 the state.gov e-mail accounts of three
 5 individuals, Cheryl Mills, Jacob Sullivan, and
 6 Huma Abedin within the Office of the Secretary."
 7 Do you see that?
 8 **A** **Yes, ma'am.**
 9 **Q** Okay. Would that be the PST files of
 10 Cheryl Mills, Jacob Sullivan, and Huma Abedin?
 11 **A** **Yes, ma'am.**
 12 **Q** And how would that be noted or reflected
 13 in the records that your office would generate
 14 when PST files are searched?
 15 **A** **Can you repeat that one more time?**
 16 **Q** Yes. How would that be noted or
 17 reflected in the records that your office would
 18 generate to conduct the search of PST files?
 19 **A** **Okay. Normally that would come down and**
 20 **we would respond back in a memo fashion. It could**
 21 **also come down where it was an e-mail, where the**
 22 **attorney or someone says we need to do a search of**

286

1 **this particular PST. And we'll see what we have**
 2 **in that sense, in that nature.**
 3 **Q** Do you know if a memo was generated in
 4 response to these searches of the PST files
 5 conducted on September 23rd, 2014, in this case?
 6 **A** **That I don't recall.**
 7 **Q** Okay. Do you know if an e-mail was sent
 8 with respect to the P -- let me reask it.
 9 Do you know if an e-mail was sent in this
 10 case with respect to the searches of the PST files
 11 of Cheryl Mills, Huma Abedin, and Jacob Sullivan?
 12 **A** **That I don't recall.**
 13 **Q** Okay.
 14 **A** **No.**
 15 **Q** Who determined to make this additional
 16 search of the PST files in this case?
 17 **A** **That I don't recall. Yeah.**
 18 **Q** Would that have been either you or
 19 Mr. Wasser who would have made that determination?
 20 **A** **It could have also been the Bureau of**
 21 **Administration, too. But it could have been the**
 22 **Bureau of Administration. It could have been**

287

1 **myself or -- or Wasser. Again, I don't recall**
 2 **who.**
 3 **Q** Okay.
 4 **A** **Yeah.**
 5 **Q** And do you know if any e-mails were
 6 located as a result of the searches of the PST
 7 files for Mr. -- for Ms. Mills, Ms. Abedin, and
 8 Mr. Sullivan on September 23, 2014?
 9 **A** **That I don't recall.**
 10 **Q** Going back to -- so still on Exhibit 24.
 11 **A** **Okay.**
 12 **Q** Going back to Exhibit 24.
 13 **A** **Uh-huh.**
 14 **Q** The e-mail from Cheryl Mills' state.gov
 15 account?
 16 **A** **Yes, ma'am.**
 17 **Q** Would that have been captured in her PST
 18 file?
 19 **A** **That I don't know.**
 20 **Q** Why not?
 21 **A** **Because let's say if an individual was**
 22 **sent an e-mail from Cheryl Mills. And that e-mail**

288

1 **is no longer in her PST, but it belongs to another**
 2 **individual's PST. Okay? And so, therefore, when**
 3 **we conducted a search, we may not have found it.**
 4 **But let's just say a person that she sent it to**
 5 **was still in their PST.**
 6 **Q** Why would Ms. Mills' e-mail no longer be
 7 in her PST file?
 8 **A** **That I couldn't tell you from the**
 9 **standpoint why it would not be in there. But it**
 10 **is always a possibility that it may not be in**
 11 **there.**
 12 **Example would be if an individual would**
 13 **have an e-mail, if I sent you an e-mail, and you**
 14 **said, Thank you for this information, and then you**
 15 **removed it out of your system. You know, you just**
 16 **got rid of it. Again, there's a host of different**
 17 **ways why it would not be in there, you know.**
 18 **But the key thing is, I couldn't say a**
 19 **hundred percent that that was found in her PST.**
 20 **Q** Okay.
 21 **A** **Okay.**
 22 **Q** So this time frame that we've been

289

1 talking about is July of 2014 through November of
2 2014 so far.
3 Did you, at any point while your office
4 was conducting these searches and responding to
5 plaintiff's FOIA request --
6 **A Yes, ma'am.**
7 Q -- think about how Secretary Clinton's
8 e-mails would affect this FOIA request?
9 **A No, ma'am.**
10 Q Were you aware that the State Department
11 engaged in settlement discussions with the
12 plaintiff in December of 2014 to settle this case
13 and dismiss this case?
14 MR. PRINCE: Objection. Form.
15 **A Okay. What the Office of Correspondence**
16 **and Records is responsible for is once we get**
17 **tasked by the Bureau of Administration, we conduct**
18 **a search, and then once we've completed our**
19 **portion, then we move on to the next request that**
20 **has come in.**
21 **As far as dealing with the plaintiff and**
22 **whatever is getting closed out, that's all handled**

290

1 **by the Bureau of Administration. We don't even**
2 **get involved in it at all.**
3 **That's why when I saw these letters, I**
4 **said I never seen them before. I don't recall**
5 **seeing them. Because we -- we don't normally deal**
6 **with the actual plaintiff.**
7 Q Did you from August of 2014 through
8 December of 2014 think it was important to have a
9 discussion with -- with anyone handling
10 litigations relevant to Secretary Clinton's
11 e-mails, as to how the State Department would
12 continue to process those cases while waiting for
13 the return of Secretary Clinton's e-mails?
14 **A No, ma'am.**
15 Q With respect to -- well, in pending
16 litigations --
17 **A Yes, ma'am.**
18 Q -- does your office have any involvement
19 with respect to drafting of Vaughn indexes?
20 **A No, ma'am.**
21 Q Okay. Are you familiar with the --
22 **A I've heard --**

291

1 Q -- Vaughn index?
2 **A I've heard the term, but we don't really**
3 **get involved with that at all.**
4 Q All right. I'm going to fast-forward --
5 **A Yes, ma'am.**
6 Q -- to present day.
7 Do you know if all of the records that
8 were returned by Cheryl Mills, Huma Abedin, and
9 Jacob Sullivan to the State Department in 2015, if
10 all of those records have been searched in
11 response to plaintiff's FOIA request in this case?
12 **A That I do not know.**
13 Q Would those searches have been conducted
14 by your office?
15 **A No, ma'am.**
16 Q Which office would conduct those
17 searches?
18 **A I can only speculate, you know. And I**
19 **don't like speculating. But I will just say that**
20 **the Bureau of Administration is responsible for**
21 **the FOIA program for the Department of State. And**
22 **the Office of the Correspondence and Records is**

292

1 **responsible for conducting searches of those**
2 **records that we have.**
3 Q And when you say the Bureau of
4 Administration, are you referring to IPS within
5 Bureau of Administration?
6 **A I would say you're correct in that sense.**
7 **If they're -- because they've been changing office**
8 **symbols. So but I believe it was called IPS**
9 **during that time.**
10 Q Okay.
11 MS. COTCA: I think we can take a break
12 for a minute.
13 VIDEO SPECIALIST: We are going off the
14 record at 17:03.
15 (A recess was taken.)
16 VIDEO SPECIALIST: We are back on the
17 record at 17:14.
18 BY MS. COTCA:
19 Q All right. Mr. Finney, we're almost
20 done.
21 **A Yes, ma'am.**
22 Q I don't remember if you testified yet as

Conducted on June 4, 2019

293

1 to whether you reviewed the deposition transcript
 2 of Karen Lang that she provided in another FOIA
 3 case that was filed by Judicial Watch against the
 4 State Department, Case Number 13-1363, I believe.
 5 MR. PRINCE: Yeah. Objection.
 6 Privilege.
 7 To the extent you do not need to rely on
 8 privileged conversations to answer that question,
 9 you may.
 10 THE WITNESS: Okay.
 11 **A No, I don't recall looking at a**
 12 **deposition transcripts for Karen Lang, no.**
 13 Q Okay. I'll just represent to you that
 14 Ms. Lang testified in another -- in a separate
 15 FOIA case filed by Judicial Watch about the
 16 Secretary Clinton's e-mail --
 17 **A Okay.**
 18 Q -- while she was at the State Department,
 19 as the corporate designee for the State
 20 Department.
 21 **A Okay.**
 22 Q Okay. And she also testified in that

294

1 case about what you -- what your knowledge was
 2 with respect to Secretary Clinton's e-mail
 3 account, or use of an e-mail account --
 4 **A Yes, ma'am.**
 5 Q -- when she first came on board to the
 6 State Department.
 7 **A Yes, ma'am.**
 8 Q Do you think that if I were to show you
 9 portions of the transcript, that that would help
 10 refresh your recollection?
 11 **A Like I say, I never seen the tran -- I**
 12 **don't recall seeing the transcript, so ...**
 13 Q Do you think it would help you refresh
 14 your recollection, or no?
 15 **A Recollection of the transcript or**
 16 **recollection of the subject?**
 17 Q Recollection of the subject matter.
 18 **A Oh, okay. Okay. I don't mind looking at**
 19 **it.**
 20 Q Okay. I'm going to have you just take a
 21 look at it. And I'll just point you, this is my
 22 copy with highlights.

295

1 **A Yes, ma'am.**
 2 Q But ignore the highlights, and we're not
 3 entering this as an exhibit.
 4 **A Okay.**
 5 Q But I'll just ask you, just to confirm
 6 for the record, what is the date of the deposition
 7 transcript?
 8 **A Conducted on June the 8th, 2016.**
 9 Q Okay. Thank you. And on the front page
 10 of the transcript, does it have the case number?
 11 **A Yes, it does.**
 12 Q And what is that case number?
 13 **A 13-CV-1363, and in parentheses EGS.**
 14 Q Okay. And who are the parties for that
 15 case reflected on the first page there?
 16 **A Judicial Watch, Incorporated, is the**
 17 **plaintiff. And U.S. Department of State is the**
 18 **defendant.**
 19 Q Okay. Thank you.
 20 **A Yes, ma'am.**
 21 Q Now, I'll point you to Page 61 of the
 22 transcript.

296

1 **A Yes, ma'am.**
 2 Q Which actually is Page 16 of the
 3 document, but it's a mini condensed version.
 4 **A Okay.**
 5 Q And if you can look on Page 61, beginning
 6 on Line 13. Where it begins with, "At some point
 7 during Mrs. Clinton's tenure, the Office of
 8 Correspondence and Records asked S/ES-IRM whether
 9 Mrs. Clinton was using a state.gov e-mail
 10 account"?
 11 Do you see that?
 12 **A Yes, ma'am.**
 13 Q Okay. Can you read that portion, review
 14 that portion of the transcript, up through the end
 15 of Page 64.
 16 MR. PRINCE: Could you clarify how far
 17 you want him to go down?
 18 MS. COTCA: Up to the end of Page 64.
 19 MR. PRINCE: Sorry.
 20 MS. COTCA: Which is on the same page of
 21 the PDF.
 22 MR. PRINCE: Understood.

297

1 **A Okay.**
2 Q Okay.
3 **A Yes.**
4 Q After reading this portion of the
5 transcript, does that help refresh your
6 recollection about the subject discussed by
7 Ms. Lang in this portion of her deposition?
8 **A What it does help refresh is in regards**
9 **to when the question was asked about if she is**
10 **going to have a state.gov account in the**
11 **beginning.**
12 Q Okay.
13 **A That's the only part that has a**
14 **reflection as far as a memory of.**
15 Q Okay. And can you tell me about that
16 portion?
17 **A Okay. That -- the reason why I said that**
18 **it recalls or gives a refresher is because when we**
19 **came on -- when she came on board, again we was**
20 **trying to confirm if she was going to have a**
21 **state.gov account, based on what I'm reading here,**
22 **and it reminds me of it. And the reason why is**

298

1 **because previous administrations as far as**
2 **Secretaries, they did not have a state.gov**
3 **account. And so we just wanted to make sure they**
4 **had -- if they have a state.gov account, that they**
5 **be aware of what their responsibilities are, based**
6 **on the policies and stuff that were out at that**
7 **time.**
8 Q Okay.
9 **A For the state dot -- state.gov account.**
10 Q Okay. And did you -- are you the
11 individual from your office who inquired whether
12 she would have a state.gov e-mail account?
13 **A Did I inquire about that?**
14 Q Yes.
15 **A Evidently I did. And I can't remember**
16 **when it was. Obviously it was during the time of**
17 **coming on board. But, yes. And then again, what**
18 **really caused my memory is the one about the**
19 **picture, because that question came up about the**
20 **state.gov account.**
21 Q Okay. And do you recall who told you
22 that Secretary Clinton would not be using a

299

1 state.gov e-mail account?
2 **A It was someone in S/ES-IRM, but I don't**
3 **know who, you know. And the only reason I say**
4 **that again is because IRM, S/ES-IRM is the one who**
5 **was responsible for the IT side of the house.**
6 Q Okay. Then with respect to the portions
7 about when you saw the picture of Secretary
8 Clinton, does this help refresh your recollection
9 as to the time frame of when you saw that?
10 **A No. I just remember the photo came out,**
11 **and someone brought it to my attention. And I**
12 **said, I'll check, you know. And so I went back to**
13 **make sure, you know. Said, Okay, guys, is this --**
14 **does she have a state.gov account? Because this**
15 **picture shows a BlackBerry, and they wanted to**
16 **know.**
17 Q Okay.
18 **A And they said, No, she does not have a**
19 **state.gov account. So that's when I went back and**
20 **said she does not.**
21 Q Okay. So let me focus in a little bit on
22 Page 64.

300

1 **A Yes, ma'am.**
2 Q Beginning with the question that begins
3 on the second line. Where it says "And when did
4 those conversations or discussions take place?"
5 Do you see that?
6 **A Sixty-one, 63, or 62 block?**
7 Q Sixty-four.
8 **A Oh, I'm sorry.**
9 Q That's okay.
10 **A Does it -- do I recall the time period?**
11 **That's -- that's the question? Because I read**
12 **that it says, And when did those conversations**
13 **take place, you know, I don't see that she gives a**
14 **specific time. And I know I don't recall a**
15 **specific time.**
16 Q Okay. Well, let -- let's look at Ms.
17 Lang's answer.
18 **A Yes, ma'am.**
19 Q In that deposition. And I believe her
20 answer begins on Line 4 --
21 **A Okay.**
22 Q -- of Page 64.

301

1 Do you see that?

2 **A Yes.**

3 Q Where it begins, "When Mrs. Clinton's

4 photo appeared in the media with her using --

5 appearing to use some sort of a mobile device,

6 Clarence Finney checked with S/ES-IRM to confirm

7 whether or not she still -- whether the answer was

8 still that she did not have a state.gov e-mail

9 account."

10 **A That's correct.**

11 Q Do you see that?

12 **A Yes, I do.**

13 Q Okay. Does that at all refresh your

14 recollection whether this time frame was while

15 Secretary Clinton was still in office?

16 **A Oh. Yes.**

17 Q Okay.

18 **A Yes.**

19 Q Okay.

20 MS. COTCA: Let's go off the record for a

21 minute.

22 VIDEO SPECIALIST: We are going off the

302

1 record at 17:25.

2 (A recess was taken.)

3 VIDEO SPECIALIST: We are back on the

4 record at 17:25.

5 BY MS. COTCA:

6 Q Okay. Mr. Finney, just a few more

7 questions, and we're almost done.

8 You testified earlier about PST files

9 being created once Secretary Clinton and her staff

10 left, or departed from the State Department.

11 Do you recall that?

12 **A I recall the -- the question about PSTs.**

13 **But as far as them being created, I'm not sure**

14 **what the context was on that, but go ahead.**

15 Q Right.

16 **A Yes, ma'am.**

17 Q So I just have a few followup

18 questions --

19 **A Yes, ma'am.**

20 Q -- about that.

21 Who created the PST files of the

22 departing officials?

303

1 **A That is S/ES-IRM.**

2 Q Okay. Did you have any involvement in

3 part of that process of creating the PST file of

4 the departing officials in 2013?

5 **A No, ma'am.**

6 Q Okay. Other than speaking with your

7 attorneys, have you had any conversations with

8 anybody else about your testimony here today?

9 **A Oh, no.**

10 MS. COTCA: I think that's all I have.

11 MR. PRINCE: Okay.

12 VIDEO SPECIALIST: If there are no

13 further questions, then this ends the deposition

14 and we are going off the record at 17:26.

15 COURT REPORTER: Usual copy, and daily?

16 MR. PEZZI: Yes, ma'am.

17 (Off the record at 5:26 p.m.)

18

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304

1 ACKNOWLEDGMENT OF DEPONENT

2 I, CLARENCE NATHANIEL FINNEY, JR., do

3 hereby acknowledge that I have read and examined

4 the foregoing testimony, and the same is a true,

5 correct and complete transcription of the

6 testimony given by me, and any corrections appear

7 on the attached Errata sheet signed by me.

8

9 _____

10 (DATE) (SIGNATURE)

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305

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 requested;

9 and that I am neither counsel for, related to, nor

10 employed by any of the parties to this case and have

11 no interest, financial or otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my hand and

13 affixed my notarial seal this 4th day of June, 2019.

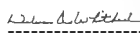
14

15 My commission expires:

16 September 14, 2023

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19 

20 NOTARY PUBLIC IN AND FOR THE

21 DISTRICT OF COLUMBIA

22



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a-i-n	285:4	156:1, 172:3,	207:16, 207:22,
71:8, 71:9	accurate	176:20, 199:11,	221:13
abedin	163:15, 185:7,	208:20, 230:9,	addressed
33:19, 34:3,	219:20, 220:13,	246:13, 246:14,	18:2, 29:20,
34:8, 112:12,	222:9, 222:10,	248:2, 263:5,	116:6, 127:1,
183:7, 202:6,	235:3, 267:10,	266:10, 267:21,	149:6, 187:4,
202:13, 285:6,	279:1, 284:6,	290:6	220:2, 267:19
285:10, 286:11,	284:18	actually	adequately
287:7, 291:8	acknowledge	15:5, 19:17,	16:2
abedin's	304:3	23:19, 24:7,	adler
33:14	acknowledgment	29:12, 34:15,	187:4, 187:15
able	304:1	34:19, 35:4,	administration
11:22, 22:18,	acronym	39:3, 40:18,	19:13, 23:18,
57:13, 78:18,	31:13, 118:9,	41:14, 50:1,	24:3, 26:1,
79:9, 79:10,	131:5	69:13, 75:7,	34:14, 34:18,
105:13, 106:17,	across	82:19, 85:19,	35:9, 37:1,
143:12, 144:6,	17:14	97:2, 97:5,	43:6, 46:21,
154:20, 155:16,	act	100:1, 105:4,	48:10, 48:17,
174:15, 183:21,	88:3, 88:7,	107:6, 122:15,	49:5, 49:10,
199:16, 226:19,	88:9	124:6, 127:2,	50:7, 50:8,
254:19	action	144:6, 144:9,	53:12, 53:14,
above-referenced	1:6, 9:7, 30:1,	147:4, 157:13,	54:8, 54:11,
162:19	149:4, 149:7,	158:2, 159:12,	70:14, 76:3,
absolutely	149:8, 150:1,	159:13, 165:16,	76:11, 96:1,
39:14	150:2, 150:17,	166:22, 177:1,	96:2, 97:3,
according	225:16	183:12, 190:3,	99:11, 131:3,
120:8, 127:14,	actions	190:16, 193:6,	131:5, 131:7,
129:7, 129:9,	53:4	199:18, 216:7,	131:11, 132:18,
129:15, 132:11,	active	224:22, 226:20,	133:4, 133:7,
139:21, 140:15,	259:17	231:4, 231:16,	133:8, 133:11,
142:3, 146:22,	activities	237:19, 238:22,	138:5, 138:14,
155:2, 156:16,	17:10	244:15, 258:7,	161:17, 162:5,
157:3, 158:10,	actual	261:10, 263:6,	162:7, 162:12,
158:12, 161:20,	15:4, 15:9,	266:11, 267:4,	211:7, 213:3,
161:22, 164:12,	20:5, 29:12,	272:12, 283:4,	225:15, 226:1,
165:3, 189:6,	29:13, 35:8,	296:2	235:22, 236:6,
222:1, 265:1,	35:22, 38:11,	add	237:22, 243:1,
265:3, 268:12,	45:7, 70:16,	267:4	243:19, 244:1,
273:14	74:20, 75:7,	added	244:3, 244:5,
accountability	78:2, 85:1,	119:18, 120:2,	248:8, 248:14,
54:16, 55:5	85:14, 85:16,	130:10	248:16, 250:5,
accounts	97:16, 107:4,	additional	250:12, 251:22,
127:17, 127:19,	107:8, 114:15,	274:7, 275:10,	254:5, 254:15,
156:21, 157:21,	121:13, 129:21,	275:12, 286:15	255:5, 259:6,
167:7, 176:2,	130:9, 130:10,	address	259:11, 263:14,
178:1, 216:7,	130:15, 138:11,	105:2, 106:4,	266:14, 268:2,
	142:12, 142:13,	106:19, 106:21,	268:3, 274:6,
	142:15, 145:8,	106:22, 205:18,	275:13, 275:15,

<p>279:13, 286:21, 286:22, 289:17, 290:1, 291:20, 292:4, 292:5 administrations 298:1 administrative 114:21 advise 162:13, 244:6 advised 162:15, 244:8 advisor's 215:3 affairs 217:11, 217:21, 219:16, 220:4, 220:18, 229:10, 229:16 affect 289:8 affixed 305:13 after 25:16, 40:1, 44:21, 45:8, 48:15, 68:22, 105:21, 106:11, 106:12, 107:5, 115:20, 165:18, 166:18, 231:22, 256:16, 260:5, 260:6, 282:8, 297:4 afterwards 105:21 against 13:21, 67:15, 256:8, 293:3 agency 48:12, 69:12, 69:21, 70:2, 70:8, 111:2, 111:3, 118:19, 118:20, 120:6, 125:13, 170:16, 172:5, 175:17, 177:13, 178:12,</p>	<p>182:10, 182:16, 189:18, 194:4, 194:7, 195:17, 195:20, 195:22, 205:2, 235:14 agenda 121:13, 190:13 agendas 121:19 ago 23:4, 23:5, 247:11, 247:13, 272:6, 272:9 agree 85:8, 192:7 ahead 26:11, 30:20, 302:14 al 7:10 all 5:12, 15:2, 16:6, 16:10, 17:15, 27:8, 32:4, 32:20, 34:4, 36:15, 56:6, 60:7, 66:22, 68:22, 70:21, 72:11, 75:12, 77:5, 78:7, 82:8, 85:15, 90:13, 95:3, 95:20, 96:8, 99:1, 102:7, 105:9, 108:4, 114:5, 116:15, 118:2, 122:4, 130:7, 131:19, 135:16, 136:13, 137:20, 139:18, 145:21, 147:19, 149:20, 151:9, 155:1, 157:16, 166:3, 166:13, 170:10, 173:10, 174:13, 180:11, 185:1, 197:11, 215:14,</p>	<p>226:13, 227:12, 235:10, 235:18, 236:10, 238:20, 240:5, 241:6, 241:15, 253:15, 255:7, 255:8, 256:10, 257:14, 261:2, 261:4, 261:17, 264:14, 265:16, 279:8, 283:2, 283:15, 289:22, 290:2, 291:3, 291:4, 291:7, 291:10, 292:19, 301:13, 303:10 allow 195:14, 283:11 almost 201:9, 292:19, 302:7 along 111:1 already 44:14, 53:10, 54:13, 74:15, 228:20 also 4:18, 12:3, 12:20, 18:7, 20:15, 22:2, 34:13, 42:13, 42:17, 45:19, 72:6, 78:1, 82:11, 96:5, 101:6, 101:12, 114:14, 116:6, 120:6, 131:20, 132:5, 132:10, 133:4, 133:13, 133:22, 153:6, 169:18, 170:16, 170:20, 171:21, 172:4, 175:17, 182:16, 186:13, 187:15, 187:22, 194:13, 195:11, 195:18, 196:10,</p>	<p>197:4, 284:10, 285:3, 285:21, 286:20, 293:22 always 33:7, 47:12, 47:15, 92:6, 189:15, 288:10 ambassador 270:17 among 82:12, 221:11 amongst 192:2 amounted 16:1 analyst 21:21, 23:14, 98:18 analyst's 145:9 analysts 22:3, 23:16, 26:10 andrew 229:5, 229:6 ann 305:2 anne 138:9, 138:22, 143:5, 146:11 annotated 141:2, 141:19 annual 124:15, 174:21, 189:17 annually 117:21 another 13:13, 29:6, 58:17, 72:6, 130:9, 267:4, 274:2, 288:1, 293:2, 293:14 answer 13:2, 13:3, 13:5, 64:17, 86:1, 87:17, 93:9, 99:12,</p>
--	---	---	---

<p>103:10, 103:18, 135:4, 145:4, 166:5, 174:15, 201:17, 253:9, 284:13, 293:8, 300:17, 300:20, 301:7 answering 11:18, 12:17, 100:1, 104:9, 104:10 answers 12:4 anybody 60:3, 65:2, 71:18, 72:9, 80:11, 109:3, 115:22, 207:20, 222:22, 224:3, 243:5, 255:4, 261:6, 303:8 anyone 71:21, 290:9 anything 36:21, 44:21, 60:19, 61:4, 97:14, 200:1, 227:11, 240:3, 243:5 anyway 111:16 ap 74:5, 86:2 appear 222:17, 248:1, 304:6 appeared 301:4 appearing 301:5 appears 114:5, 129:1, 132:4, 139:8, 145:13, 163:10, 186:22, 188:7, 189:12, 192:10, 214:5, 214:14, 229:1, 245:10,</p>	<p>256:1, 256:11, 273:15, 281:15, 282:1 appreciate 65:20, 258:6 approached 86:13 approval 152:16, 152:17, 194:4 approved 2:13, 150:2 approximately 221:8 april 220:13, 280:18 archives 173:1, 237:16 archiving 18:18, 186:12 area 15:7, 79:1, 79:3, 121:15, 259:18 areas 17:22, 154:1, 174:17, 197:2 arose 75:3 around 45:3, 45:4, 111:18, 180:22, 207:5, 211:21, 238:19 article 5:8, 73:13, 73:15, 74:13, 82:15, 102:10, 102:14 articles 73:6, 77:2, 77:4, 82:16 articulate 175:18 aside 37:14, 47:5 ask 11:19, 12:5,</p>	<p>12:22, 14:12, 55:12, 82:2, 101:22, 111:18, 119:11, 141:10, 145:5, 148:8, 152:1, 160:21, 163:1, 188:18, 278:11, 295:5 asked 12:18, 14:4, 57:5, 58:21, 75:11, 82:1, 82:7, 82:11, 84:7, 84:8, 84:11, 85:2, 85:16, 86:17, 87:7, 87:15, 104:19, 152:15, 160:8, 160:13, 167:12, 185:11, 189:12, 192:20, 232:21, 241:8, 241:20, 296:8, 297:9 asking 12:10, 12:13, 13:22, 24:11, 34:8, 44:18, 46:18, 48:14, 55:19, 57:13, 60:21, 60:22, 64:11, 79:6, 79:19, 79:21, 79:22, 80:1, 80:3, 80:19, 92:7, 92:17, 100:17, 101:2, 107:17, 111:10, 123:9, 148:1, 148:17, 148:20, 149:7, 167:17, 170:7, 174:18, 205:4, 206:11, 207:8, 207:10, 225:5, 225:6, 250:19, 250:21, 253:5 aspect 18:16, 173:13</p>	<p>assigned 138:5 assistant 18:10, 149:5, 220:17 assistants 5:14, 5:15 associate 156:9 associated 86:15, 87:11, 90:1, 93:18, 108:16, 109:11, 127:18, 127:20 assume 12:16, 92:4, 102:3, 130:4 assuming 142:14, 143:2 attached 129:19, 129:21, 130:2, 130:5, 130:6, 130:16, 134:7, 179:19, 245:18, 276:19, 280:16, 304:7 attaches 130:12 attachment 130:9 attachments 149:9 attack 210:13, 270:18 attacks 14:3, 48:6, 49:1, 49:19, 50:17, 51:4, 54:17, 55:6, 57:17, 209:20, 224:6, 282:9 attempted 15:20 attend 122:17, 123:4, 170:17, 182:19, 182:20, 183:7, 183:10, 183:18,</p>
--	---	---	--

<p>188:21, 189:13, 189:14 attendance 114:13, 123:11 attended 112:7, 112:8, 122:10, 123:12, 125:14, 183:12, 183:22, 189:5, 189:9, 190:8 attending 112:12, 112:15, 189:1, 189:8, 190:4, 190:5 attention 75:10, 75:13, 75:15, 83:5, 83:9, 86:21, 105:11, 299:11 attorney 13:1, 13:4, 103:11, 215:4, 285:22 attorney's 103:19 attorney-client 103:9 attorneys 12:20, 13:1, 115:9, 213:10, 216:15, 228:18, 265:18, 303:7 august 214:6, 215:15, 216:20, 217:10, 217:20, 221:3, 221:7, 221:18, 222:5, 222:18, 222:21, 224:17, 226:16, 226:20, 227:21, 265:2, 290:7 authorizes 172:7 avenue 2:5, 4:6, 9:13 award 193:18</p>	<p>aware 59:17, 60:14, 113:13, 205:15, 206:22, 208:10, 230:5, 232:4, 274:17, 289:10, 298:5</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 29:14, 35:21, 36:14, 36:22, 38:15, 42:7, 42:15, 49:21, 54:14, 55:11, 69:21, 72:21, 78:7, 78:8, 81:15, 88:5, 92:10, 92:19, 92:21, 94:11, 97:4, 98:4, 98:11, 98:14, 99:4, 99:7, 99:9, 99:15, 101:12, 101:16, 101:19, 104:16, 125:19, 154:7, 157:10, 161:17, 163:21, 163:22, 166:2, 166:13, 169:14, 172:9, 177:17, 183:21, 204:13, 211:21, 231:20, 231:22, 234:5, 251:17, 253:6, 260:13, 262:4, 269:2, 285:20, 287:10, 287:12, 292:16, 299:12, 299:19, 302:3 background 13:19, 31:10, 66:10, 149:9, 149:10, 195:5 bad 16:1 bailey 7:11, 7:20,</p>	<p>8:10, 263:18, 264:4, 273:13 bair 214:17, 214:22, 215:1, 215:15, 216:2, 216:19, 222:22, 224:2, 224:3 base 144:9, 216:5, 217:2 based 45:18, 88:6, 92:7, 92:8, 103:19, 117:14, 117:19, 121:3, 121:15, 122:17, 122:18, 127:22, 135:10, 140:18, 140:21, 141:1, 141:3, 141:5, 142:5, 142:6, 142:21, 143:1, 143:9, 143:15, 143:18, 145:16, 147:3, 148:3, 155:11, 155:17, 156:4, 163:16, 189:8, 216:3, 216:13, 216:17, 217:3, 219:12, 222:7, 222:12, 225:3, 225:14, 228:4, 242:3, 256:18, 266:5, 268:13, 268:21, 269:4, 270:14, 274:7, 277:6, 279:21, 297:21, 298:5 basically 18:4, 18:5, 19:19, 20:4, 31:13, 87:7, 104:2, 113:16, 114:16, 121:20, 141:21, 148:22, 154:1, 158:4,</p>	<p>170:10, 170:11, 172:20, 177:8, 182:22, 186:9, 194:1, 199:21, 200:1, 254:3 basing 167:13, 249:17 bass 187:5 bates 6:9, 6:12, 6:14, 6:17 became 108:11 become 172:22 before 2:12, 10:19, 11:3, 13:2, 25:15, 57:17, 88:9, 90:10, 95:22, 96:11, 96:13, 105:17, 105:19, 107:11, 107:15, 116:10, 149:1, 152:13, 159:1, 174:12, 177:20, 179:8, 185:3, 191:19, 200:12, 204:6, 213:16, 213:20, 219:7, 231:15, 231:16, 234:16, 244:22, 247:4, 258:1, 258:2, 262:15, 273:8, 290:4, 305:2 begin 10:19, 16:12, 22:12 beginning 78:8, 80:17, 141:20, 143:19, 296:5, 297:11, 300:2 begins 9:2, 141:14, 296:6, 300:2,</p>
---	--	---	---

<p>300:20, 301:3 behalf 3:2, 3:11, 4:2, 4:10, 149:17, 203:8, 225:21 behind 183:1 being 10:18, 11:14, 12:1, 18:1, 31:9, 31:21, 55:20, 79:17, 81:4, 83:9, 101:6, 136:11, 143:3, 149:2, 152:10, 153:16, 153:17, 164:2, 172:21, 179:22, 183:1, 199:16, 200:18, 216:12, 223:1, 223:5, 223:12, 223:18, 224:5, 226:19, 246:12, 302:9, 302:13 believe 24:13, 29:5, 34:13, 41:6, 71:8, 77:14, 107:18, 119:9, 131:12, 132:19, 134:13, 157:14, 176:15, 194:12, 215:6, 222:8, 235:20, 236:4, 245:3, 292:8, 293:4, 300:19 believed 215:2 bell 77:20, 229:7 belongs 288:1 benghazi 14:3, 48:6, 49:1, 49:19, 50:17, 51:4, 51:15, 51:17,</p>	<p>54:17, 55:6, 57:18, 208:4, 208:7, 208:12, 209:2, 209:13, 209:20, 210:13, 211:1, 211:13, 219:21, 220:8, 221:18, 222:5, 222:17, 223:2, 223:15, 224:6, 225:21, 270:18, 282:9 bentel 41:10, 41:15, 41:16, 41:17, 61:17, 61:21, 62:3, 66:15 bentel's 58:6 best 11:17, 20:18, 171:16, 184:2 better 224:13 between 111:13, 205:16, 214:9, 245:11, 256:12, 269:13, 278:4 beyond 22:10 bill 246:12 bit 12:4, 33:11, 103:2, 127:8, 146:21, 169:7, 172:9, 185:17, 214:1, 281:13, 299:21 blackberry 68:14, 69:15, 73:21, 76:18, 82:18, 83:13, 84:3, 84:18, 86:16, 87:1, 87:8, 87:11, 90:2, 91:5,</p>	<p>91:9, 91:14, 91:16, 92:13, 93:4, 93:7, 93:8, 93:18, 299:15 blackberrys 60:17, 61:2, 61:12, 91:12 bleary 39:1 blew 195:8 block 300:6 blumenthal 205:17 board 55:14, 56:4, 80:5, 81:11, 82:9, 108:1, 108:10, 109:9, 116:1, 116:5, 125:3, 294:5, 297:19, 298:17 board's 54:17, 55:6 book 53:21, 53:22 both 24:17, 198:13 bottom 129:2, 141:15, 214:14, 257:5, 267:7, 271:4, 281:17 box 139:14, 141:14, 155:3 boxed 172:21, 237:18 boxes 139:8, 242:12, 242:13, 242:19, 243:20, 245:20, 246:4, 246:14, 248:3, 248:11, 248:13, 249:2, 249:21, 250:7,</p>	<p>250:11, 252:1, 260:10, 260:11 branch 3:15 break 13:10, 13:11, 13:14, 72:14, 104:5, 171:1, 201:8, 201:13, 204:5, 261:15, 292:11 breakdown 219:13 briefed 82:9, 82:12, 186:3, 186:6 briefing 53:21, 53:22, 82:6, 124:7, 175:4, 176:20, 182:4, 186:9, 187:10, 188:13, 188:21, 189:5, 190:8, 190:14, 190:20, 196:17, 197:1, 205:8, 217:12, 217:21, 229:10, 229:16 briefings 175:1, 189:17, 190:21 briefly 11:6, 23:14 bring 81:22, 134:3, 137:8, 163:22, 269:20 broad 48:20 broader 80:9 brock 134:6, 134:11, 135:14, 136:2, 169:3, 187:22 broken 253:18 brought 75:10, 75:13,</p>
---	---	--	--

<p>75:14, 83:5, 83:9, 86:21, 105:10, 299:11 building 18:9, 29:19 bureau 19:13, 23:17, 24:2, 26:1, 34:13, 34:17, 35:9, 36:22, 43:6, 46:16, 46:21, 47:1, 48:10, 48:17, 49:5, 49:10, 50:6, 50:7, 53:12, 53:14, 54:8, 54:9, 54:11, 70:14, 76:3, 76:5, 76:11, 96:1, 96:2, 97:2, 97:6, 99:10, 130:21, 131:2, 131:3, 131:5, 131:6, 131:11, 132:18, 133:4, 133:7, 133:8, 133:11, 138:5, 138:14, 161:17, 162:4, 162:7, 162:11, 211:6, 213:3, 220:18, 225:15, 226:1, 235:21, 236:6, 237:16, 237:21, 243:1, 243:13, 243:14, 243:19, 244:1, 244:2, 244:5, 248:8, 248:14, 248:16, 250:4, 250:11, 251:21, 254:5, 254:15, 255:4, 259:6, 259:11, 263:13, 266:14, 266:15, 268:1, 268:3, 274:5, 274:6, 275:12,</p>	<p>275:15, 279:13, 286:20, 286:22, 289:17, 290:1, 291:20, 292:3, 292:5 bureau's 177:12 bureaus 18:10, 29:20 burke 3:4, 9:19 business 59:12, 60:5, 88:12, 89:4, 89:13, 89:17, 89:18, 90:16, 90:20, 90:21, 91:8, 91:21, 92:1, 124:4, 174:9, 174:10, 176:2, 178:2, 196:11, 196:12, 197:19</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>cable 28:7 cables 27:20, 27:22, 28:6, 28:13, 28:14, 28:16, 39:6, 53:7, 96:12 call 31:14, 54:5, 70:1, 70:3, 70:4, 70:19, 116:20, 203:1, 242:16 called 58:14, 69:12, 255:21, 292:8 came 26:6, 35:22, 36:9, 37:9, 46:15, 47:21, 48:5, 52:3, 52:9, 52:19,</p>	<p>53:3, 53:20, 55:14, 56:4, 56:21, 57:4, 59:8, 73:6, 74:17, 81:11, 83:7, 97:4, 98:14, 101:12, 101:16, 101:19, 108:1, 108:10, 109:9, 115:18, 115:19, 115:20, 116:4, 117:18, 125:3, 126:21, 127:9, 127:10, 130:12, 142:9, 143:13, 150:1, 150:12, 152:16, 157:11, 205:21, 209:2, 209:15, 210:1, 211:7, 222:13, 226:9, 232:8, 232:21, 244:3, 252:4, 274:1, 284:15, 294:5, 297:19, 298:19, 299:10 can't 28:18, 30:14, 33:1, 34:10, 34:15, 35:2, 37:8, 37:10, 38:14, 38:16, 39:8, 41:13, 47:13, 63:9, 78:6, 82:22, 92:4, 99:12, 101:17, 101:21, 103:18, 105:8, 107:15, 110:5, 120:1, 123:10, 124:7, 132:22, 134:12, 134:17, 154:17, 157:12, 165:15, 166:4, 166:12, 173:20, 191:2, 197:2, 217:4, 231:20, 232:10, 241:14,</p>	<p>251:8, 284:11, 284:13, 298:15 cannot 35:3, 197:11 capture 18:5, 18:15 captured 30:10, 152:11, 287:17 capturing 18:18 care 114:13, 259:7 caroline 187:4, 187:14, 187:17 carrying 83:13 cars 28:6, 28:10, 28:12, 28:17, 29:3, 147:9, 147:13 case 14:15, 15:1, 15:18, 16:1, 21:17, 44:19, 63:6, 69:1, 76:12, 115:9, 137:21, 138:4, 138:6, 145:9, 149:4, 155:16, 156:15, 163:17, 164:2, 164:15, 165:6, 166:14, 179:3, 184:21, 186:7, 186:8, 191:17, 195:17, 210:19, 213:11, 217:5, 217:15, 218:17, 220:4, 240:14, 242:1, 244:20, 245:3, 247:1, 253:3, 256:7, 261:11, 262:10, 265:6, 265:18, 266:1, 266:2, 266:7,</p>
--	--	---	--

<p>267:20, 268:15, 270:12, 272:5, 274:2, 278:13, 279:20, 282:15, 283:16, 286:5, 286:10, 286:16, 289:12, 289:13, 291:11, 293:3, 293:4, 293:15, 294:1, 295:10, 295:12, 295:15, 305:10</p> <p>cases</p> <p>65:14, 166:15, 252:11, 290:12</p> <p>categorize</p> <p>199:8</p> <p>caused</p> <p>298:18</p> <p>cc</p> <p>188:4, 245:17</p> <p>cc'd</p> <p>130:1, 202:20</p> <p>celeste</p> <p>235:1, 236:7</p> <p>central</p> <p>24:10, 24:13, 24:15, 24:16</p> <p>certain</p> <p>116:22</p> <p>certificate</p> <p>305:1</p> <p>certify</p> <p>305:4</p> <p>chain</p> <p>129:1, 134:5, 179:12, 186:21, 214:14, 256:19</p> <p>chair</p> <p>220:6</p> <p>chairman</p> <p>6:21, 220:6, 220:7, 224:16, 225:8, 225:21</p> <p>chance</p> <p>69:2, 126:5, 126:9, 128:11, 128:14, 137:1,</p>	<p>144:19, 144:21, 153:3, 161:1, 179:6, 184:13, 191:10, 213:13, 218:19, 219:5, 233:19, 234:8, 245:5, 247:14, 262:11, 262:21, 267:1, 272:2, 272:21, 273:4, 275:1, 280:6, 282:21</p> <p>change</p> <p>20:1, 20:3, 146:16</p> <p>changed</p> <p>17:3, 17:11, 19:19, 19:21, 25:4, 25:8, 25:12, 25:14, 25:16, 25:17, 119:22, 171:9, 198:3</p> <p>changing</p> <p>292:7</p> <p>chart</p> <p>158:1, 158:3, 158:4</p> <p>check</p> <p>69:17, 69:18, 86:19, 299:12</p> <p>checked</p> <p>24:15, 301:6</p> <p>checking</p> <p>201:4</p> <p>cheryl</p> <p>33:14, 33:19, 34:2, 34:7, 37:17, 112:14, 136:8, 168:21, 183:9, 189:1, 200:12, 278:4, 281:16, 281:18, 285:5, 285:10, 286:11, 287:14, 287:22, 291:8</p> <p>chronological</p> <p>219:13</p>	<p>citizens</p> <p>37:6</p> <p>civil</p> <p>1:6, 4:5, 9:6, 116:22</p> <p>clarence</p> <p>1:12, 2:1, 5:2, 6:7, 7:16, 8:4, 9:3, 10:12, 10:21, 69:14, 180:12, 188:21, 236:13, 238:2, 301:6, 304:2</p> <p>clarification</p> <p>12:14, 20:22, 265:11</p> <p>clarify</p> <p>19:6, 33:10, 43:22, 126:19, 248:4, 280:21, 281:4, 296:16</p> <p>clarifying</p> <p>79:20</p> <p>classified</p> <p>123:3, 195:8</p> <p>classify</p> <p>199:8</p> <p>clear</p> <p>41:21, 129:14, 181:8, 219:18, 223:21, 234:20, 243:16, 246:20, 256:11, 264:3</p> <p>clinton</p> <p>5:9, 7:8, 15:20, 20:13, 23:10, 33:19, 34:2, 34:4, 40:1, 48:16, 53:10, 53:17, 55:13, 55:17, 56:1, 56:17, 57:9, 58:22, 59:11, 59:15, 60:4, 60:9, 60:16, 61:1, 61:11, 65:7, 66:2, 67:8,</p>	<p>68:14, 71:2, 71:19, 73:17, 73:21, 74:14, 78:12, 79:8, 82:18, 83:12, 84:18, 86:5, 87:1, 91:3, 93:13, 105:17, 107:1, 107:11, 108:16, 109:11, 116:1, 117:18, 127:18, 127:21, 149:17, 150:4, 152:4, 156:22, 157:8, 157:22, 158:14, 158:15, 158:18, 158:19, 167:7, 167:10, 167:15, 170:9, 175:8, 176:5, 178:5, 181:11, 181:17, 205:17, 232:5, 232:18, 233:1, 233:9, 239:4, 239:13, 241:1, 246:4, 248:11, 252:12, 257:10, 260:15, 260:20, 261:7, 271:21, 278:5, 282:2, 296:9, 298:22, 299:8, 301:15, 302:9</p> <p>clinton's</p> <p>32:18, 33:13, 34:22, 35:15, 36:7, 36:19, 37:14, 38:21, 40:4, 40:12, 41:9, 43:16, 46:5, 46:14, 47:22, 49:18, 52:11, 52:21, 58:9, 59:10, 63:19, 68:11, 74:10, 75:4, 76:19, 77:11, 78:9, 88:11,</p>
---	--	---	---

<p>89:2, 94:15, 97:10, 103:7, 105:2, 106:3, 109:20, 112:6, 115:16, 134:16, 134:22, 136:3, 136:6, 164:8, 166:17, 168:3, 173:8, 183:18, 187:20, 192:4, 193:11, 202:1, 205:18, 207:4, 207:15, 207:21, 208:7, 215:18, 216:3, 216:20, 217:12, 217:22, 221:12, 221:17, 222:3, 222:16, 223:1, 223:14, 224:4, 226:16, 227:5, 227:20, 229:11, 229:17, 230:2, 238:6, 238:11, 239:21, 242:8, 242:19, 243:20, 248:15, 249:2, 249:13, 249:16, 249:22, 252:17, 253:12, 257:16, 258:19, 260:7, 277:22, 289:7, 290:10, 290:13, 293:16, 294:2, 296:7, 301:3 clips 237:17 closed 289:22 closely 19:1, 54:5, 181:5 cloudy 38:8 co-hosted 124:12 cold 261:16</p>	<p>collect 78:12, 90:6, 278:13 collected 152:4 collection 169:20, 238:3, 238:8, 241:10, 242:1 columbia 1:2, 2:14, 9:6, 305:21 com 105:3, 105:7, 106:6, 205:19, 221:13, 222:4, 282:2 come 18:2, 19:3, 26:13, 35:9, 49:9, 51:8, 51:10, 64:9, 64:22, 98:11, 99:4, 99:7, 99:9, 99:15, 100:19, 126:17, 127:1, 127:12, 190:22, 217:4, 269:2, 269:17, 285:19, 285:21, 289:20 comes 18:4, 19:2, 19:12, 24:7, 65:14, 79:15, 80:5, 82:9, 90:11, 137:9, 172:2, 225:14 coming 18:8, 18:12, 29:18, 29:19, 30:2, 64:12, 77:20, 116:1, 120:5, 130:22, 143:5, 149:2, 149:5, 156:2, 161:15, 208:15, 256:20, 267:20,</p>	<p>273:11, 298:17 commission 305:15 committee 208:5, 208:6, 208:12, 209:2, 211:1, 219:21, 220:8, 221:8, 221:10, 221:19, 222:5, 222:18, 223:15, 224:16, 225:8 committee's 51:16, 211:14 communicate 65:22 communicating 90:9, 92:11, 93:1 communication 90:19 communications 13:22, 135:10 compiled 131:15 complete 13:2, 304:5 completed 94:18, 139:22, 141:4, 162:21, 163:19, 164:4, 172:6, 177:16, 289:18 completely 171:7, 173:9 concerned 37:17, 86:20, 87:7, 87:10 concerning 65:16, 71:13, 119:22, 135:14, 161:19, 175:13, 175:20, 199:22, 230:11, 241:16, 243:8, 243:11, 250:5 concluded 163:12</p>	<p>conclusion 217:4 condensed 296:3 conduct 35:12, 40:21, 44:6, 51:22, 53:8, 53:14, 89:13, 140:16, 147:1, 208:22, 225:1, 225:20, 226:11, 254:20, 263:10, 263:14, 269:14, 285:18, 289:17, 291:16 conducted 29:11, 40:15, 49:13, 110:8, 110:9, 140:19, 142:4, 142:6, 144:9, 147:4, 148:2, 162:16, 206:1, 206:4, 206:16, 212:4, 224:21, 225:6, 239:20, 240:11, 265:4, 266:6, 266:11, 268:13, 268:17, 272:5, 273:20, 275:11, 286:5, 288:3, 291:13, 295:8 conducting 15:12, 18:7, 23:19, 53:13, 89:16, 89:18, 103:5, 140:22, 210:6, 225:17, 269:9, 269:12, 271:16, 289:4, 292:1 confer 104:6, 104:11 confirm 140:9, 295:5, 297:20, 301:6 congratulations 193:17, 193:18</p>
--	--	--	--

<p>congratulatory 193:16</p> <p>congress 47:22, 48:5, 48:22, 51:5, 52:10, 210:1, 221:7</p> <p>congressional 32:22, 51:9, 52:9, 52:19, 209:12, 221:9</p> <p>connecticut 2:5, 9:13</p> <p>connection 207:3, 207:11, 207:22</p> <p>considered 89:13, 198:15, 199:13, 199:14, 200:19</p> <p>consult 284:17</p> <p>consultation 45:18</p> <p>contact 46:6, 46:13, 46:16, 46:17, 46:18, 47:1, 47:2, 47:8, 47:14, 62:8, 62:14, 62:16, 63:3, 64:9, 64:13, 64:22, 159:16, 159:22, 160:2</p> <p>contacted 46:9</p> <p>contain 147:14, 149:15, 149:16, 277:21, 278:3</p> <p>contained 149:21, 150:6, 196:9, 198:13, 243:20, 263:3, 267:18, 281:8</p> <p>containing 242:19</p>	<p>contains 197:17</p> <p>context 137:17, 153:5, 216:8, 228:2, 228:5, 228:17, 265:11, 274:10, 302:14</p> <p>continue 290:12</p> <p>continued 271:21</p> <p>continuing 179:22</p> <p>conversation 55:21, 56:9, 57:15, 59:21, 60:6, 60:19, 60:21, 62:1, 65:9, 65:11, 65:12, 65:16, 66:8, 66:14, 66:21, 67:3, 70:4, 70:15, 70:19, 71:1, 71:12, 76:16, 76:21, 77:6, 77:10, 109:17, 189:8, 201:2, 236:22, 241:15, 254:17, 255:8, 261:2</p> <p>conversations 43:13, 55:13, 56:11, 65:10, 71:15, 71:18, 109:6, 109:8, 218:6, 218:7, 293:8, 300:4, 300:12, 303:7</p> <p>coordinate 159:14, 182:11</p> <p>coordination 159:16</p> <p>coordinator 177:12</p> <p>copied 131:21, 133:13,</p>	<p>133:14, 133:22, 134:1, 187:5</p> <p>copies 26:5, 212:21, 249:13, 257:21, 258:14</p> <p>copy 74:1, 129:11, 131:20, 132:5, 132:11, 179:9, 185:2, 188:1, 213:19, 214:17, 216:19, 219:8, 222:11, 227:17, 228:11, 234:15, 241:8, 241:20, 245:19, 245:20, 246:12, 247:3, 248:1, 248:9, 248:17, 249:16, 250:7, 259:12, 260:6, 262:8, 262:16, 263:3, 266:18, 273:7, 294:22, 303:15</p> <p>copying 234:22</p> <p>corporate 293:19</p> <p>correct 15:15, 17:2, 19:10, 21:22, 24:4, 32:2, 37:19, 38:13, 40:14, 41:11, 42:4, 45:17, 55:1, 56:19, 61:18, 62:19, 62:20, 62:22, 63:1, 64:17, 66:19, 68:4, 72:4, 72:5, 72:8, 76:8, 77:15, 83:21, 84:19, 85:12, 88:1, 88:6, 89:5, 89:15, 90:20, 90:22,</p>	<p>91:2, 92:2, 94:19, 98:5, 98:18, 98:21, 98:22, 100:11, 108:2, 108:5, 115:20, 117:8, 119:6, 121:2, 139:3, 139:12, 145:15, 146:5, 146:19, 147:5, 155:18, 156:18, 159:10, 162:1, 180:2, 188:3, 188:5, 194:10, 194:11, 208:17, 212:18, 214:8, 214:11, 214:21, 215:10, 226:6, 231:3, 231:17, 251:1, 251:3, 257:17, 264:16, 264:17, 265:9, 267:11, 268:7, 270:12, 270:13, 277:9, 277:10, 279:14, 281:1, 282:9, 282:10, 292:6, 301:10, 304:5, 305:5</p> <p>corrections 304:6</p> <p>correspond 80:13, 81:6</p> <p>correspondence 16:16, 17:1, 17:18, 17:19, 18:1, 62:18, 78:20, 81:1, 87:2, 114:10, 118:7, 125:10, 151:20, 152:8, 152:12, 158:5, 161:16, 167:20, 197:15, 248:19, 268:1, 289:15, 291:22, 296:8</p> <p>cotca 3:3, 5:3, 9:17,</p>
---	---	---	---

<p>10:15, 72:13, 72:16, 73:3, 73:12, 89:9, 104:7, 104:12, 104:18, 104:21, 104:22, 112:18, 112:22, 125:15, 125:21, 126:2, 164:22, 169:9, 169:16, 191:7, 201:9, 201:13, 204:5, 204:9, 204:15, 233:22, 234:7, 246:16, 253:6, 261:18, 262:6, 281:1, 281:5, 281:6, 292:11, 292:18, 296:18, 296:20, 301:20, 302:5, 303:10</p> <p>could</p> <p>10:19, 11:16, 32:3, 37:2, 53:8, 64:2, 64:4, 65:17, 70:3, 70:4, 91:20, 91:22, 109:16, 126:4, 130:8, 130:9, 140:11, 140:14, 143:4, 143:7, 146:13, 146:15, 147:15, 147:16, 147:18, 148:17, 148:18, 149:8, 149:10, 154:18, 170:3, 195:7, 195:9, 217:4, 217:6, 217:7, 231:9, 244:15, 253:20, 285:20, 286:20, 286:21, 286:22, 296:16</p> <p>couldn't</p> <p>36:21, 64:1, 64:8, 64:18, 65:15, 74:21,</p>	<p>84:20, 85:13, 86:1, 99:18, 108:21, 109:13, 124:10, 129:18, 130:15, 132:3, 138:15, 140:9, 145:4, 148:2, 154:12, 166:12, 199:19, 217:8, 221:20, 221:22, 222:15, 225:1, 288:8, 288:18</p> <p>counsel</p> <p>5:6, 9:15, 10:14, 73:2, 112:20, 126:1, 128:7, 136:19, 144:14, 152:22, 160:18, 178:17, 184:10, 191:6, 213:6, 218:13, 233:16, 244:18, 246:19, 255:16, 262:3, 262:20, 266:22, 270:2, 272:17, 274:22, 280:4, 282:13, 305:9</p> <p>couple</p> <p>102:20, 102:21, 132:20</p> <p>course</p> <p>18:13, 26:9, 116:19, 156:13, 172:2, 193:21</p> <p>court</p> <p>1:1, 2:14, 9:6, 10:8, 11:10, 16:5, 303:15</p> <p>courtesy</p> <p>129:11</p> <p>cover</p> <p>15:18, 38:6, 174:16, 197:22, 198:1, 198:2, 198:5</p> <p>covered</p> <p>65:18, 95:7,</p>	<p>120:14, 120:18, 121:13, 121:15, 121:16, 171:12, 171:14, 176:12, 197:3, 197:12, 199:12, 199:17, 199:19, 208:21</p> <p>covering</p> <p>41:20, 171:11, 171:17, 198:9</p> <p>created</p> <p>53:21, 54:1, 121:19, 122:3, 197:7, 302:9, 302:13, 302:21</p> <p>creating</p> <p>143:13, 303:3</p> <p>crew</p> <p>126:17, 127:9, 127:10, 129:16, 134:8, 135:19, 136:15, 137:14, 143:4, 153:9, 161:8, 211:17, 212:11</p> <p>current</p> <p>21:7, 81:11, 82:8</p> <p>currently</p> <p>21:9, 21:10, 21:12, 31:18, 45:13</p> <p>custodians</p> <p>31:22, 43:15, 95:13</p> <p>cut</p> <p>271:19</p> <p>cutting</p> <p>17:14</p> <p>cv-63</p> <p>295:13</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>daily</p> <p>303:15</p> <p>dashes</p> <p>146:13, 146:16</p> <p>database</p> <p>31:14</p>	<p>date</p> <p>6:5, 7:18, 9:8, 22:14, 57:13, 70:16, 74:21, 77:2, 85:14, 115:13, 115:18, 115:19, 117:10, 117:14, 123:1, 139:1, 139:4, 141:20, 141:21, 141:22, 142:2, 142:8, 142:9, 142:14, 143:14, 143:20, 143:21, 157:11, 157:12, 157:14, 163:11, 187:11, 187:13, 220:14, 230:9, 246:10, 247:15, 247:17, 249:18, 253:19, 264:3, 264:18, 264:20, 271:3, 271:6, 271:10, 271:16, 275:17, 275:19, 276:5, 282:5, 295:6, 304:10</p> <p>dated</p> <p>117:7, 128:18, 146:11, 180:6, 187:2, 192:5, 214:6, 235:2</p> <p>dates</p> <p>110:5, 112:1, 249:5</p> <p>davis</p> <p>133:12, 185:5, 187:3</p> <p>day</p> <p>164:1, 165:18, 168:3, 291:6, 305:13</p> <p>day-to-day</p> <p>17:10, 172:18</p> <p>days</p> <p>88:5, 92:20, 102:20, 102:21</p> <p>dc</p> <p>1:13, 2:4, 2:7,</p>
---	---	--	--

<p>3:8, 3:17, 4:7, 4:14, 9:14 deadline 163:20 deal 46:19, 61:5, 63:22, 290:5 dealing 19:1, 67:2, 78:2, 130:21, 181:15, 193:13, 195:12, 210:12, 216:7, 289:21 deals 209:13 dealt 37:16, 47:8, 63:18, 209:15, 216:19, 244:1, 244:2, 248:15, 252:17, 253:11 debbie 10:8 debra 1:22, 2:12, 305:2 december 23:11, 106:22, 107:12, 128:19, 129:4, 129:11, 135:20, 136:15, 139:2, 139:6, 140:2, 146:11, 148:13, 153:9, 154:7, 207:6, 229:21, 231:15, 235:2, 238:12, 239:13, 240:6, 241:2, 242:8, 242:20, 243:21, 244:7, 245:11, 245:12, 249:7, 249:20, 250:1, 250:18, 251:3, 251:15, 252:10, 252:16, 253:10, 255:9, 256:13, 256:14, 257:1,</p>	<p>257:8, 260:1, 260:6, 260:7, 271:8, 271:20, 289:12, 290:8 deck 121:21, 122:1 declaration 8:6, 272:3, 272:13, 282:14, 283:8, 283:9, 284:21 declarations 283:5 defendant 1:8, 3:11, 4:2, 4:10, 9:22, 10:2, 10:4, 295:18 define 48:7 definitely 11:20, 12:7, 12:15, 21:1, 39:15, 63:15, 96:15, 101:5, 109:14, 159:21, 189:20, 194:14, 196:2, 198:8, 211:8, 222:15, 266:15 definitive 85:22 deliver 236:15 delivered 223:2, 242:12, 248:3, 251:12 departed 31:17, 31:21, 33:4, 44:7, 44:14, 45:6, 45:16, 164:9, 165:9, 302:10 departing 169:18, 174:7, 179:17, 180:13, 181:1, 186:8, 188:22, 197:16,</p>	<p>199:7, 204:17, 302:22, 303:4 department-wide 149:16, 150:4, 150:20 departure 20:15, 48:16, 49:18, 106:8, 168:22, 169:21, 170:8, 174:12, 175:9, 176:4, 178:5, 182:2, 182:19, 199:9, 200:8, 200:12, 201:20, 202:3, 202:7 depending 45:21, 151:1 depends 115:18, 130:7, 284:14 deponent 304:1 depos 2:4, 9:11, 9:12, 10:9 deposition 1:11, 2:1, 5:7, 6:2, 7:2, 8:2, 9:3, 9:11, 11:2, 12:21, 14:5, 16:5, 16:6, 69:4, 73:1, 102:1, 112:19, 125:22, 128:6, 136:18, 144:13, 152:21, 160:17, 178:16, 184:9, 191:5, 213:5, 218:12, 228:16, 233:15, 234:18, 244:17, 246:18, 255:15, 262:2, 262:19, 266:21, 270:1, 272:16, 274:21, 280:3, 282:12, 293:1, 293:12, 295:6,</p>	<p>297:7, 300:19, 303:13, 305:3 depth 13:18 deputy 62:17, 76:8, 78:19, 80:22, 87:2, 98:20, 110:16, 116:18, 125:9, 151:19, 167:19, 168:9, 197:13 describe 17:16, 158:2, 192:1 description 115:5, 120:18 designated 123:4 designee 293:19 details 166:4 determination 26:18, 27:5, 42:7, 42:8, 239:5, 286:19 determine 42:18, 239:14, 239:22, 241:1, 241:21 determined 203:13, 286:15 device 88:4, 89:12, 92:2, 92:18, 301:5 didn't 36:20, 43:11, 51:19, 52:21, 52:22, 54:19, 66:2, 82:5, 84:9, 85:14, 87:9, 91:17, 108:18, 159:14, 159:15, 159:19, 165:9, 166:11, 167:2, 198:2,</p>
---	---	--	--

<p>206:9, 224:11, 225:19, 227:10, 227:11, 255:8, 259:8 difference 20:16, 146:12 different 17:22, 20:9, 27:22, 59:11, 63:21, 67:14, 72:7, 99:22, 116:20, 127:12, 130:22, 198:18, 245:2, 274:12, 288:16 dineen 4:19, 9:10 direct 108:11, 235:8 directed 18:11, 30:2, 233:1 direction 305:8 directly 19:3, 34:14, 47:2, 97:6, 99:9, 99:10, 99:16, 186:1 director 41:10, 42:2, 62:17, 63:10, 63:12, 68:2, 68:3, 68:7, 76:7, 76:8, 78:19, 80:22, 87:2, 98:20, 101:6, 108:1, 108:11, 125:9, 151:19, 167:19, 168:9, 197:13 directorate 41:8 disclosing 103:22 discovery 15:19 discuss 62:12, 63:4,</p>	<p>65:13, 118:10, 173:12 discussed 121:5, 121:7, 121:10, 124:7, 173:7, 173:10, 173:20, 174:14, 174:19, 175:3, 175:7, 175:11, 175:14, 175:20, 176:3, 176:8, 176:22, 196:16, 196:20, 197:9, 200:18, 201:1, 255:1, 255:12, 297:6 discussing 45:8, 71:21, 96:5, 170:19, 250:14, 254:8, 254:16 discussion 42:12, 57:20, 57:21, 59:14, 60:2, 61:10, 65:3, 66:6, 110:10, 112:21, 196:22, 218:11, 233:21, 290:9 discussions 55:15, 55:22, 56:14, 64:12, 72:9, 80:11, 84:1, 86:14, 93:21, 94:8, 108:14, 108:20, 109:4, 120:10, 124:1, 174:3, 174:5, 207:19, 217:19, 224:8, 252:9, 255:6, 260:18, 269:12, 270:21, 271:15, 289:11, 300:4 disk 9:2 dismiss 289:13</p>	<p>district 1:1, 1:2, 2:13, 2:14, 9:6, 305:21 division 4:5, 41:8 doc 275:8 documentation 239:19, 240:4, 266:13 documenting 270:9 documents 8:8, 18:12, 25:22, 28:4, 29:18, 30:10, 51:16, 97:1, 102:4, 102:6, 102:7, 103:3, 104:4, 113:8, 115:8, 122:2, 137:12, 137:18, 154:1, 162:18, 163:16, 171:21, 172:3, 172:12, 178:9, 194:3, 194:20, 195:6, 195:7, 195:9, 197:6, 199:8, 199:19, 209:18, 211:14, 221:9, 238:17, 241:2, 244:12, 248:9, 248:17, 251:16, 251:18, 252:1, 265:13, 265:20, 267:12, 267:18, 273:15, 273:20, 274:7, 274:10, 275:12, 275:14, 275:16, 275:21, 276:8, 276:13, 277:1, 277:5, 277:7, 277:14, 277:21, 278:3, 278:8, 278:14, 279:2, 279:4,</p>	<p>279:5 does 17:16, 17:17, 22:8, 24:5, 37:1, 41:5, 69:15, 69:22, 76:18, 77:5, 83:20, 85:3, 87:16, 91:6, 91:15, 93:7, 93:9, 133:3, 138:3, 141:17, 145:6, 156:8, 161:12, 181:10, 226:13, 246:2, 246:6, 249:9, 249:12, 249:14, 256:17, 268:8, 278:17, 290:18, 295:10, 295:11, 297:5, 297:8, 299:8, 299:14, 299:18, 299:20, 300:10, 301:13 doesn't 19:2, 73:14, 134:2, 134:3, 137:7, 146:13, 167:11, 172:18, 227:9, 229:7, 240:14 doing 12:22, 15:5, 15:9, 19:17, 26:12, 49:9, 72:11, 93:1, 101:3, 119:3, 165:16, 170:22, 238:10, 239:17, 242:5, 260:12, 279:8 done 11:8, 25:6, 25:15, 25:16, 80:17, 81:4, 113:4, 120:6, 144:10, 148:10, 154:5, 154:6,</p>
---	---	--	---

<p>161:2, 164:14, 165:5, 186:12, 201:9, 203:7, 203:16, 209:4, 209:8, 210:20, 211:4, 211:8, 212:16, 240:2, 240:12, 240:13, 258:2, 283:15, 292:20, 302:7 door 197:6, 200:2, 200:4 dos 6:13, 267:7 dos_ 6:10, 6:11, 6:15, 6:16, 6:18 dot 123:2, 298:9 double-check 196:1 doubt 92:6 down 23:6, 49:9, 53:3, 106:17, 171:1, 203:22, 225:14, 231:12, 253:18, 285:19, 285:21, 296:17 drafting 290:19 ds 54:5, 137:10, 142:5, 172:6, 177:15, 186:15, 237:20 due 6:5, 7:18, 157:4, 157:6, 264:22 duly 10:13 during 12:21, 32:10, 32:22, 33:5, 33:9, 34:22,</p>	<p>35:14, 36:16, 37:18, 41:9, 46:4, 56:2, 58:6, 58:11, 63:19, 64:22, 79:13, 80:13, 89:2, 89:11, 92:10, 92:11, 92:22, 94:7, 94:14, 97:9, 103:7, 109:11, 111:4, 111:21, 112:5, 119:10, 119:22, 121:7, 134:16, 134:21, 136:3, 136:6, 149:18, 150:4, 166:8, 166:15, 167:4, 168:13, 170:18, 173:14, 174:21, 175:3, 175:7, 190:14, 196:16, 197:1, 198:2, 198:6, 199:17, 202:13, 208:7, 210:14, 211:9, 215:18, 215:21, 225:10, 254:10, 261:7, 292:9, 296:7, 298:16 duties 17:9, 20:17, 78:18, 226:5 duty 44:19, 114:11</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mailed 177:22 each 11:21, 121:2, 122:21, 156:9, 174:16, 182:20 earlier 56:16, 158:22, 164:12, 165:4, 182:9, 186:17,</p>	<p>236:3, 259:16, 260:16, 302:8 early 16:1, 56:3, 60:11, 60:15, 107:22, 205:13, 206:20, 207:5 edgar 162:6, 162:13 efforts 15:22 egs 295:13 either 56:2, 59:10, 77:16, 77:17, 98:5, 135:6, 136:10, 174:8, 211:4, 224:2, 286:18 elaborate 170:1 electronic 118:12, 119:14, 192:17, 198:21 elizabeth 4:3, 4:11, 10:3, 10:5 else 60:3, 61:21, 65:2, 65:8, 70:22, 71:18, 71:22, 93:20, 102:18, 103:14, 103:16, 109:3, 110:15, 167:3, 222:22, 224:3, 255:4, 255:12, 266:9, 303:8 employed 33:21, 305:10 employee 99:3 employees 21:3, 21:5, 62:3 end 40:2, 40:10,</p>	<p>42:10, 50:15, 51:1, 89:22, 91:6, 141:20, 179:21, 180:22, 221:13, 296:14, 296:18 ended 87:17, 93:10, 93:12, 143:19, 143:20 ending 5:19, 7:5, 7:9 ends 303:13 engage 134:20 engaged 289:11 enough 15:11, 99:20, 130:17, 181:20, 219:2 ensure 35:16, 36:10, 37:21, 196:11 entering 295:3 entire 46:8, 48:13, 95:4, 155:10, 155:14, 155:20, 155:21, 181:18, 189:19, 189:20, 218:22, 280:22 entry 221:2 eric 132:10, 132:13, 132:14, 132:15, 132:16, 132:17, 132:19, 132:20, 133:3, 234:22, 236:2, 236:4, 245:16, 246:11, 251:7, 251:11, 254:18 errata 304:7</p>
---	---	--	--

<p>es 65:4, 236:14, 236:15, 245:19, 285:3</p> <p>es-cr 6:6, 7:15, 8:3, 139:17, 139:22, 264:14</p> <p>es-irm 41:4, 41:5, 41:10, 58:3, 58:4, 58:13, 58:18, 59:10, 59:22, 61:10, 61:15, 62:2, 62:7, 62:12, 63:3, 63:18, 65:4, 69:19, 71:17, 72:3, 72:4, 72:7, 77:7, 77:10, 83:17, 86:19, 296:8, 299:2, 299:4, 301:6, 303:1</p> <p>especially 190:21</p> <p>esquire 3:3, 3:4, 3:12, 3:13, 4:3, 4:11</p> <p>essence 190:15</p> <p>established 125:3</p> <p>et 7:10</p> <p>ethan 187:4</p> <p>ethics 37:7</p> <p>evade 15:20</p> <p>even 31:14, 34:11, 67:2, 81:15, 87:19, 101:1, 108:21, 135:16, 197:6, 206:9,</p>	<p>237:2, 240:14, 246:20, 271:20, 290:1</p> <p>eventually 26:3, 26:5, 252:3</p> <p>ever 11:2, 82:21, 83:12, 106:10, 106:21, 198:12, 206:22, 229:9, 229:15, 242:7</p> <p>everest 27:18, 27:19, 96:12</p> <p>every 171:19</p> <p>everybody 81:19, 81:20</p> <p>everything 11:13, 11:22, 163:22</p> <p>evidently 298:15</p> <p>exact 22:14, 23:1, 25:10, 25:11, 25:13, 33:1, 64:21, 67:3, 74:19, 110:5, 112:1, 115:19, 156:14, 165:15, 199:16, 246:10, 249:18</p> <p>exactly 38:15, 38:16, 39:2, 43:3, 57:2, 85:19, 107:3, 124:7, 134:14, 134:19, 138:15, 154:18, 165:10, 165:12, 166:3, 175:20, 191:2, 197:2, 197:9, 197:11, 200:15, 212:6, 242:2, 253:4</p> <p>examination 5:2, 10:14</p>	<p>examined 304:3</p> <p>example 27:1, 36:18, 53:19, 114:19, 150:16, 155:21, 155:22, 185:12, 193:14, 195:2, 196:14, 199:20, 209:11, 288:12</p> <p>except 30:18, 103:10</p> <p>excuse 27:18, 122:21, 239:9, 271:14, 274:5</p> <p>exec 58:2</p> <p>executive 5:14, 16:21, 17:20, 19:5, 19:8, 19:15, 19:17, 20:6, 23:22, 41:6, 42:14, 43:7, 45:10, 45:20, 47:13, 47:16, 47:17, 50:8, 58:13, 64:6, 67:21, 96:6, 96:14, 101:7, 101:8, 101:9, 101:11, 108:2, 110:8, 113:13, 119:12, 120:5, 120:9, 159:17, 159:22, 160:2, 170:11, 182:12, 190:5, 190:7, 226:10, 248:18, 254:4, 254:7, 254:9, 254:12</p> <p>exemptions 8:7</p> <p>exhibits 73:11, 161:4</p> <p>expect 202:21</p>	<p>expires 305:15</p> <p>explain 31:7, 52:15, 63:7, 81:8, 172:15, 193:7, 253:3</p> <p>explaining 172:11</p> <p>extent 103:11, 103:21, 127:19, 293:7</p> <p>eye 195:10</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 181:12, 181:14</p> <p>fact 53:9, 101:18</p> <p>fair 12:1, 12:2, 12:18, 12:19, 15:11, 50:20, 52:2, 52:8, 63:2, 99:20, 115:4, 125:8, 127:15, 128:20, 130:4, 130:17, 179:18, 181:20, 191:22, 192:6, 212:8, 214:4, 214:20, 216:1, 216:18, 222:1, 245:10, 250:18, 256:11</p> <p>fairly 166:5</p> <p>faith 16:2</p> <p>fall 117:1</p> <p>falls 17:20</p> <p>familiar 13:16, 59:7, 59:8, 61:17, 68:16, 68:18,</p>
---	--	---	---

<p>68:20, 69:6, 75:18, 127:8, 267:13, 290:21 far 18:17, 25:4, 26:11, 30:16, 38:8, 39:7, 43:4, 43:10, 47:1, 78:22, 79:17, 92:12, 99:14, 111:6, 123:12, 124:17, 135:12, 165:10, 165:16, 166:8, 173:19, 176:19, 177:2, 186:2, 198:6, 223:17, 223:18, 225:16, 238:16, 250:6, 253:21, 270:8, 289:2, 289:21, 296:16, 297:14, 298:1, 302:13 fashion 285:20 fast-forward 291:4 february 49:17, 50:14, 51:1, 106:15, 141:8, 142:6, 142:7, 143:22, 145:15, 148:14, 157:15, 162:14, 163:5, 163:13, 164:5, 164:15, 165:6, 166:18, 168:2, 168:6, 168:17, 168:18, 181:4, 271:21 federal 3:15, 88:1, 88:2, 88:6, 88:8, 88:13, 89:5, 89:16, 90:6, 90:7, 198:15, 230:7 few 11:5, 27:9,</p>	<p>248:4, 261:19, 302:6, 302:17 few-minute 261:15 figure 96:9, 166:13, 250:15 figured 281:2 file 30:11, 31:21, 32:5, 81:13, 81:18, 81:21, 164:8, 178:2, 287:18, 288:7, 303:3 filed 13:20, 67:14, 256:8, 293:3, 293:15 files 30:8, 30:9, 40:5, 42:9, 44:1, 44:5, 162:18, 168:16, 222:16, 269:1, 270:22, 285:9, 285:14, 285:18, 286:4, 286:10, 286:16, 287:7, 302:8, 302:21 filled 138:14, 141:7 finalizing 161:13 financial 305:11 find 116:4 fine 104:12, 128:13, 155:1, 201:16 finney 1:12, 2:2, 5:2, 5:7, 6:2, 6:4, 6:7, 7:2, 7:16, 8:2, 8:4, 9:4, 10:12, 10:16,</p>	<p>10:21, 16:12, 73:1, 73:4, 105:1, 112:19, 113:1, 125:22, 126:3, 128:6, 136:18, 136:20, 144:13, 144:15, 152:21, 153:1, 160:17, 160:19, 169:17, 178:16, 178:18, 180:17, 184:9, 184:11, 191:5, 191:8, 201:14, 204:16, 213:5, 213:7, 218:12, 218:14, 233:15, 233:17, 234:8, 244:17, 244:19, 246:18, 255:15, 255:18, 262:2, 262:7, 262:19, 266:21, 270:1, 270:3, 272:16, 272:18, 274:21, 280:3, 281:7, 282:12, 282:14, 292:19, 301:6, 302:6, 304:2 first 11:4, 16:12, 34:4, 44:9, 60:9, 74:5, 74:8, 74:17, 76:7, 82:19, 83:7, 105:1, 106:18, 115:12, 117:17, 118:3, 120:21, 129:1, 129:2, 141:10, 165:18, 177:4, 186:21, 202:17, 214:13, 228:5, 230:5, 232:4, 235:8, 235:10, 236:11, 280:11, 281:15, 294:5, 295:15</p>	<p>firstly 35:21 fischer 7:3, 7:6, 234:21, 235:9, 235:11, 235:13, 235:14, 235:20, 236:12, 236:13, 237:1, 241:7, 241:19, 245:17, 246:12, 251:6, 257:5 five 64:19, 201:11, 201:14 floor 5:13 focus 95:9, 109:19, 192:16, 209:17, 299:21 focused 40:7 foias 78:1, 135:15 folks 114:18 follow 160:4 followed 164:14, 165:5 follows 10:13, 118:9, 165:2, 253:7 followup 75:12, 177:19, 302:17 foregoing 304:4, 305:3, 305:4 form 27:15, 30:19, 35:18, 38:3, 42:21, 43:2, 50:19, 79:12, 79:14, 85:11, 88:17, 89:6, 90:4, 91:10,</p>
---	--	--	---

<p>92:3, 93:14, 98:8, 99:5, 100:6, 100:8, 109:5, 116:2, 122:13, 135:21, 137:5, 141:2, 147:22, 150:9, 151:21, 154:15, 164:16, 166:1, 166:20, 168:10, 177:15, 202:9, 216:22, 229:12, 237:21, 238:15, 241:12, 252:22, 263:5, 263:8, 263:9, 263:16, 289:14 format 137:9, 153:15, 153:17, 154:8, 161:12, 212:6, 263:13, 270:7, 275:5 formed 208:5 former 214:7, 216:6, 221:11, 222:3, 230:7, 231:2, 232:13, 233:2, 256:20, 257:22, 258:14, 259:5, 259:10 forms 54:21 forth 39:6, 65:15, 95:6, 114:20, 135:12, 156:2, 166:9, 238:19, 253:19 forward 80:20, 130:2, 136:8, 208:2, 229:21, 250:16, 260:3 forwarded 135:19, 136:2,</p>	<p>179:22, 277:1 forwarding 136:11 found 97:1, 98:1, 162:18, 288:3, 288:19 foundation 35:19, 38:4, 42:22, 150:10, 151:22, 164:17, 165:22, 168:11, 202:8, 217:1, 222:19, 238:14, 278:20 four 21:12, 21:13, 22:1, 273:15, 273:20 frame 20:19, 35:14, 38:2, 40:1, 40:3, 42:10, 52:6, 54:14, 55:18, 57:14, 59:21, 60:14, 62:6, 77:4, 89:2, 94:14, 95:10, 106:18, 107:9, 109:19, 111:21, 148:13, 170:4, 178:4, 181:3, 205:12, 231:13, 240:6, 249:10, 250:17, 261:7, 272:8, 288:22, 299:9, 301:14 frames 20:10 frifield 6:19, 220:15 front 39:7, 39:8, 39:18, 73:4, 74:14, 76:14, 82:16, 101:9, 140:18, 148:3,</p>	<p>156:17, 235:4, 262:7, 295:9 fulfill 78:18 full 10:20 further 92:16, 134:5, 303:13 furtherance 285:3 fyi 134:6</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gave 199:20, 216:11, 223:4, 250:13 gawker 205:16, 207:22 gears 169:6 gelber 187:4 gene 133:20, 185:5, 228:21 general 36:2, 125:6, 148:8, 171:13, 174:18, 197:5, 208:14, 208:19, 226:5, 257:20, 283:4 generally 17:16 generate 154:14, 154:15, 154:17, 285:13, 285:18 generated 130:21, 150:15, 154:4, 154:5, 154:9, 211:18, 211:20, 211:21, 211:22, 212:3, 212:9, 286:3 get 25:1, 25:22,</p>	<p>26:4, 30:22, 35:10, 36:17, 37:9, 46:20, 51:7, 51:9, 51:19, 74:7, 92:19, 93:8, 95:22, 96:1, 96:15, 114:17, 114:18, 124:9, 127:11, 170:3, 186:10, 203:19, 209:11, 225:11, 225:13, 237:15, 242:22, 250:8, 261:16, 289:16, 290:2, 291:3 gets 114:20, 125:2, 125:5 getting 26:4, 26:5, 78:1, 80:4, 92:12, 101:20, 170:13, 233:5, 237:21, 289:22 give 15:6, 64:1, 99:12, 110:5, 164:18, 193:14, 196:14, 201:11, 219:2, 228:1, 259:14, 282:21 given 50:6, 79:22, 97:2, 97:5, 222:21, 223:12, 223:13, 224:2, 304:6, 305:5 gives 297:18, 300:13 giving 16:7, 124:8, 250:14, 259:12 gmail 88:12, 88:15 go 11:6, 12:11, 16:7, 24:6,</p>
---	--	---	---

<p>26:11, 27:3, 28:13, 29:1, 29:14, 30:20, 35:21, 38:15, 39:2, 48:16, 49:3, 49:21, 72:16, 85:15, 86:19, 92:10, 92:16, 99:10, 100:16, 113:11, 114:14, 115:2, 117:4, 117:9, 121:12, 125:15, 127:7, 129:22, 146:20, 157:10, 162:4, 162:8, 163:21, 166:2, 166:7, 169:9, 170:13, 171:8, 171:12, 177:6, 183:21, 185:17, 200:14, 203:11, 203:22, 204:3, 204:6, 224:18, 225:16, 233:12, 233:22, 237:15, 259:1, 259:3, 261:18, 266:10, 281:12, 296:17, 301:20, 302:14</p> <p>goal 18:14, 81:16, 81:18, 152:13, 182:13, 244:12</p> <p>goes 18:13, 120:4, 152:14</p> <p>going 11:8, 12:11, 16:7, 25:19, 30:22, 36:14, 42:7, 42:15, 54:14, 55:17, 56:2, 72:13, 72:18, 78:8, 80:4, 81:15, 92:21, 94:11, 104:13, 122:17,</p>	<p>125:16, 145:10, 154:12, 160:21, 161:17, 164:1, 167:9, 169:6, 169:11, 171:15, 198:20, 199:11, 201:6, 201:10, 204:1, 204:10, 215:21, 219:14, 219:22, 230:6, 230:12, 230:15, 230:17, 231:1, 231:5, 232:14, 232:17, 234:2, 241:16, 249:19, 250:16, 257:20, 259:11, 260:21, 261:13, 261:21, 265:13, 266:13, 267:22, 273:12, 287:10, 287:12, 291:4, 292:13, 294:20, 297:10, 297:20, 301:22, 303:14</p> <p>good 10:16, 10:17, 95:19, 201:8, 254:20</p> <p>got 101:19, 193:6, 195:12, 204:3, 231:22, 244:12, 252:3, 288:16</p> <p>gov 34:5, 52:22, 56:17, 57:6, 57:8, 59:1, 59:16, 60:10, 65:7, 66:2, 66:10, 66:18, 67:4, 67:5, 68:11, 69:16, 69:22, 71:3, 71:20, 74:10, 75:5, 75:11, 77:11, 77:21, 78:3, 79:16,</p>	<p>79:18, 79:22, 80:5, 81:17, 82:4, 82:5, 82:11, 83:20, 84:7, 84:9, 84:10, 84:12, 85:3, 86:18, 87:9, 87:16, 87:19, 88:5, 89:3, 89:22, 90:8, 90:10, 90:15, 91:4, 91:7, 91:13, 91:16, 91:18, 92:14, 92:20, 93:3, 93:7, 93:9, 93:13, 123:2, 123:17, 167:11, 281:19, 285:4, 287:14, 296:9, 297:10, 297:21, 298:2, 298:4, 298:9, 298:12, 298:20, 299:1, 299:14, 299:19, 301:8</p> <p>government 59:12, 60:5, 88:12, 89:13, 89:17, 90:16, 91:8, 118:11, 174:9</p> <p>gowdy 6:20, 220:4, 220:5, 220:6</p> <p>gowdy's 224:16, 225:8</p> <p>grab 194:2</p> <p>grafeld 7:4, 180:7, 192:11, 202:20, 234:22, 235:19, 235:21, 236:12, 245:18</p> <p>great 249:5</p> <p>grosso 4:11, 10:5</p>	<p>guardian 5:9, 73:7, 73:16</p> <p>guess 35:20, 39:16, 39:17, 44:9, 50:2, 50:11, 55:18, 85:21, 101:2, 116:3, 150:11, 237:8</p> <p>guessing 50:1</p> <p>guidance 243:1, 243:6, 243:10, 243:12, 243:18, 250:4, 250:8, 250:11, 250:18, 250:19, 250:20, 250:21, 251:6, 252:3, 258:22</p> <p>guide 97:16, 97:21</p> <p>guides 15:7</p> <p>guys 299:13</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hackett 7:10, 7:19, 8:6, 75:18, 75:19, 75:20, 75:21, 76:12, 94:9, 207:20, 217:15, 217:20, 224:9, 234:22, 236:1, 245:18, 255:17, 255:21, 256:1, 272:3, 273:12, 282:15, 283:5</p> <p>hand 242:13, 248:2, 248:6, 305:12</p> <p>handed 126:3, 178:20</p> <p>handle 221:21</p>
---	--	--	---

<p>handled 289:22</p> <p>handling 290:9</p> <p>handouts 122:2, 190:13</p> <p>handwriting 249:4</p> <p>handwritten 85:9</p> <p>hang 243:15</p> <p>happened 24:22, 258:3</p> <p>happening 34:21</p> <p>happens 94:22</p> <p>hard 26:5, 171:15, 257:21, 258:14</p> <p>hard-copy 25:22, 28:3, 30:9, 194:19</p> <p>has 17:3, 17:11, 31:16, 31:20, 45:16, 53:10, 73:16, 93:6, 96:14, 126:17, 127:1, 134:7, 145:7, 145:8, 177:11, 191:15, 193:19, 193:22, 195:16, 195:20, 200:2, 200:4, 216:2, 216:14, 219:14, 258:2, 281:18, 289:20, 297:13</p> <p>having 10:13, 22:13, 59:21, 67:5, 97:20, 97:21, 163:21, 166:2, 218:7, 226:14, 255:5</p> <p>hdr 105:8</p>	<p>hdr@clintonemail 105:3, 105:7, 106:6, 205:19, 221:13, 222:4, 282:2</p> <p>he's 96:17, 215:6</p> <p>head 63:3</p> <p>headed 62:21</p> <p>heading 109:10</p> <p>heads 188:12</p> <p>heads-up 222:22, 223:13, 224:2</p> <p>hear 145:4, 251:17</p> <p>heard 134:12, 290:22, 291:2</p> <p>hearing 134:18</p> <p>held 2:2, 28:4, 110:4, 112:21, 182:4, 218:11, 233:21</p> <p>help 23:7, 77:5, 103:3, 227:3, 227:7, 227:19, 246:2, 246:6, 246:20, 249:9, 294:9, 294:13, 297:5, 297:8, 299:8</p> <p>helping 283:8</p> <p>her 20:15, 23:10, 37:18, 38:12, 38:13, 46:15, 55:19, 60:11, 60:16, 61:1, 67:4, 68:5,</p>	<p>71:2, 79:13, 80:4, 80:13, 86:9, 91:5, 91:19, 92:1, 97:9, 106:8, 106:18, 106:21, 106:22, 107:1, 107:11, 109:12, 114:11, 123:16, 123:17, 136:12, 149:18, 150:4, 168:22, 170:9, 175:9, 176:5, 178:5, 178:7, 189:13, 190:4, 193:4, 200:8, 200:12, 201:19, 202:7, 203:8, 216:7, 230:2, 230:8, 231:2, 260:20, 261:8, 281:18, 282:2, 287:17, 288:1, 288:7, 288:19, 297:7, 300:19, 301:4, 302:9</p> <p>here 9:2, 10:18, 11:11, 14:5, 45:12, 58:11, 67:20, 73:11, 77:18, 78:2, 102:9, 114:4, 114:19, 116:11, 117:9, 117:20, 119:10, 121:12, 121:16, 121:20, 121:21, 127:22, 130:1, 131:13, 142:15, 143:2, 144:10, 145:17, 154:13, 155:17, 156:4, 165:14, 167:6, 167:9, 167:16, 169:7, 185:12, 192:4, 200:9, 217:3, 219:12, 220:2,</p>	<p>222:11, 222:12, 237:2, 238:16, 240:21, 242:3, 246:11, 247:17, 249:18, 257:19, 259:1, 268:21, 269:17, 271:7, 276:9, 280:22, 297:21, 303:8</p> <p>hereby 304:3, 305:3</p> <p>hereunto 305:12</p> <p>herself 203:8</p> <p>highest 189:21</p> <p>highlights 294:22, 295:2</p> <p>hill 51:4, 210:1, 219:15, 219:19, 223:2, 223:18, 224:5</p> <p>hillary 5:9, 7:8, 127:18, 158:14, 158:18</p> <p>him 62:4, 63:15, 66:3, 66:9, 66:12, 67:6, 67:7, 75:22, 76:10, 76:13, 135:16, 269:20, 270:22, 271:16, 284:14, 284:17, 296:17</p> <p>his 13:2, 62:4, 76:9, 76:17, 76:21, 132:22, 135:9, 135:10, 140:12, 251:21, 281:9, 283:5</p> <p>historic 53:5</p> <p>hit 253:4</p>
---	--	--	---

<p>hits 124:9</p> <p>hold 124:14</p> <p>holding 68:14, 69:15, 73:21, 84:18, 91:5</p> <p>honorable 6:20, 220:6</p> <p>host 288:16</p> <p>hosted 111:1</p> <p>hosting 113:14</p> <p>hour 72:14, 111:14, 111:19, 141:1, 162:22, 201:7, 269:10</p> <p>hours 111:7, 277:13</p> <p>house 61:6, 299:5</p> <p>houser-jackson 235:1, 236:8</p> <p>hr 107:4</p> <p>hrc 223:10, 223:17</p> <p>huma 33:14, 33:18, 34:2, 34:8, 112:11, 202:6, 202:13, 285:6, 285:10, 286:11, 291:8</p> <p>hundred 30:15, 41:12, 72:1, 133:10, 143:4, 177:5, 217:5, 217:8, 225:2, 288:19</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>i'll 12:10, 69:17,</p>	<p>69:18, 74:4, 86:2, 104:18, 115:7, 118:2, 137:11, 144:15, 153:5, 184:15, 188:17, 191:14, 192:15, 193:14, 196:14, 202:11, 213:8, 221:5, 256:5, 265:12, 274:9, 274:18, 280:12, 282:19, 293:13, 294:21, 295:5, 295:21, 299:12</p> <p>i've 66:8, 75:6, 127:22, 290:22, 291:2</p> <p>idea 16:7</p> <p>identifiable 127:20</p> <p>identification 73:2, 112:20, 126:1, 128:7, 136:19, 144:14, 152:22, 160:18, 178:17, 179:14, 184:10, 191:6, 213:6, 218:13, 233:16, 244:18, 246:19, 255:16, 262:3, 262:20, 266:22, 270:2, 272:17, 274:22, 280:4, 282:13</p> <p>identified 127:15, 129:17, 193:3, 203:7</p> <p>identify 10:19, 137:3, 192:20, 202:22</p> <p>ignore 295:2</p> <p>ii 133:9</p> <p>important 78:17, 90:18,</p>	<p>124:21, 125:8, 125:12, 199:9, 290:8</p> <p>inc 1:4, 3:5</p> <p>include 27:13, 28:12, 29:3, 29:17, 29:18, 30:6, 30:11, 31:5, 115:21, 118:12, 119:14, 120:10, 124:1</p> <p>included 27:21, 30:17, 31:4, 116:12, 119:16, 120:17, 120:20, 122:5, 129:16, 131:20, 173:6, 174:5, 196:10, 221:10, 238:3, 239:6, 239:15, 241:2, 241:10, 241:22, 276:2</p> <p>includes 22:4</p> <p>including 207:20, 221:11</p> <p>incoming 81:5</p> <p>incorporated 295:16</p> <p>incorrect 63:13, 63:14</p> <p>index 27:21, 28:4, 30:10, 291:1</p> <p>indexes 290:19</p> <p>individual 31:15, 31:16, 31:20, 32:5, 33:7, 44:13, 44:14, 44:19, 44:20, 45:7, 45:13, 45:20, 61:9, 65:3,</p>	<p>71:16, 72:2, 81:17, 93:1, 147:4, 162:5, 193:15, 195:19, 204:22, 220:2, 287:21, 288:12, 298:11</p> <p>individual's 33:6, 288:2</p> <p>individuals 15:4, 21:12, 21:13, 22:1, 31:18, 32:1, 32:18, 33:4, 34:1, 35:15, 38:20, 42:18, 43:15, 44:7, 63:17, 63:21, 64:9, 88:4, 91:12, 95:1, 114:9, 116:9, 165:8, 187:6, 192:21, 193:3, 197:5, 285:5</p> <p>info 30:1</p> <p>information 5:17, 7:12, 13:20, 15:6, 18:6, 18:8, 35:6, 41:6, 41:7, 82:5, 90:11, 92:7, 96:10, 103:22, 104:1, 114:17, 114:18, 117:19, 118:8, 118:21, 123:15, 142:6, 149:1, 149:9, 149:10, 152:10, 152:14, 191:1, 195:12, 196:9, 197:18, 198:13, 198:14, 212:14, 239:15, 239:22, 288:14</p> <p>informed 66:1</p>
--	--	--	---

<p>informs 236:12 initial 114:4, 132:22, 156:2, 274:18, 281:9 initially 24:6, 25:18, 242:21 inquire 59:9, 298:13 inquired 60:8, 60:9, 298:11 inquiries 78:14, 80:11, 93:17 inquiring 91:3 inquiry 59:17, 65:6, 68:9, 71:2, 71:19, 74:9, 76:18, 83:16, 89:21, 91:6, 93:12, 94:7 instruct 103:10 instruction 103:19, 103:20 instructions 259:14, 259:20 instructs 13:4 intentionally 15:20 interest 305:11 interested 95:18 internal 266:12, 277:20 internally 267:16, 270:8 interrupt 11:17 into 18:12, 24:7,</p>	<p>26:7, 40:20, 54:17, 55:6, 94:11, 95:21, 117:1, 117:18, 124:9, 130:22, 152:14, 205:21, 225:16, 259:18 inventory 237:5, 242:5, 242:7, 242:11, 242:16, 244:14 inventorying 236:15, 237:11, 237:13 investigation 54:17, 55:6 involve 103:11, 176:19 involved 14:6, 14:13, 14:15, 14:21, 15:12, 35:8, 66:6, 79:17, 79:22, 80:3, 101:7, 101:10, 109:16, 118:16, 136:12, 151:8, 205:1, 210:6, 290:2, 291:3 involvement 14:11, 48:4, 48:8, 48:18, 168:20, 204:20, 283:7, 283:11, 290:18, 303:2 involves 96:4 ips 76:8, 127:1, 131:10, 133:4, 133:9, 155:3, 162:8, 162:14, 236:14, 268:3, 277:15, 278:7, 278:15, 278:18, 279:3, 279:14, 279:20, 292:4, 292:8</p>	<p>ips-staff-assist- ants 129:3 irm 72:2, 72:6, 72:10, 77:7, 299:4 isn't 52:2, 52:8, 164:13, 165:4, 226:4 iss 127:1 issue 21:17, 90:18, 91:18, 93:21, 94:9, 104:6, 156:8, 200:17, 223:21, 261:6, 270:12 issued 79:18, 91:12, 92:13, 93:4, 93:8 issues 62:12, 63:5 it's 31:13, 31:14, 33:4, 38:7, 39:1, 41:6, 56:10, 58:14, 65:18, 71:6, 71:8, 73:13, 91:17, 93:3, 102:20, 107:17, 115:18, 120:13, 126:17, 127:16, 128:18, 129:3, 133:9, 135:11, 138:12, 145:21, 146:4, 148:19, 151:3, 154:6, 156:10, 156:17, 179:15, 181:15, 185:4, 185:5, 186:7, 186:12, 187:3, 195:11, 198:7, 198:19,</p>	<p>200:3, 200:22, 204:1, 205:2, 209:12, 213:9, 237:2, 237:3, 237:14, 240:14, 241:13, 245:10, 264:2, 265:6, 268:4, 268:8, 278:12, 280:12, 281:1, 282:15, 284:6, 284:17, 296:3 items 54:2, 99:13, 165:14, 177:2, 195:3, 203:20 its 161:6, 221:6, 305:11 itself 151:4, 205:18</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>jacob 183:17, 278:4, 282:1, 285:5, 285:10, 286:11, 291:9 jake 281:16 james 214:17, 214:22, 215:1, 224:3 january 40:2, 82:22, 142:7, 143:19, 154:7, 157:7, 163:6, 163:19, 179:16, 180:6, 180:22, 185:21, 187:2, 187:15, 190:8, 192:5, 192:11, 207:6 jaramillo 6:8, 162:6, 162:14 jennifer 187:3</p>
---	--	---	---

<p>jeremy 4:19, 9:10</p> <p>jim 222:22</p> <p>job 1:20, 12:22, 78:11</p> <p>john 8:6, 41:10, 61:17, 66:15, 75:18, 75:19, 75:21, 94:9, 187:5, 234:22, 245:18, 273:12</p> <p>johnson 5:20, 134:6, 134:11, 134:21, 135:14, 135:18, 136:2, 169:3, 187:22</p> <p>joins 5:9</p> <p>jonathan 21:20, 22:5, 23:13, 24:17, 42:13, 45:9, 45:19, 65:11, 65:16, 65:22, 66:16, 96:3, 98:6, 104:3, 132:4, 132:7, 133:12, 140:5, 140:8, 140:12, 145:14, 162:21, 204:19, 211:4, 211:9, 214:17, 215:8, 215:9, 240:10, 267:20, 268:18, 269:11, 277:7</p> <p>jr 1:12, 2:2, 5:2, 6:7, 7:16, 8:4, 9:4, 10:12, 10:21, 304:2</p> <p>judge 15:18</p> <p>judicial 1:4, 3:5, 9:4,</p>	<p>13:21, 14:7, 14:22, 16:3, 67:14, 137:12, 153:7, 161:5, 179:2, 184:20, 191:16, 213:10, 245:1, 256:6, 265:16, 265:22, 274:11, 274:17, 293:3, 293:15, 295:16</p> <p>julia 220:15, 220:17</p> <p>july 16:14, 122:22, 264:20, 289:1</p> <p>june 1:14, 9:8, 73:6, 74:14, 76:22, 82:16, 117:7, 118:18, 295:8, 305:13</p> <p>justice 3:14, 4:4, 9:22, 10:2</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>karen 67:16, 293:2, 293:12</p> <p>kate 263:18, 264:4, 273:12</p> <p>keep 11:16, 18:3, 122:10, 151:17, 261:13</p> <p>keller 229:5, 229:6</p> <p>kept 122:12, 123:11</p> <p>key 288:18</p> <p>kind 15:6, 25:19, 25:21, 38:7, 48:20, 54:21, 124:8, 134:3,</p>	<p>170:13, 171:8, 171:15, 177:6, 195:22, 212:13, 227:12, 266:9</p> <p>knew 55:12, 60:22, 101:18, 159:15, 166:21, 227:4, 227:20, 261:4</p> <p>knowing 64:7, 100:14, 112:1, 135:12, 140:11, 143:6, 151:7, 173:9, 177:5, 224:19, 224:22, 242:2, 266:11</p> <p>knowledge 30:12, 124:17, 136:1, 136:5, 182:14, 184:1, 208:1, 210:15, 218:2, 218:4, 224:10, 232:14, 232:17, 257:11, 294:1</p> <p>knowledgeable 124:18</p> <p>known 122:17, 149:22</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>lamberth 15:18</p> <p>lang 67:16, 67:17, 108:1, 108:10, 108:15, 108:19, 109:4, 109:9, 109:15, 293:2, 293:12, 293:14, 297:7</p> <p>lang's 68:16, 69:3, 300:17</p> <p>large 64:7</p> <p>larkins 129:4</p>	<p>last 18:22, 67:1, 122:20, 122:21, 168:3, 186:22, 190:3, 214:13, 247:8, 259:8</p> <p>late 16:1, 207:5</p> <p>later 130:10</p> <p>latter 45:1</p> <p>lauren 3:4, 9:19</p> <p>law 92:19</p> <p>laws 118:10</p> <p>lawsuit 13:17, 13:20, 67:14</p> <p>learning 131:8</p> <p>least 23:4, 110:7, 110:13, 111:22, 219:3, 282:22</p> <p>leave 94:4, 159:1, 177:10, 186:14</p> <p>leaves 18:19, 32:5, 152:9, 177:9</p> <p>leaving 54:2, 193:11</p> <p>led 55:2, 55:3, 124:11</p> <p>left 40:1, 44:20, 45:3, 53:10, 74:15, 105:17, 105:19, 106:11, 106:12, 107:5, 157:11, 157:13, 157:14, 165:18, 166:19, 181:4, 203:1, 203:5,</p>
--	--	--	--

<p>302:10 legal 215:3 legislative 219:15, 220:3, 220:18 length 111:6 let 11:5, 11:7, 12:13, 13:1, 13:11, 13:14, 20:22, 23:6, 44:4, 50:20, 86:19, 87:4, 89:20, 101:22, 103:1, 113:4, 119:11, 126:4, 128:11, 144:18, 148:8, 153:2, 156:7, 160:22, 163:1, 179:5, 184:12, 185:9, 191:9, 199:5, 207:1, 213:13, 218:19, 233:18, 238:22, 245:5, 255:18, 262:10, 266:18, 267:1, 272:21, 278:11, 278:22, 286:8, 299:21, 300:16 let's 29:14, 33:10, 37:13, 53:19, 72:16, 80:8, 127:7, 149:4, 171:1, 172:9, 184:8, 193:15, 194:19, 195:3, 213:22, 248:4, 281:12, 287:21, 288:4, 300:16, 301:20 letter 5:16, 6:19, 7:11, 7:19, 8:9, 156:1, 193:15,</p>	<p>193:16, 220:12, 220:14, 220:16, 222:7, 222:9, 222:10, 226:8, 230:17, 231:1, 231:19, 232:1, 232:8, 232:22, 233:3, 233:12, 260:14, 261:5, 265:7, 273:11, 273:14, 280:13, 280:16, 280:19 letters 290:3 letting 113:13 level 189:21 leverage 183:3 libya 270:18 light 92:8 like 27:21, 46:20, 53:6, 53:20, 61:4, 93:6, 104:5, 121:3, 139:18, 140:5, 141:7, 145:6, 146:14, 150:16, 155:12, 157:5, 157:6, 179:15, 179:20, 187:22, 189:16, 219:13, 220:11, 230:19, 232:21, 240:14, 243:9, 249:4, 249:7, 261:15, 264:14, 264:20, 266:16, 268:8, 268:21, 270:7, 275:10, 277:6, 278:13, 280:10, 291:19, 294:11 likely 45:21, 100:22,</p>	<p>130:6, 138:12, 143:18, 151:4, 152:17, 154:10, 156:5, 156:11, 212:17, 251:8, 264:13, 284:19 limited 56:11 line 128:19, 139:7, 145:22, 179:17, 188:12, 192:3, 216:4, 216:5, 218:22, 235:1, 245:13, 282:18, 296:6, 300:3, 300:20 listed 269:17 litigation 272:4, 272:12, 283:6 litigations 290:10, 290:16 little 12:4, 33:11, 80:9, 103:2, 146:21, 169:6, 172:9, 185:17, 201:6, 213:22, 281:12, 299:21 lm 215:3 located 206:19, 207:2, 207:11, 273:15, 281:8, 287:6 long 111:5, 272:6 longer 165:19, 288:1, 288:6 look 35:21, 36:1, 38:15, 92:15, 101:5, 113:1, 117:5, 119:20, 126:4, 128:8,</p>	<p>128:12, 128:14, 128:22, 130:7, 138:16, 139:7, 144:18, 145:6, 148:15, 153:1, 153:3, 157:11, 160:21, 163:1, 166:3, 167:8, 179:5, 184:11, 191:8, 195:18, 196:7, 196:22, 213:7, 218:16, 219:3, 219:5, 231:11, 232:22, 233:17, 240:14, 244:19, 246:21, 254:6, 255:17, 255:19, 258:3, 260:9, 267:13, 268:8, 270:3, 272:22, 273:4, 275:1, 282:22, 294:21, 296:5, 300:16 looked 93:6, 104:2, 211:17, 212:7, 227:9, 227:10 looking 45:4, 52:20, 53:4, 66:22, 92:5, 96:3, 96:11, 99:7, 131:12, 140:10, 140:12, 141:3, 145:1, 145:7, 150:11, 154:19, 167:6, 167:14, 173:11, 173:15, 194:22, 195:3, 195:4, 195:11, 195:15, 200:21, 215:19, 222:11, 223:16, 228:4, 238:18, 243:10, 246:11, 253:3, 253:15, 253:17, 253:20, 254:1,</p>
---	--	--	---

<p>254:19, 257:2, 257:5, 258:5, 259:12, 293:11, 294:18 looks 93:6, 121:3, 139:18, 140:1, 140:5, 140:13, 140:19, 141:1, 141:7, 145:16, 145:17, 146:14, 155:12, 157:5, 157:6, 163:17, 179:15, 179:20, 180:18, 181:3, 181:12, 186:7, 187:22, 188:4, 189:7, 200:22, 219:13, 220:11, 222:13, 230:19, 248:1, 249:4, 249:7, 249:19, 256:19, 257:19, 264:20, 266:16, 268:21, 273:11, 273:22, 274:1, 274:4, 274:5, 275:10, 277:6 lot 47:11, 51:8, 65:13, 65:18, 127:12, 192:19, 198:21, 201:7</p>	<p>24:13, 24:15, 24:16, 26:6 main 62:8 mainly 244:14 maintained 196:12 make 18:20, 27:5, 36:10, 38:6, 39:12, 42:6, 42:8, 43:8, 43:12, 44:17, 48:9, 62:6, 78:14, 79:1, 79:9, 79:20, 80:8, 80:10, 85:6, 87:4, 90:5, 94:18, 95:19, 98:9, 111:17, 113:16, 114:15, 114:18, 114:19, 124:16, 125:1, 125:4, 128:16, 129:14, 135:3, 152:10, 156:13, 172:21, 175:18, 181:7, 186:10, 189:22, 195:4, 203:1, 214:3, 219:18, 223:20, 230:6, 243:15, 245:9, 253:4, 256:10, 257:14, 268:4, 278:17, 278:22, 279:4, 284:5, 284:17, 286:15, 298:3, 299:13 makes 119:13, 231:18, 231:21 making 18:2, 18:5, 18:11, 18:14, 18:17, 92:17, 110:10, 171:21,</p>	<p>172:4, 182:13, 186:3, 237:14, 237:17, 239:5 manage 19:7 management 21:21, 22:2, 23:14, 23:16, 41:7, 98:18, 113:14, 125:7 managing 19:4, 20:5, 21:4 manifest 237:20 manual 97:13, 97:18 many 21:4, 21:15, 47:11, 62:3, 63:17, 63:20, 63:21, 64:8, 64:21, 75:6, 142:13, 200:7, 200:15, 242:13, 275:14 map 15:17 margaret 180:7, 192:11, 202:20, 234:21, 235:18, 235:20, 245:17 mark 112:18, 125:21, 246:17 marked 73:1, 73:5, 112:19, 113:2, 125:22, 128:6, 128:8, 136:18, 136:21, 143:10, 144:13, 152:21, 153:2, 153:11, 160:17, 160:22, 161:8, 178:16, 178:20, 184:9, 184:12, 184:16,</p>	<p>191:5, 191:9, 191:15, 213:5, 213:8, 218:12, 218:16, 233:15, 233:18, 234:9, 244:17, 244:20, 246:18, 255:15, 262:2, 262:8, 262:16, 262:19, 266:21, 267:6, 270:1, 272:16, 272:19, 274:21, 275:2, 275:22, 280:3, 282:12, 282:16 marking 144:16 massachusetts 4:6 material 7:8, 149:12, 172:8, 177:9, 177:11, 186:15, 193:22, 199:15, 204:3, 238:3, 238:7, 239:5, 241:2, 241:10, 241:22, 245:20, 246:14, 250:7, 254:20, 254:21 materials 190:19 matter 9:4, 13:12, 13:13, 161:4, 214:7, 265:14, 294:17 matters 228:15 may 12:20, 23:6, 45:21, 61:14, 63:4, 63:5, 63:6, 103:22, 107:10, 109:8, 142:13, 154:22, 230:8, 238:3, 239:15, 246:20,</p>
<p style="text-align: center;">M</p>			
<p>made 26:18, 26:19, 52:10, 54:2, 55:5, 60:16, 61:1, 61:11, 68:10, 83:16, 93:16, 94:8, 184:20, 196:4, 206:22, 208:5, 208:11, 238:20, 244:7, 251:6, 251:14, 286:19 mailbox 24:7, 24:10,</p>			

<p>264:5, 283:10, 288:3, 288:10, 293:9 maybe 33:10, 119:21 mean 18:4, 53:16, 57:12, 58:15, 62:8, 65:13, 76:18, 79:4, 83:4, 104:8, 126:14, 141:17, 142:19, 155:19, 194:22, 196:8, 199:6, 232:12, 236:21, 237:12, 244:16, 247:17 meaning 54:4, 155:22, 199:18 means 19:9, 20:4, 53:11, 91:19, 93:8, 172:19, 237:17, 264:13 meantime 13:14 media 301:4 meeting 170:12, 170:15, 170:17, 170:18, 173:18, 176:4, 182:4, 182:7, 182:8, 182:19, 182:22, 183:7, 183:10, 183:13, 183:18, 183:21, 183:22, 185:10, 186:16, 189:14, 190:16 meetings 103:12, 111:15, 112:12, 112:15, 175:8 member 45:3, 45:6, 45:11, 45:16,</p>	<p>58:2, 58:12, 89:11, 152:9, 177:9, 194:2, 203:20 members 182:10 memo 113:11, 120:4, 121:3, 121:14, 145:17, 145:22, 149:4, 149:7, 150:17, 156:1, 161:15, 161:20, 162:3, 163:4, 171:18, 245:19, 246:13, 266:13, 266:19, 267:19, 267:21, 267:22, 269:4, 274:5, 275:19, 275:22, 276:3, 276:15, 276:20, 277:6, 279:22, 285:20, 286:3 memorandum 5:11, 6:3, 6:6, 7:7, 7:15, 8:3, 115:12, 119:12, 120:8, 145:14, 245:13 memory 25:19, 60:19, 66:13, 70:19, 134:3, 137:8, 173:11, 173:16, 227:12, 229:8, 231:10, 237:3, 297:14, 298:18 memos 30:1, 114:14, 122:18, 122:21, 173:11, 173:15 mention 48:9 mentioned 29:6, 43:6, 70:18, 77:19, 182:8</p>	<p>messages 118:12 middle 104:7, 104:8, 104:9, 132:22, 180:4 might 53:21, 53:22, 116:21, 119:22, 226:8, 256:19 mills 5:20, 33:14, 33:19, 34:2, 34:7, 37:17, 37:21, 112:15, 134:6, 135:19, 136:3, 136:8, 136:14, 168:21, 183:9, 189:1, 189:4, 189:13, 190:4, 192:16, 193:3, 200:8, 200:12, 200:19, 201:19, 203:4, 203:8, 278:4, 281:16, 281:18, 285:5, 285:10, 286:11, 287:7, 287:14, 287:22, 288:6, 291:8 mind 11:16, 21:8, 89:9, 137:10, 211:20, 238:18, 294:18 mini 296:3 minute 72:17, 111:10, 111:13, 169:10, 234:1, 292:12, 301:21 minutes 111:7, 111:14, 111:19, 201:11, 201:15, 261:19 miss 195:17</p>	<p>mistaken 148:17 misunderstood 227:13 mixed 196:8, 196:22, 197:17, 199:8, 200:3 mobile 301:5 moment 29:15 monica 7:17, 8:5, 268:2, 276:3, 276:17, 277:1, 277:15, 279:16 monitor 9:9 more 28:18, 40:6, 48:2, 48:19, 52:7, 59:18, 64:4, 66:5, 69:9, 75:2, 100:22, 110:10, 111:13, 138:12, 143:18, 151:3, 152:2, 152:17, 154:10, 156:5, 156:8, 156:11, 164:18, 170:1, 170:3, 184:15, 191:14, 201:6, 201:7, 210:9, 212:17, 217:7, 229:13, 232:20, 246:16, 246:20, 250:4, 251:8, 264:13, 284:19, 285:15, 302:6 morning 10:16, 10:17, 236:13 most 11:20, 39:15, 180:13, 194:14, 196:2</p>
--	---	--	---

<p>move 13:12, 55:11, 184:8, 201:10, 229:21, 250:16, 261:10, 289:19</p> <p>moved 260:3</p> <p>moving 39:22, 80:20, 201:5, 208:2</p> <p>mrs 205:18, 296:7, 296:9, 301:3</p> <p>much 32:11, 140:22, 181:16, 242:11, 269:8, 277:11</p> <p>multiple 75:15, 82:21, 83:3</p> <p>myself 24:18, 42:13, 45:9, 96:2, 124:12, 172:5, 177:12, 178:12, 205:2, 205:9, 211:8, 215:20, 240:18, 287:1</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 10:20, 57:22, 86:9, 123:3, 131:22, 133:15, 134:2, 134:12, 134:18, 135:9, 135:10, 138:10, 138:13, 140:10, 143:1, 145:8, 145:9, 162:5, 229:7, 263:15, 263:20, 279:18</p> <p>names 33:22</p> <p>narrow 22:18, 23:6, 57:14, 61:14, 103:1, 105:13,</p>	<p>106:17, 231:12, 238:22</p> <p>nathaniel 1:12, 2:1, 5:2, 9:4, 10:12, 10:21, 304:2</p> <p>nature 60:20, 190:22, 193:19, 212:10, 212:12, 240:1, 286:2</p> <p>neal 129:3</p> <p>necessarily 52:14, 52:18, 64:12, 151:7, 206:12</p> <p>need 12:14, 13:10, 13:13, 20:21, 45:8, 63:5, 96:9, 96:15, 104:11, 177:15, 285:22, 293:7</p> <p>needed 79:7, 114:14, 174:6, 250:6</p> <p>needs 20:22, 177:14, 186:12, 186:14, 191:1</p> <p>neither 305:9</p> <p>never 33:5, 33:8, 45:11, 88:20, 106:2, 127:5, 258:2, 290:4, 294:11</p> <p>new 80:17, 81:4, 201:5, 201:10, 243:7, 251:13, 259:18</p> <p>news 135:12</p> <p>next 24:22, 31:1,</p>	<p>155:3, 281:22, 289:19</p> <p>nodding 12:3</p> <p>none 30:16, 31:3</p> <p>nonrecord 172:7, 177:3, 177:8, 177:11, 186:15, 193:22, 199:14, 204:3</p> <p>nonstate 87:19, 89:3, 90:15</p> <p>nor 305:9</p> <p>normal 27:7, 160:5, 190:18, 203:11, 225:22, 277:17, 277:19, 284:3</p> <p>normally 31:5, 47:8, 49:2, 49:4, 117:21, 138:4, 139:17, 153:17, 154:9, 190:21, 194:19, 200:14, 266:8, 266:9, 269:15, 270:8, 283:10, 283:19, 283:22, 285:19, 290:5</p> <p>northwest 9:13</p> <p>nos 6:12, 6:14</p> <p>notarial 305:13</p> <p>notary 2:14, 305:1, 305:20</p> <p>noted 285:12, 285:16</p> <p>notes 30:1</p> <p>notice 2:12</p>	<p>notices 115:3</p> <p>notification 150:6, 150:19, 151:18, 152:3</p> <p>notifications 149:16, 150:3</p> <p>notified 223:5, 223:8</p> <p>november 275:19, 276:4, 276:5, 276:7, 276:15, 277:2, 277:5, 277:16, 278:9, 289:1</p> <p>now 15:9, 19:19, 39:22, 48:18, 48:20, 53:3, 53:9, 53:11, 55:11, 57:7, 77:21, 78:22, 82:7, 90:14, 92:5, 96:14, 96:22, 100:15, 102:19, 116:6, 124:10, 154:11, 158:22, 188:22, 191:14, 194:21, 198:21, 203:13, 213:4, 218:21, 228:3, 229:21, 231:6, 231:9, 252:2, 267:6, 269:11, 295:21</p> <p>number 9:3, 9:7, 12:11, 64:1, 127:17, 137:21, 138:4, 138:6, 146:4, 146:9, 146:18, 147:3, 155:3, 155:7, 156:5, 156:6, 156:9, 156:10, 156:17, 200:18, 245:3, 265:6, 268:6, 293:4,</p>
--	---	--	---

<p>295:10, 295:12 numbers 155:11, 155:17 nw 2:5, 3:16, 4:6, 4:13</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>object 12:20, 13:1 objection 13:2, 22:9, 27:15, 30:19, 35:18, 36:13, 38:3, 42:21, 50:19, 65:5, 79:12, 79:14, 85:11, 88:14, 88:17, 89:6, 90:4, 91:10, 92:3, 93:14, 98:8, 99:5, 100:6, 100:8, 103:8, 109:5, 116:2, 122:13, 135:21, 147:22, 150:9, 151:21, 164:16, 165:22, 166:20, 168:10, 202:8, 216:22, 222:19, 229:12, 238:14, 241:12, 252:22, 278:20, 289:14, 293:5 objections 152:6 obviously 19:1, 84:21, 101:6, 109:14, 228:4, 237:14, 298:16 occasion 75:14, 75:16, 136:7 occurred 256:13 occurrence 75:2</p>	<p>occurrences 75:2 ocr 116:21 off 72:16, 72:18, 77:20, 104:13, 112:21, 125:15, 125:16, 149:11, 169:9, 169:11, 176:1, 179:20, 204:7, 204:10, 218:11, 233:21, 233:22, 234:2, 246:13, 254:18, 261:18, 261:21, 271:20, 292:13, 301:20, 301:22, 303:14, 303:17 offhand 39:21, 126:13, 126:15, 127:11, 280:10 office's 25:4, 283:7 officer 69:12, 70:2, 70:8, 111:2, 111:3, 118:20, 120:7, 125:14, 170:17, 172:6, 175:17, 177:13, 178:12, 182:10, 182:17, 189:18, 194:4, 194:7, 195:17, 195:21, 195:22, 205:3, 235:15, 305:2 offices 2:2, 9:12, 113:16, 116:20, 116:22, 117:1 official 49:10, 51:20, 88:10, 89:1, 160:12, 196:4, 196:9, 197:19, 203:16, 226:7</p>	<p>official's 199:7 officials 124:3, 159:1, 160:7, 164:8, 165:18, 166:19, 167:3, 169:19, 174:6, 176:1, 177:22, 179:17, 179:21, 180:13, 181:1, 181:18, 188:22, 192:2, 197:16, 204:17, 214:10, 245:11, 256:13, 302:22, 303:4 oh 56:15, 58:19, 111:9, 166:11, 184:7, 185:13, 191:7, 194:14, 196:2, 204:9, 206:14, 220:10, 223:16, 228:19, 236:20, 243:17, 266:20, 278:21, 294:18, 300:8, 301:16, 303:9 old 73:13, 145:2 ombudsman 116:21 once 11:7, 23:16, 24:21, 32:5, 40:19, 66:1, 68:13, 87:15, 94:17, 94:22, 96:1, 110:7, 110:13, 111:21, 111:22, 113:4, 126:5, 128:11, 144:19, 152:9, 153:2, 160:22, 179:6, 184:12, 184:15, 191:9, 191:14, 213:13, 218:19, 233:18,</p>	<p>242:18, 243:21, 245:5, 249:21, 250:2, 262:10, 267:1, 272:21, 284:3, 289:16, 289:18, 302:9 one 12:10, 13:13, 15:11, 15:19, 18:1, 21:18, 22:7, 37:8, 37:10, 40:6, 48:1, 52:7, 57:1, 59:18, 64:2, 73:7, 75:1, 75:14, 75:16, 77:13, 90:7, 102:8, 114:8, 115:13, 129:2, 132:21, 133:5, 133:6, 140:19, 141:1, 143:6, 144:8, 146:15, 147:16, 147:17, 152:2, 152:7, 154:11, 156:4, 156:6, 156:9, 156:10, 156:14, 162:22, 167:5, 174:16, 175:16, 177:17, 177:19, 179:13, 182:16, 183:2, 185:12, 186:22, 198:8, 209:11, 210:10, 211:16, 214:14, 217:4, 217:17, 229:13, 236:5, 240:12, 240:13, 243:15, 246:16, 249:19, 251:11, 257:18, 263:7, 265:10, 268:9, 269:10, 276:9, 285:15, 298:18, 299:4 ones 31:4, 203:1</p>
---	---	---	---

<p>only 25:3, 27:3, 27:9, 29:10, 48:9, 49:3, 51:7, 51:8, 59:7, 64:5, 66:21, 75:1, 75:14, 75:16, 77:9, 98:17, 98:18, 100:16, 101:1, 117:9, 121:12, 129:22, 144:9, 146:12, 147:15, 156:6, 167:8, 171:8, 177:6, 185:4, 192:18, 204:22, 217:2, 224:18, 225:12, 242:2, 259:1, 259:4, 291:18, 297:13, 299:3 operated 151:8 opposed 91:7 order 225:13 ordered 15:19, 16:5 other 11:22, 12:10, 15:3, 18:16, 29:10, 31:3, 59:16, 60:4, 61:21, 70:22, 71:11, 71:15, 71:18, 82:12, 93:17, 99:1, 99:2, 105:9, 122:1, 122:2, 136:2, 187:5, 221:11, 257:9, 266:12, 303:6 others 56:1 otherwise 12:16, 305:11</p>	<p>our 18:13, 23:20, 23:21, 24:7, 26:22, 27:2, 27:20, 29:20, 29:21, 30:3, 31:17, 33:5, 33:8, 39:4, 40:20, 48:18, 61:5, 92:8, 96:10, 99:7, 99:16, 109:16, 113:12, 117:1, 152:13, 194:5, 202:22, 203:19, 210:12, 225:1, 226:10, 245:19, 250:3, 269:16, 277:17, 277:19, 279:6, 279:9, 289:18 out 28:15, 33:18, 73:6, 74:17, 83:7, 95:6, 95:10, 96:9, 113:11, 114:14, 114:18, 115:4, 116:4, 119:12, 120:5, 120:9, 122:18, 125:2, 125:5, 138:14, 141:7, 151:1, 151:13, 151:15, 151:16, 156:1, 159:6, 163:5, 166:13, 171:18, 184:3, 184:6, 185:8, 185:12, 195:14, 197:6, 200:2, 200:3, 230:12, 230:15, 230:18, 231:1, 231:5, 231:19, 232:9, 250:15, 260:15, 266:16, 288:15, 289:22, 298:6, 299:10</p>	<p>outcome 305:11 outlook 40:20, 40:21 outside 83:11, 228:17 over 11:21, 12:11, 54:9, 54:10, 67:1, 89:20, 96:3, 146:20, 155:4, 170:13, 199:11, 213:2, 226:4, 237:21, 277:15, 278:15, 279:2, 279:7, 279:10, 279:12 overall 223:17 oversight 146:14 own 33:20, 228:14, 228:16</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>package 155:10, 155:15, 155:20, 155:22 packet 156:3 page 5:2, 5:7, 6:2, 7:2, 8:2, 85:7, 117:5, 140:3, 141:11, 180:4, 220:20, 257:6, 267:4, 281:15, 281:22, 295:9, 295:15, 295:21, 296:2, 296:5, 296:15, 296:18, 296:20, 299:22, 300:22 pages 1:21, 142:20, 221:8, 267:6, 280:17, 281:1</p>	<p>paper 199:1, 237:17, 281:2 papers 192:4, 193:8, 193:14, 197:4 paperwork 212:2 paragraph 118:3, 120:21, 122:20, 283:3, 284:21 parameters 260:19 paraphrase 128:3 parentheses 295:13 part 34:9, 35:2, 38:7, 38:9, 39:8, 39:11, 47:3, 55:20, 56:8, 56:11, 58:10, 60:6, 65:9, 80:6, 97:3, 97:6, 99:8, 99:11, 99:17, 109:3, 116:11, 120:17, 124:22, 133:9, 162:11, 172:22, 176:11, 184:19, 221:6, 226:4, 226:11, 228:11, 236:11, 259:8, 270:20, 271:2, 276:9, 280:17, 284:3, 297:13, 303:3 partake 110:21 particular 18:19, 18:20, 31:15, 102:10, 102:11, 143:3, 149:3, 154:2, 155:15, 156:15,</p>
---	--	--	---

<p>157:5, 164:1, 166:14, 209:16, 210:14, 225:5, 240:13, 274:7, 286:1 parties 295:14, 305:10 past 82:3, 144:11, 145:7, 154:20, 209:4, 209:9 pause 22:20 pdf 296:21 peggy 192:16 pending 89:10, 290:15 people 64:3, 92:17, 110:10, 111:17 percent 30:15, 41:12, 72:1, 133:10, 143:4, 177:6, 217:5, 217:8, 225:2, 288:19 perfect 201:12, 281:3 performing 162:22, 277:12 period 21:6, 22:10, 22:15, 23:2, 24:12, 25:7, 25:11, 25:14, 29:12, 32:10, 32:21, 33:1, 33:2, 33:5, 33:9, 34:9, 34:12, 36:16, 38:7, 41:19, 44:10, 56:3, 57:2, 57:3, 70:17, 74:19, 74:21, 80:19, 83:1, 84:21,</p>	<p>85:1, 85:17, 85:18, 89:12, 92:10, 92:11, 92:21, 92:22, 108:6, 141:15, 141:17, 166:8, 166:15, 167:4, 173:14, 208:18, 208:20, 209:6, 210:14, 211:9, 215:18, 215:21, 223:4, 223:7, 230:10, 232:7, 242:10, 300:10 periodically 110:7, 111:21 person 31:9, 46:1, 69:20, 72:2, 144:6, 182:20, 185:6, 209:16, 219:15, 288:4 person's 57:22, 143:1 personal 88:4, 89:12, 90:15, 91:19, 91:21, 92:1, 92:18, 124:5, 172:7, 176:2, 176:13, 177:2, 177:8, 177:10, 178:1, 178:6, 186:15, 192:19, 193:4, 193:8, 193:14, 193:19, 196:9, 197:18, 198:7, 198:13, 199:14, 199:22, 200:1, 200:7, 200:20, 202:22, 203:7, 203:14, 203:22, 204:2, 238:2, 238:7, 239:5, 239:14, 239:22, 241:1, 241:10, 241:22 personally 178:6, 279:17</p>	<p>pertaining 272:4 pertains 167:6 pezzi 3:12, 10:1, 303:16 philippe 278:5, 281:17 photo 85:16, 86:3, 299:10, 301:4 photograph 68:13, 69:7, 69:13, 74:5, 76:13, 82:17, 82:20, 83:7, 83:12, 84:17, 85:8, 91:5 physical 176:20, 177:14 physically 165:19 pick 236:14 picked 54:7 picture 68:19, 68:20, 70:17, 70:18, 73:14, 73:16, 73:21, 73:22, 74:1, 74:8, 74:17, 74:20, 75:3, 75:7, 75:13, 77:19, 78:2, 85:1, 85:15, 85:19, 102:12, 102:14, 102:15, 195:4, 195:5, 298:19, 299:7, 299:15 piece 18:22, 41:20 pieces 238:20, 283:10 place 9:12, 23:9,</p>	<p>26:7, 34:16, 34:20, 35:5, 36:16, 42:12, 44:21, 49:2, 76:22, 82:8, 91:21, 92:1, 92:9, 92:16, 100:16, 100:17, 100:19, 100:21, 100:22, 109:15, 177:1, 177:14, 194:2, 244:10, 249:20, 255:8, 300:4, 300:13 placed 18:12 plaintiff 1:5, 3:2, 9:18, 9:20, 10:14, 21:16, 265:21, 273:12, 280:13, 289:12, 289:21, 290:6, 295:17 plaintiff's 266:6, 268:14, 273:21, 289:5, 291:11 planet 2:4, 9:11, 9:12, 10:9 planning 189:13 please 9:15, 10:10, 10:20, 12:13, 20:22, 48:2, 59:19, 89:8, 122:22, 164:21, 229:14 poems 58:2, 58:12, 58:16 point 12:12, 13:11, 40:5, 42:2, 45:15, 46:5, 46:13, 47:7, 59:9, 59:15,</p>
--	---	---	---

<p>61:12, 62:8, 62:13, 86:20, 87:18, 93:10, 105:6, 118:2, 164:9, 180:3, 192:9, 192:18, 193:7, 198:10, 198:18, 202:19, 208:4, 214:12, 220:20, 224:1, 233:8, 233:14, 236:10, 240:9, 245:15, 260:5, 260:9, 260:19, 278:18, 282:19, 283:2, 289:3, 294:21, 295:21, 296:6 points 14:2, 270:18 policies 92:8, 119:21, 119:22, 198:3, 199:22, 298:6 policy 81:13, 81:14, 92:15, 173:13, 175:12, 175:22, 176:6, 177:4, 177:21, 197:3, 198:2, 198:6, 198:12, 198:14, 199:17 portion 114:21, 188:17, 190:12, 192:15, 221:21, 283:12, 284:5, 284:7, 289:19, 296:13, 296:14, 297:4, 297:7, 297:16 portions 105:9, 282:19, 284:4, 294:9, 299:6 position 17:3, 17:5, 23:3, 31:19,</p>	<p>41:14, 41:20, 44:20, 45:13, 45:22, 63:11, 76:10 possession 26:22, 171:22, 230:8 possibility 288:10 possible 89:1, 107:10, 107:17 possibly 93:3, 147:15 post 20:15 posted 114:20 potentially 98:1, 100:4, 101:13, 103:6, 206:19, 269:3, 271:1, 278:14 powell 81:16 practice 96:11, 189:16, 190:18, 225:22 preceded 138:2 preparation 69:3, 101:22, 121:18 prepare 190:19, 283:5, 283:8 prepared 104:3, 237:15 preparing 118:16, 260:14, 283:9 prescreen 202:22 present 4:18, 17:4, 17:13, 65:2, 291:6 presented 227:17</p>	<p>presently 22:2 preservation 118:11 preserve 124:2 preserving 110:1, 120:11, 121:6 pretty 215:11, 260:2 previous 67:2, 161:4, 298:1 prime 185:12 prince 3:13, 9:21, 22:9, 27:15, 30:19, 35:18, 36:13, 38:3, 42:21, 43:2, 50:19, 65:5, 72:15, 73:11, 79:12, 79:14, 85:11, 88:14, 88:17, 89:6, 90:4, 91:10, 92:3, 93:14, 98:8, 99:5, 100:6, 100:8, 103:8, 103:20, 104:5, 109:5, 116:2, 122:13, 135:21, 147:22, 150:9, 151:21, 152:6, 164:16, 165:22, 166:20, 168:10, 201:4, 201:12, 202:8, 204:6, 216:22, 222:19, 229:12, 238:14, 241:12, 252:22, 278:20, 280:21, 281:3, 289:14, 293:5, 296:16, 296:19, 296:22, 303:11</p>	<p>principal 18:19, 82:9, 195:19, 231:6, 231:8, 233:2, 259:10, 259:17 principal's 186:3 principals 110:18, 110:19, 113:12, 113:16, 116:7, 116:11, 116:16, 116:17, 120:12, 121:7, 124:20, 232:10, 232:12, 232:13 print 81:13, 81:18, 81:21, 176:1, 178:2 printed 149:11 prior 82:15, 106:8, 106:22, 115:16, 168:22, 169:20, 175:9, 176:4, 182:2, 182:19, 193:8, 199:8, 202:7, 221:9, 261:7, 269:11, 271:16, 278:18 private 15:21 privilege 13:5, 104:6, 293:6 privileged 103:8, 103:22, 293:8 privy 261:1 probably 87:12, 87:14, 119:20, 138:12, 151:4, 155:18, 184:2, 184:7, 185:8, 230:19, 231:19, 250:13</p>
--	---	--	---

<p>procedure 92:16, 186:2, 277:17, 277:19, 279:6, 279:9</p> <p>procedures 49:3, 118:10, 160:5, 188:22, 277:20</p> <p>proceed 250:5, 251:12, 252:11</p> <p>process 20:5, 23:15, 25:6, 26:11, 39:3, 40:16, 43:4, 43:9, 46:8, 46:11, 46:22, 47:5, 47:14, 94:18, 95:4, 95:5, 95:8, 95:18, 95:20, 97:4, 97:15, 97:22, 98:13, 98:14, 99:14, 99:16, 99:19, 100:13, 100:14, 100:15, 100:17, 100:19, 101:10, 103:5, 104:3, 159:14, 159:19, 159:20, 164:13, 165:4, 165:7, 165:10, 166:7, 167:1, 170:2, 170:13, 170:22, 171:5, 176:16, 176:19, 176:21, 193:8, 194:1, 194:5, 194:16, 194:21, 196:18, 198:19, 198:20, 200:14, 202:13, 203:6, 203:11, 203:12, 204:4, 204:17, 205:1, 205:6, 252:6, 253:2, 257:21, 258:4,</p>	<p>283:19, 284:3, 284:12, 284:15, 285:3, 290:12, 303:3</p> <p>processed 164:2</p> <p>processing 137:14, 153:8, 161:7, 252:19, 253:13, 259:3, 261:11, 265:21</p> <p>produce 221:17</p> <p>produced 137:12, 153:7, 161:5, 179:2, 191:16, 213:10, 222:2, 223:2, 223:14, 223:18, 224:5, 224:16, 225:7, 245:1, 245:2, 246:22, 256:6, 265:16, 274:10, 278:8, 282:15</p> <p>product 103:9</p> <p>production 184:19, 221:6, 221:10, 280:18, 280:22</p> <p>program 19:4, 19:8, 21:4, 22:7, 22:8, 22:12, 23:9, 291:21</p> <p>programs 3:15, 5:17, 7:12, 118:8</p> <p>promotion 193:17</p> <p>properly 54:2, 54:4, 152:10, 171:22, 172:12, 172:21, 237:18, 237:22</p> <p>provide 14:5, 23:15,</p>	<p>123:3, 137:17, 217:12, 274:10</p> <p>provided 14:2, 67:13, 67:16, 85:16, 109:22, 115:8, 115:16, 117:18, 118:17, 163:17, 178:9, 190:14, 190:17, 191:1, 191:2, 219:14, 219:19, 219:20, 220:4, 221:7, 248:2, 248:14, 248:17, 248:18, 274:6, 275:12, 275:15, 276:9, 293:2</p> <p>providing 212:14, 245:19</p> <p>pst 30:22, 31:3, 31:7, 31:13, 31:21, 32:5, 40:5, 42:9, 44:1, 44:5, 45:7, 45:14, 164:7, 167:2, 168:16, 222:16, 270:22, 285:9, 285:14, 285:18, 286:1, 286:4, 286:10, 286:16, 287:6, 287:17, 288:1, 288:2, 288:5, 288:7, 288:19, 302:8, 302:21, 303:3</p> <p>psts 29:13, 30:21, 31:9, 33:4, 40:13, 40:16, 40:18, 40:19, 40:22, 44:18, 45:12, 165:8, 165:11, 165:16, 166:22, 302:12</p> <p>public 2:14, 217:11,</p>	<p>217:21, 229:10, 229:16, 305:1, 305:20</p> <p>published 74:5</p> <p>purposes 122:3, 151:18, 176:3, 179:14, 239:4, 241:9, 241:21, 252:19, 253:13, 265:12</p> <p>pursuant 2:12</p> <p>purview 117:1</p> <p>put 37:13, 47:4, 139:18, 166:12</p> <p>putting 244:14</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 12:13, 12:17, 12:18, 13:3, 13:4, 13:5, 14:12, 14:16, 28:19, 32:13, 35:20, 36:10, 44:9, 44:12, 44:15, 48:1, 48:14, 50:21, 56:10, 56:13, 57:5, 62:10, 75:11, 75:12, 79:2, 79:5, 79:6, 79:19, 79:21, 80:8, 82:2, 82:10, 84:7, 84:8, 84:11, 85:2, 85:17, 86:17, 87:5, 87:10, 87:15, 89:7, 89:10, 89:14, 89:17, 89:22, 91:2, 91:6, 91:15, 92:17,</p>
---	---	--	---

<p>93:5, 93:12, 95:19, 98:10, 99:6, 99:22, 100:3, 103:2, 103:19, 104:9, 104:11, 104:18, 111:18, 114:4, 123:9, 133:19, 148:6, 148:8, 152:1, 152:15, 164:20, 164:22, 165:3, 166:5, 167:12, 167:16, 167:17, 174:16, 177:19, 199:4, 201:18, 223:12, 227:14, 227:16, 238:16, 239:1, 253:8, 253:10, 271:3, 274:19, 276:10, 283:4, 293:8, 297:9, 298:19, 300:2, 300:11, 302:12</p> <p>questions 11:7, 11:18, 12:11, 13:7, 20:19, 55:12, 74:9, 75:3, 92:7, 258:10, 269:19, 302:7, 302:18, 303:13</p> <p>quick 192:21, 201:4</p> <p>quotes 221:12, 221:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>r 118:7</p> <p>raise 261:6</p> <p>ramona 3:3, 9:17</p> <p>range 141:21, 141:22, 142:2, 142:8, 142:9, 142:14,</p>	<p>143:14, 163:11, 271:3, 271:7, 271:10, 271:16</p> <p>rather 90:1, 163:5</p> <p>rcl 1:7</p> <p>rd 275:22, 276:4, 285:2, 286:5</p> <p>read 89:10, 118:6, 127:22, 128:1, 164:22, 165:2, 188:17, 192:15, 204:8, 218:21, 221:5, 242:3, 253:6, 253:7, 282:18, 296:13, 300:11, 304:3</p> <p>reading 89:9, 121:16, 167:9, 185:15, 217:3, 256:18, 274:1, 274:4, 297:4, 297:21, 305:8</p> <p>ready 185:16</p> <p>real 201:4</p> <p>realize 92:18</p> <p>really 13:18, 47:3, 166:4, 223:3, 241:13, 258:4, 291:2, 298:18</p> <p>reask 50:20, 156:7, 286:8</p> <p>reason 14:4, 25:3, 25:5, 43:5, 43:11, 48:9, 51:7, 51:12, 57:2, 59:7, 64:5, 66:21,</p>	<p>81:22, 82:1, 90:7, 99:12, 125:13, 152:15, 164:3, 166:12, 185:5, 189:12, 222:8, 225:12, 258:7, 259:4, 297:17, 297:22, 299:3</p> <p>reasons 175:16, 182:16</p> <p>recalling 101:1, 171:7, 233:14</p> <p>recalls 297:18</p> <p>receipt 242:13, 248:2, 248:6, 250:10</p> <p>receive 19:12, 23:17, 24:5, 24:21, 25:18, 35:11, 49:3, 49:16, 50:15, 51:2, 51:11, 129:8, 217:10, 226:6, 229:9, 229:15, 243:6, 246:9, 249:16, 249:21, 251:20, 257:8, 257:21, 258:17, 259:19, 263:13, 279:7</p> <p>received 26:10, 34:12, 35:10, 39:3, 40:19, 44:3, 44:22, 47:12, 49:14, 51:11, 70:1, 74:20, 85:2, 95:4, 95:8, 95:9, 124:4, 127:5, 129:10, 132:5, 132:10, 137:18, 174:8, 187:15, 188:1, 188:20,</p>	<p>193:15, 208:19, 210:9, 217:16, 217:17, 224:19, 224:20, 224:22, 225:3, 225:4, 226:1, 242:13, 242:18, 243:21, 246:3, 246:14, 249:1, 249:11, 250:2, 260:2, 280:13</p> <p>receives 24:2, 33:12</p> <p>receiving 136:15, 185:20, 206:9, 225:18, 225:20, 242:4, 243:8, 258:13, 258:19, 260:6</p> <p>recently 67:1, 135:11</p> <p>recess 72:20, 104:15, 125:18, 169:13, 204:12, 234:4, 262:1, 292:15, 302:2</p> <p>recognize 113:8, 126:12, 137:4, 137:5, 144:22, 153:14, 153:15, 153:16, 153:17, 161:10, 161:11, 219:10, 234:11, 234:13, 263:2, 267:12, 270:6, 273:10, 275:4, 275:5, 275:6, 280:9</p> <p>recollect 163:22</p> <p>recollection 77:6, 103:4, 112:11, 112:14, 168:15, 226:14, 227:4, 227:8, 227:19, 246:3, 249:10, 294:10,</p>
---	---	--	---

<p>294:14, 294:15, 294:16, 294:17, 297:6, 299:8, 301:14 record 10:20, 12:5, 18:6, 18:13, 18:15, 18:18, 31:14, 50:5, 51:20, 72:16, 72:19, 72:22, 73:6, 85:6, 88:13, 89:5, 89:14, 89:19, 104:14, 104:17, 112:21, 113:14, 122:10, 125:15, 125:17, 125:20, 128:16, 147:12, 149:20, 151:18, 165:2, 169:9, 169:12, 169:15, 181:8, 185:7, 191:22, 196:11, 198:15, 198:16, 204:11, 204:14, 207:2, 207:10, 207:21, 214:3, 218:11, 219:18, 223:21, 230:21, 233:21, 233:22, 234:3, 234:6, 234:20, 243:16, 245:8, 247:21, 253:7, 256:10, 261:18, 261:22, 262:5, 264:2, 279:1, 281:4, 292:14, 292:17, 295:6, 301:20, 302:1, 302:4, 303:14, 303:17, 305:5 recording 18:17 recordkeeping 110:11, 113:17, 113:21, 124:17,</p>	<p>124:22, 125:6, 125:7, 171:20, 182:15, 183:20 redacted 180:14, 216:14, 217:7, 227:1 redaction 227:18 redactions 228:1, 278:17, 279:4, 279:8 reduced 305:7 refer 181:10, 256:17 reference 58:15, 105:2, 105:6, 106:3, 106:22, 119:14, 146:1, 146:2, 149:12, 180:16, 258:13 referenced 105:5, 147:13, 155:8, 179:22, 200:9, 207:3, 207:15, 267:7, 268:6, 275:21, 276:13, 277:5, 280:18 referencing 207:21 referring 37:5, 53:18, 74:1, 74:2, 88:2, 116:16, 142:18, 151:11, 203:2, 209:10, 248:10, 266:19, 292:4 refers 237:5 reflected 146:10, 271:7, 285:12, 285:17, 295:15 reflection 297:14</p>	<p>refresh 77:5, 103:4, 226:13, 227:3, 227:7, 227:19, 246:2, 249:9, 294:10, 294:13, 297:5, 297:8, 299:8, 301:13 refreshed 173:11, 173:16 refresher 297:18 regarding 8:7, 145:22, 221:18, 256:14 regards 34:7, 34:8, 46:9, 48:15, 59:17, 67:4, 77:20, 77:21, 78:22, 79:3, 79:5, 79:6, 82:10, 82:13, 87:16, 96:10, 101:3, 109:15, 125:6, 130:10, 134:21, 173:13, 174:14, 197:4, 197:10, 199:13, 211:17, 212:11, 223:10, 270:11, 297:8 regular 175:4 reines 278:5, 281:17 reiterate 204:7 relate 14:1 related 35:14, 121:6, 162:18, 209:20, 265:22, 305:9 relating 33:13, 36:4, 51:3, 51:16, 52:3, 118:11,</p>	<p>120:11, 137:14, 161:7, 226:2 released 195:14 relevant 95:13, 252:11, 282:19, 284:4, 290:10 rely 293:7 remember 23:2, 39:2, 53:5, 57:22, 62:1, 66:20, 75:19, 75:21, 76:2, 76:10, 78:3, 102:12, 102:19, 105:8, 131:22, 132:1, 133:15, 134:17, 135:9, 145:2, 145:5, 148:22, 171:8, 174:2, 207:17, 230:9, 232:10, 233:11, 240:22, 255:5, 258:1, 272:8, 279:17, 292:22, 298:15, 299:10 remind 161:12, 215:20 reminds 297:22 remove 172:7, 200:8, 200:19, 202:2, 203:20, 204:2, 238:2, 238:7 removed 178:7, 202:6, 288:15 removing 238:16 repeat 14:16, 32:13, 33:22, 40:6, 44:16, 48:1, 52:7, 59:18,</p>
--	--	--	--

<p>62:10, 89:7, 164:20, 229:13, 276:10, 285:15 rephrase 44:4, 199:5, 202:11, 207:1 replace 28:17, 235:16 report 6:5, 7:18, 68:5, 128:20, 129:8, 129:10, 129:15, 129:20, 130:8, 130:9, 130:11, 130:12, 130:19, 130:20, 131:15, 132:6, 132:11 reported 1:22 reporter 2:13, 10:8, 10:10, 11:10, 165:2, 253:7, 303:15, 305:1 represent 9:16, 74:4, 86:2, 115:7, 137:11, 138:3, 153:6, 184:15, 191:14, 213:9, 214:5, 256:5, 265:12, 274:9, 280:12, 293:13 representation 179:18, 189:22, 192:6, 214:20, 222:2, 235:3 representations 222:10 representative 119:2, 123:4 representatives 118:6 represented 241:8, 241:20, 264:4 representing 9:10, 10:9</p>	<p>requested 14:7, 36:18, 40:18, 41:1, 41:3, 41:4, 44:1, 44:5, 69:14, 140:1, 265:21, 305:8 requesting 49:10, 92:6, 168:16 requestor 138:10, 145:8, 263:15 requestor's 138:13 requests 19:9, 23:17, 32:17, 35:13, 36:4, 37:9, 37:13, 43:17, 46:7, 46:15, 47:9, 47:12, 47:21, 48:4, 48:22, 51:8, 51:9, 61:1, 62:7, 67:1, 78:1, 94:13, 127:12, 130:22, 134:21, 136:3, 136:8, 143:5, 154:15, 208:5, 208:10, 208:13, 208:14, 209:1, 209:17, 210:22, 217:21, 221:10, 229:9, 252:17, 252:19, 252:20, 253:11, 253:13, 253:14, 283:6 require 182:18, 182:20 required 13:3, 88:3, 92:19, 170:19, 171:5 requirements 121:6 reserving 204:7</p>	<p>resource 41:7 respect 14:10, 17:9, 19:6, 20:17, 23:13, 35:13, 37:16, 43:14, 46:14, 47:9, 48:4, 55:16, 56:1, 57:14, 60:3, 64:11, 68:10, 71:1, 74:9, 74:10, 76:17, 77:14, 78:11, 78:15, 80:10, 84:1, 86:22, 94:7, 94:21, 97:14, 103:4, 108:15, 109:8, 109:22, 115:12, 124:2, 125:9, 168:21, 169:4, 169:18, 171:6, 174:7, 176:11, 176:13, 178:4, 182:2, 186:6, 196:19, 196:21, 203:4, 204:16, 212:15, 217:22, 226:15, 227:4, 228:15, 239:20, 252:14, 253:8, 254:14, 258:10, 260:19, 263:8, 283:7, 286:8, 286:10, 290:15, 290:19, 294:2, 299:6 respond 122:22, 285:20 responded 36:22 responding 289:4 response 14:22, 26:14, 26:19, 27:17, 32:17, 36:12,</p>	<p>37:22, 42:19, 43:17, 48:22, 54:16, 55:4, 59:3, 77:14, 97:10, 100:21, 101:14, 136:15, 137:13, 140:16, 142:10, 147:1, 147:7, 153:8, 160:10, 160:14, 161:6, 164:10, 168:17, 206:1, 206:5, 206:16, 209:1, 210:22, 211:13, 251:20, 256:7, 258:18, 259:21, 263:10, 264:12, 264:22, 265:4, 266:6, 268:14, 268:20, 273:21, 280:14, 286:4, 291:11 responses 12:5, 97:1, 100:19 responsibilities 17:10, 19:7, 20:17, 78:19, 110:12, 113:18, 118:10, 120:11, 124:2, 124:18, 125:1, 171:20, 182:15, 186:11, 298:5 responsibility 33:7, 33:8, 37:6, 80:6, 90:5 responsible 17:21, 18:7, 18:17, 19:3, 20:4, 23:19, 48:11, 48:21, 53:13, 152:9, 189:19, 259:16, 289:16, 291:20, 292:1, 299:5 responsive 8:8, 15:13,</p>
---	--	--	--

<p>16:3, 51:15, 97:1, 98:1, 99:9, 99:15, 100:5, 101:13, 101:16, 103:6, 206:19, 210:7, 213:1, 221:9, 269:3, 271:1, 278:14 rest 180:13, 180:14, 216:14 result 75:4, 252:18, 253:12, 273:16, 287:6 retained 5:6, 73:2, 112:20, 126:1, 128:7, 136:19, 144:14, 152:22, 160:18, 178:17, 184:10, 191:6, 196:13, 197:20, 213:6, 218:13, 233:16, 244:18, 246:19, 255:16, 262:3, 262:20, 266:22, 270:2, 272:17, 274:22, 280:4, 282:13 retire 54:6, 170:19, 250:6, 257:21 retired 18:21, 53:11, 53:15, 53:17, 54:3, 54:13, 152:11, 170:14, 172:1, 172:13, 172:22, 173:7, 237:22 retirement 54:12, 182:3, 236:16, 237:5, 237:11, 237:13, 259:3 retiring 54:4, 171:6,</p>	<p>173:19, 237:15, 258:14, 258:19, 259:13, 259:16 retrieval 27:20, 29:7, 29:22, 39:6, 53:7, 90:12, 152:18, 162:17 retrieve 273:20 retrieved 277:4, 277:7 return 230:2, 260:21, 290:13 returned 23:10, 107:1, 107:11, 107:15, 231:16, 238:6, 238:11, 239:4, 239:13, 240:22, 242:8, 242:20, 246:5, 248:11, 291:8 returning 232:5, 232:19, 233:9, 261:8 review 54:16, 55:5, 69:3, 99:13, 99:16, 100:20, 101:4, 101:12, 102:6, 102:18, 103:3, 113:2, 126:5, 126:9, 137:1, 143:9, 144:19, 144:21, 161:1, 177:14, 178:6, 178:10, 179:6, 191:10, 192:17, 192:21, 193:4, 194:1, 194:13, 194:17, 194:18, 196:18, 198:20, 200:11, 203:12, 203:21, 204:4, 204:16, 205:6, 213:14,</p>	<p>218:20, 228:14, 233:19, 234:9, 238:5, 238:10, 239:3, 239:12, 239:21, 240:11, 244:15, 245:6, 247:9, 247:14, 247:15, 262:11, 262:21, 267:2, 272:2, 272:18, 277:14, 277:18, 277:20, 279:3, 280:6, 283:11, 284:5, 284:7, 284:9, 284:13, 296:13 reviewed 98:6, 99:3, 100:4, 100:12, 101:17, 102:3, 102:8, 172:5, 177:11, 186:14, 193:20, 193:22, 194:3, 194:6, 195:16, 195:20, 197:9, 200:2, 200:4, 200:15, 201:18, 212:11, 219:12, 226:14, 228:18, 234:15, 240:22, 277:19, 284:4, 284:11, 284:12, 284:14, 293:1 reviewing 97:8, 99:18, 100:18, 103:6, 113:5, 193:8, 194:20, 194:22, 201:22, 202:5, 202:12, 233:13, 241:9, 241:21, 256:16 rice 14:3, 81:12, 270:17 rid 288:16</p>	<p>right 15:9, 16:10, 17:15, 24:3, 30:17, 30:22, 32:4, 32:20, 39:21, 44:4, 48:20, 54:22, 75:12, 77:17, 78:2, 85:4, 95:3, 96:8, 99:1, 100:15, 102:4, 102:8, 106:16, 108:4, 108:12, 114:19, 116:6, 116:15, 118:2, 120:19, 121:20, 126:13, 126:14, 127:11, 131:19, 132:21, 137:20, 139:2, 144:2, 145:21, 147:19, 149:20, 155:1, 157:9, 157:16, 167:6, 170:10, 175:1, 175:10, 180:11, 183:17, 185:1, 185:12, 204:8, 214:10, 215:14, 218:21, 221:2, 227:13, 229:1, 233:6, 235:18, 236:10, 240:16, 249:18, 252:2, 253:15, 255:11, 256:10, 257:14, 257:18, 259:17, 276:9, 280:10, 283:2, 283:15, 291:4, 292:19, 302:15 rights 116:22 ring 134:2, 229:7 rl 127:1 road 15:17</p>
---	--	---	--

<p>rob 9:21 robert 3:13, 9:21 rodham 7:8, 127:18 role 22:13, 23:9, 23:15, 33:6, 47:20, 48:3, 80:22, 125:9, 151:19, 167:19, 168:9, 169:3, 169:18, 170:2, 204:19 rolling 221:6 room 65:8 ruby 114:5, 114:7, 114:8, 122:16, 123:1 rules 11:5 running 15:3</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>s 118:7 s-c 118:7 said 11:14, 12:1, 18:9, 19:21, 20:3, 26:6, 40:22, 43:22, 46:20, 57:2, 58:12, 69:6, 69:17, 69:18, 69:22, 70:1, 71:4, 77:13, 82:7, 84:9, 86:19, 90:8, 90:18, 91:18, 96:11, 96:13, 98:10, 116:10,</p>	<p>149:1, 150:17, 152:13, 156:11, 165:7, 172:12, 176:15, 176:21, 193:16, 218:3, 222:12, 236:14, 238:2, 240:4, 248:6, 251:12, 258:1, 259:15, 276:4, 288:14, 290:4, 297:17, 299:12, 299:13, 299:18, 299:20, 305:5 same 11:19, 35:14, 36:13, 59:20, 64:17, 76:13, 85:7, 87:12, 109:7, 113:22, 123:10, 128:17, 133:13, 133:19, 133:22, 146:9, 152:6, 155:7, 156:17, 161:3, 173:13, 173:19, 188:1, 200:14, 212:14, 214:4, 215:9, 236:4, 245:9, 257:15, 263:20, 268:5, 268:6, 268:8, 270:7, 274:12, 296:20, 304:4 sat 242:21 saturday 281:18 save 281:2 saw 68:13, 74:8, 74:20, 75:3, 82:19, 82:20, 82:22, 83:2, 84:6, 105:4, 105:11, 106:3, 106:18, 107:3,</p>	<p>107:14, 107:15, 135:9, 247:10, 290:3, 299:7, 299:9 saying 34:17, 51:22, 54:18, 58:17, 63:14, 87:12, 88:13, 100:9, 100:15, 103:18, 117:14, 126:20, 127:5, 130:11, 137:7, 140:13, 142:17, 150:12, 150:14, 150:19, 151:13, 172:20, 198:10, 212:3, 212:18, 218:5, 218:6, 224:11, 224:12, 225:19, 242:13, 246:13, 253:2, 254:11, 265:10 says 69:14, 93:6, 122:22, 123:2, 130:5, 130:8, 130:12, 139:10, 156:21, 157:17, 157:19, 157:21, 158:9, 167:6, 167:9, 190:4, 216:6, 238:2, 238:16, 245:18, 269:5, 281:17, 285:22, 300:3, 300:12 scanning 254:21 scope 22:9 seal 305:13 searched 16:3, 27:4, 27:16, 28:20, 31:21, 32:5, 35:17, 36:11,</p>	<p>37:22, 40:5, 141:15, 141:18, 147:7, 147:9, 147:20, 154:1, 158:5, 166:17, 212:15, 268:22, 271:1, 285:3, 285:14, 291:10 searches 29:11, 39:20, 209:1, 209:4, 209:9, 209:11, 210:11, 211:3, 225:7, 252:19, 253:13, 263:10, 272:4, 286:4, 286:10, 287:6, 289:4, 291:13, 291:17, 292:1 searching 23:19, 27:1, 32:21, 33:3, 51:14, 165:8, 165:11, 166:22 second 37:15, 47:5, 73:12, 117:5, 118:5, 122:21, 134:4, 139:7, 176:11, 188:6, 192:9, 243:15, 257:6, 300:3 secret 27:20, 30:8, 30:9, 30:11, 96:12, 162:18, 268:22 secretariat 16:21, 17:21, 19:5, 19:8, 19:16, 19:18, 20:6, 23:22, 27:19, 41:7, 67:22, 108:2, 110:8, 113:14, 162:15, 248:19, 254:4, 254:7, 254:10</p>
--	--	--	---

<p>secretaries 5:13, 18:10, 29:21, 30:3, 116:18, 116:19, 149:3, 256:20, 259:5, 298:2</p> <p>secretary's 14:1, 14:22, 19:10, 32:1, 32:8, 36:5, 37:18, 38:20, 42:19, 43:10, 43:18, 46:6, 47:9, 47:15, 52:4, 54:6, 55:4, 78:21, 79:10, 87:3, 94:22, 95:1, 95:11, 96:4, 96:16, 96:19, 97:9, 98:1, 98:11, 100:5, 101:13, 109:22, 110:17, 125:10, 134:15, 150:7, 150:8, 150:12, 150:15, 150:18, 150:20, 159:7, 160:8, 160:9, 160:13, 160:14, 165:20, 167:22, 168:6, 170:12, 181:2, 181:16, 181:17, 181:22, 182:5, 182:11, 183:15, 185:6, 185:8, 186:5, 186:10, 187:10, 190:5, 196:17, 203:9, 226:2, 258:14</p> <p>secrets 28:3</p> <p>section 242:22</p> <p>see 11:10, 12:3, 23:6, 45:20,</p>	<p>46:17, 49:21, 69:14, 73:8, 73:18, 74:17, 83:12, 105:1, 105:6, 106:21, 107:6, 117:9, 118:14, 119:20, 120:20, 122:20, 123:6, 126:16, 126:22, 127:15, 129:5, 129:7, 129:20, 130:16, 134:9, 137:21, 139:10, 140:18, 141:14, 144:10, 145:21, 146:1, 148:3, 155:2, 155:5, 156:3, 156:20, 157:1, 157:17, 157:19, 166:3, 180:9, 180:11, 183:21, 187:7, 188:10, 189:2, 192:13, 192:22, 195:9, 196:7, 199:16, 204:1, 214:16, 216:13, 216:17, 221:14, 226:19, 227:22, 236:17, 236:19, 238:1, 241:9, 245:15, 245:22, 247:8, 260:10, 263:15, 264:8, 271:6, 273:17, 281:20, 285:7, 286:1, 296:11, 300:5, 300:13, 301:1, 301:11</p> <p>seeing 30:14, 61:4, 76:13, 78:3, 82:17, 82:21, 83:2, 83:4, 83:6, 91:14, 106:10, 126:16, 126:18, 126:20,</p>	<p>127:3, 130:1, 137:6, 138:11, 142:12, 145:17, 154:19, 155:10, 155:14, 155:20, 156:4, 199:18, 217:3, 234:14, 259:1, 273:9, 280:11, 290:5, 294:12</p> <p>seek 243:12, 243:18, 250:11</p> <p>seeking 243:10</p> <p>seem 27:2</p> <p>seems 132:9, 146:12, 155:11, 180:18, 264:14, 270:7, 280:10</p> <p>seen 75:7, 107:10, 127:6, 135:11, 179:8, 185:2, 191:19, 213:16, 219:7, 228:10, 234:15, 247:3, 262:15, 273:7, 290:4, 294:11</p> <p>select 51:15, 208:4, 208:12, 209:2, 211:1, 211:13, 219:21, 220:8, 221:18, 222:5, 222:18, 223:15, 224:5</p> <p>semicolon 158:15</p> <p>send 88:4, 278:15, 283:10</p> <p>sending 136:12, 215:14, 230:12, 230:15, 232:9, 246:11,</p>	<p>259:12, 278:18</p> <p>sense 74:7, 174:18, 231:18, 231:21, 286:2, 292:6</p> <p>sent 21:16, 28:15, 98:4, 115:3, 123:16, 124:3, 129:10, 143:4, 145:14, 145:18, 149:2, 149:17, 150:4, 150:16, 151:6, 151:13, 151:14, 151:15, 151:16, 152:16, 161:20, 162:3, 171:18, 174:8, 184:2, 184:6, 185:8, 192:10, 216:2, 220:12, 222:17, 230:18, 231:1, 231:19, 231:22, 253:19, 260:15, 277:15, 279:2, 283:21, 286:7, 286:9, 287:22, 288:4, 288:13</p> <p>sentence 118:5, 190:3, 235:9, 238:1</p> <p>separate 158:17, 256:7, 274:11, 293:14</p> <p>september 115:14, 269:4, 270:17, 270:21, 271:8, 281:10, 282:6, 285:2, 286:5, 287:8, 305:16</p> <p>served 85:9, 86:5</p> <p>services 5:18, 7:13, 118:9, 118:22</p> <p>sescr 139:15, 264:13</p>
--	---	---	---

<p>session 110:9, 113:15</p> <p>set 170:12, 182:22, 183:12, 185:9, 190:16, 305:12</p> <p>settle 15:22, 289:12</p> <p>settlement 289:11</p> <p>seventh 5:13</p> <p>several 17:21, 81:15, 82:12, 143:5</p> <p>shapiro 4:3, 10:3, 104:10</p> <p>share 66:3, 67:7, 225:12</p> <p>shared 66:8, 66:11, 165:9, 165:12, 199:21, 242:3</p> <p>sharing 67:6</p> <p>she 11:13, 36:20, 37:1, 52:22, 53:5, 56:2, 56:3, 57:7, 59:1, 67:19, 67:20, 67:21, 68:2, 68:3, 68:9, 69:15, 69:22, 78:15, 79:9, 79:22, 80:4, 80:5, 83:13, 83:20, 84:2, 84:18, 84:22, 85:3, 85:9, 85:20, 86:13, 87:8, 87:16, 90:2, 91:6, 91:7, 91:15, 91:17, 93:6, 93:7,</p>	<p>93:8, 93:9, 94:4, 106:11, 106:12, 107:5, 107:15, 108:11, 109:9, 114:13, 114:15, 114:17, 115:18, 115:19, 115:20, 119:9, 123:10, 132:1, 132:3, 157:11, 157:12, 157:14, 167:11, 181:4, 185:8, 187:19, 187:20, 189:7, 189:9, 189:18, 192:18, 200:19, 202:21, 203:5, 229:4, 230:8, 231:16, 231:19, 236:8, 236:12, 242:20, 260:21, 279:19, 288:4, 293:2, 293:18, 293:22, 294:5, 297:9, 297:19, 297:20, 298:12, 299:14, 299:18, 299:20, 300:13, 301:7, 301:8</p> <p>she's 11:22</p> <p>sheet 122:9, 122:15, 211:16, 304:7</p> <p>sheets 122:12</p> <p>sheryl 131:20, 180:8, 188:9, 188:20, 202:21, 202:22</p> <p>shop 15:3</p> <p>shorthand 305:1</p> <p>shortly 282:8</p> <p>should 42:18, 43:16,</p>	<p>50:5, 141:8, 164:13, 165:4, 243:11, 250:5, 250:12, 251:16, 251:18, 251:22, 260:20, 270:22</p> <p>shouldn't 104:10</p> <p>show 54:22, 127:17, 128:4, 144:15, 266:8, 266:11, 266:18, 294:8</p> <p>showed 258:7</p> <p>showing 50:6, 141:19</p> <p>shown 136:20, 138:1</p> <p>shows 131:13, 146:6, 158:4, 266:15, 267:19, 299:15</p> <p>sic 275:22</p> <p>side 61:6, 299:5</p> <p>sidney 205:17</p> <p>sign 204:8, 242:12, 249:1</p> <p>sign-in 122:9, 122:12, 122:15</p> <p>signature 140:12, 222:13, 304:10</p> <p>signature-Ordwp 305:17</p> <p>signed 138:18, 140:5, 141:8, 220:16, 245:13, 245:19, 246:13, 249:6, 304:7</p> <p>significance 183:1</p>	<p>significant 128:20, 130:19, 131:15, 132:6, 132:11</p> <p>signing 305:8</p> <p>similar 28:6, 121:10, 171:18, 211:16, 212:10, 212:12, 217:16</p> <p>since 53:9, 65:11, 73:20, 80:21, 127:3, 165:19, 190:4, 198:11, 260:4</p> <p>sit 240:21</p> <p>sixty-four 300:7</p> <p>sixty-one 300:6</p> <p>slide 121:21, 122:1</p> <p>slightly 99:22</p> <p>smilansky 133:20, 228:21</p> <p>smith 5:12</p> <p>some 13:19, 15:6, 42:2, 55:12, 90:15, 101:19, 102:3, 105:6, 116:19, 135:10, 190:22, 195:7, 198:3, 198:10, 199:18, 212:2, 240:3, 250:8, 252:3, 259:14, 261:16, 266:12, 269:19, 281:1, 281:2, 296:6, 301:5</p> <p>somebody 59:22, 61:21,</p>
--	--	---	--

<p>77:7, 83:16, 87:19, 203:8 someone 83:5, 85:2, 149:11, 150:15, 172:15, 195:8, 231:22, 285:22, 299:2, 299:11 something 38:14, 39:12, 43:8, 79:16, 80:16, 81:3, 119:21, 124:16, 125:2, 136:12, 138:13, 145:2, 145:6, 152:15, 154:17, 195:13, 195:18, 197:7, 198:1, 200:22, 203:15, 203:17, 217:6, 220:3, 223:6, 231:11, 231:20, 231:22, 243:7, 243:9, 251:13, 258:2, 260:2, 266:9 sometimes 42:13 soon 201:5, 250:10 sorry 17:14, 22:20, 30:20, 32:15, 55:10, 56:15, 79:14, 103:15, 109:2, 112:13, 131:2, 131:6, 136:20, 142:21, 145:4, 162:3, 174:1, 178:3, 185:13, 185:14, 185:16, 191:7, 199:3, 201:17, 220:10, 233:20, 236:19, 236:20, 239:9, 255:18, 272:14, 276:11, 278:21, 296:19,</p>	<p>300:8 sort 301:5 sought 250:17 sounds 59:7, 59:8 spark 227:12 sparked 70:18, 74:8 speak 11:21 speaking 36:2, 303:6 special 5:15 specialist 4:19, 9:2, 10:7, 72:18, 72:21, 104:13, 104:16, 125:16, 125:19, 169:11, 169:14, 204:10, 204:13, 234:2, 234:5, 261:21, 262:4, 292:13, 292:16, 301:22, 302:3, 303:12 specific 20:19, 21:3, 21:6, 44:7, 50:3, 51:6, 52:1, 53:5, 53:17, 55:19, 57:13, 64:11, 66:13, 71:14, 96:21, 99:6, 143:2, 143:6, 143:14, 153:16, 154:11, 161:11, 166:4, 170:3, 170:4, 186:4, 208:13, 209:14, 210:16, 231:4, 231:7, 252:16, 253:2, 253:11, 263:7, 265:6,</p>	<p>265:7, 300:14, 300:15 specifically 14:12, 14:17, 15:10, 20:2, 20:12, 23:20, 24:11, 25:2, 28:13, 35:22, 37:10, 48:11, 48:15, 49:20, 50:3, 50:10, 51:10, 52:20, 53:4, 55:15, 58:1, 62:15, 63:9, 78:22, 79:3, 84:8, 84:11, 100:9, 109:6, 113:12, 116:3, 119:19, 120:1, 121:14, 148:1, 148:15, 148:16, 152:2, 173:20, 181:15, 196:20, 197:10, 199:13, 205:4, 209:5, 210:12, 226:10, 243:22, 244:9, 253:4, 258:5, 268:2, 275:6 specifics 48:19, 59:6, 66:7, 66:20, 70:5, 101:3, 124:10, 164:18, 164:19, 171:12, 171:14, 174:14 specify 116:15, 142:20 speculate 39:12, 166:10, 241:14, 291:18 speculating 166:6, 291:19 speculation 144:5 spell 71:7</p>	<p>spend 140:22, 269:9, 277:11 spent 141:1, 162:22 split 141:11 spoke 61:9, 69:20, 155:9, 236:13, 251:7, 251:8, 251:9 spoken 61:15 st 139:6, 140:2, 157:7, 163:6, 163:19, 271:8 stacked 250:3 staff 16:21, 17:21, 23:22, 67:22, 80:4, 108:2, 110:20, 121:7, 124:18, 124:19, 170:9, 170:12, 173:8, 175:9, 176:5, 178:5, 178:8, 182:5, 182:11, 182:18, 185:9, 186:3, 186:6, 186:10, 193:11, 196:17, 202:1, 248:19, 302:9 staffer 192:20, 193:3 staffers 188:21 stamped 187:2, 214:15 stand 41:5 standard 27:1, 27:7, 27:8, 96:10, 189:15, 269:16,</p>
--	---	---	--

<p>279:6, 279:9 standpoint 17:5, 127:2, 234:13, 242:5, 242:17, 267:13, 288:9 stars 27:18, 27:19, 29:6, 29:14, 29:17, 29:18, 29:21, 30:6, 39:6, 53:6, 90:11, 96:12, 147:9, 147:12, 147:18, 147:19, 147:20, 148:10, 148:18, 148:19, 148:22, 149:15, 149:16, 149:21, 149:22, 150:2, 152:14, 152:17, 155:3, 162:17, 268:22 start 26:5, 26:11, 89:20, 165:17 started 22:15, 23:2, 26:3, 29:12, 33:3, 34:20, 77:20, 79:8, 80:21, 143:18, 165:8, 165:10, 165:16, 166:21, 166:22, 179:20, 254:18, 255:9 starting 123:21, 179:15 state's 15:22 stated 32:22, 90:10, 95:22, 96:15, 120:13, 159:13, 199:18 statement 48:10, 63:14, 238:21</p>	<p>states 1:1, 2:13, 4:12, 285:2 stating 134:6 stay 40:7 stein 7:6, 7:10, 8:9, 132:10, 132:13, 132:14, 132:15, 132:16, 132:17, 132:19, 133:3, 234:22, 236:2, 236:5, 245:17, 246:11, 251:7, 251:11, 251:15, 251:17, 251:21, 252:10, 254:18 steins 132:20 stenographically 305:6 step 92:16 stephen 3:12, 10:1 stepping 259:18 steps 28:8, 28:11, 28:17, 29:3, 53:7, 147:9, 147:13, 162:17, 258:13, 258:18, 268:22 still 16:22, 20:4, 32:8, 33:21, 38:7, 57:9, 59:20, 67:8, 87:22, 89:5, 94:1, 109:7, 154:14, 154:15, 157:8, 185:15, 193:19, 193:22, 195:16, 197:8, 210:19, 240:9,</p>	<p>250:15, 287:10, 288:5, 301:7, 301:8, 301:15 store 78:11, 79:10 stored 152:4, 152:7 street 3:6, 3:16, 4:13 strike 60:13 string 5:19, 6:12, 6:14, 6:17, 7:5, 7:9, 128:18, 179:1, 179:15, 179:19, 184:16, 191:15, 192:2, 214:5, 214:9, 245:10, 256:12, 256:17, 280:17 stuff 298:6 subject 13:12, 13:13, 109:7, 128:19, 145:22, 161:4, 179:17, 188:12, 192:3, 214:6, 216:3, 216:5, 216:11, 228:15, 235:1, 245:12, 265:14, 294:16, 294:17, 297:6 subjects 12:12 submit 283:6 submitted 21:16, 37:6, 94:13, 138:21, 205:16, 262:9, 263:21, 264:3, 272:3, 272:12 such 186:14, 190:20, 195:3, 218:6, 218:7, 239:20,</p>	<p>240:11 sufficient 127:16 suggest 189:12 suite 2:6, 3:7, 9:13 sullivan 183:17, 278:5, 281:16, 282:1, 285:5, 285:10, 286:11, 287:8, 291:9 summarize 128:3 summary 134:8 summer 208:2, 210:17, 224:1, 225:10 summertime 208:16 supervisor 108:11 support 22:7, 22:8, 22:12, 23:9, 64:6 supposed 22:10, 39:13, 189:7, 196:21, 197:20, 258:4 susan 14:3 sw 3:6 swear 10:10 switch 169:6 sworn 10:13 symbols 292:8 system 18:13, 27:3, 27:4, 27:20, 28:7, 29:6,</p>
---	--	--	---

<p>29:8, 29:10, 29:22, 31:7, 38:10, 39:6, 40:20, 53:7, 53:8, 90:12, 123:3, 147:15, 147:20, 149:1, 150:5, 150:7, 150:21, 151:8, 151:9, 151:10, 151:12, 152:18, 162:17, 244:14, 288:15 systems 23:21, 27:2, 27:6, 27:8, 27:10, 27:13, 27:16, 28:16, 28:20, 30:16, 39:5, 96:13, 147:6, 147:12, 158:5, 210:12, 269:13, 269:16</p>	<p>125:18, 169:13, 204:12, 234:4, 262:1, 292:15, 302:2, 305:3, 305:6 takes 82:8 taking 9:11, 91:21, 92:1 talk 42:14, 45:19, 47:12, 47:16, 64:9, 129:20, 173:18, 265:13 talked 63:9, 63:15, 103:17, 124:9, 173:12, 173:17 talking 14:2, 20:9, 22:11, 44:10, 59:20, 63:12, 73:20, 84:13, 88:8, 88:9, 90:14, 96:22, 109:7, 109:14, 111:6, 128:17, 143:7, 171:19, 172:4, 176:19, 177:1, 186:16, 214:4, 223:13, 245:9, 248:10, 254:3, 257:15, 257:16, 257:19, 268:5, 270:18, 289:1 talks 121:14 tasha 70:11, 70:12, 71:6, 84:13, 86:10, 86:11, 93:11, 111:4, 119:6, 124:13, 180:7, 181:5, 182:9, 188:9, 189:16, 190:22,</p>	<p>192:11, 194:9, 235:16 task 19:15, 33:18, 95:6, 95:10, 96:9, 101:9, 159:13, 211:16 tasked 25:1, 34:13, 34:14, 34:18, 38:8, 38:12, 38:13, 38:14, 38:16, 38:20, 39:8, 39:19, 42:18, 49:5, 50:16, 51:3, 51:19, 51:21, 52:5, 52:12, 94:17, 95:1, 99:14, 139:11, 159:6, 206:4, 206:13, 211:6, 211:11, 211:12, 212:1, 226:4, 226:11, 264:8, 264:12, 264:19, 264:20, 266:16, 289:17 tasker 5:21, 7:14, 139:5, 146:10, 162:19, 163:20, 263:9, 263:16, 265:5, 268:7, 279:20 tasking 34:9, 34:12, 39:3, 43:5, 43:10, 49:21, 50:6, 54:21, 96:11, 266:10 taskings 35:9 team 55:19, 115:22, 116:4, 116:10, 260:20 tech 58:2</p>	<p>technically 91:20 technology 25:5, 25:9 tell 39:13, 64:8, 64:18, 65:15, 66:5, 69:9, 74:21, 82:22, 85:13, 86:1, 99:18, 108:21, 109:13, 110:3, 113:10, 124:10, 138:15, 138:18, 141:3, 143:12, 144:7, 148:2, 153:21, 154:12, 154:21, 170:21, 171:3, 199:20, 221:20, 221:22, 222:15, 241:17, 243:5, 288:8, 297:15 ten 64:19 tenure 35:1, 37:18, 41:10, 46:5, 58:9, 60:11, 63:19, 78:9, 79:13, 80:17, 89:3, 94:15, 97:9, 97:10, 103:7, 109:12, 109:20, 115:16, 134:16, 134:22, 136:4, 136:6, 149:18, 150:4, 208:8, 296:7 term 158:11, 158:13, 158:19, 158:20, 291:2 terms 36:2, 148:8, 158:6, 158:7, 158:17, 212:4, 269:18, 269:19,</p>
T			
<p>t-h 71:8 table 195:6, 195:7 take 11:22, 49:2, 85:15, 85:21, 99:17, 104:5, 126:4, 128:22, 144:18, 149:8, 170:21, 172:3, 177:14, 179:5, 194:2, 201:19, 204:5, 246:21, 255:8, 259:6, 270:3, 292:11, 294:20, 300:4, 300:13 taken 8:7, 11:2, 53:5, 72:20, 84:21, 85:8, 85:19, 104:15,</p>			

<p>270:10, 270:15 testified 10:13, 56:16, 68:9, 76:12, 76:16, 107:22, 114:1, 158:22, 163:11, 169:17, 176:12, 217:15, 228:20, 236:3, 260:15, 292:22, 293:14, 293:22, 302:8 testimony 33:17, 61:20, 67:13, 67:15, 68:17, 69:3, 73:22, 76:21, 86:8, 86:13, 106:2, 107:22, 126:19, 159:9, 164:12, 165:3, 175:6, 194:12, 223:21, 303:8, 304:4, 304:6, 305:5, 305:6 th 82:22, 117:7, 141:8, 142:7, 179:16, 275:20 than 31:3, 59:16, 61:21, 70:22, 71:11, 71:15, 90:1, 99:1, 100:1, 100:22, 122:1, 138:12, 143:18, 154:10, 156:5, 156:8, 156:11, 163:5, 201:6, 201:7, 210:10, 212:17, 217:7, 251:8, 257:9, 264:13, 284:19, 303:6 thank 10:7, 10:18, 10:22, 16:11, 32:11, 52:17,</p>	<p>58:19, 71:9, 81:10, 96:20, 113:7, 114:3, 114:22, 117:4, 126:7, 126:9, 137:16, 161:3, 165:1, 170:7, 173:4, 180:3, 186:20, 191:13, 192:8, 205:10, 214:12, 220:9, 256:4, 261:20, 262:14, 264:6, 265:19, 266:4, 268:12, 284:20, 288:14, 295:9, 295:19 their 12:22, 18:20, 23:15, 32:7, 33:8, 33:17, 33:20, 82:4, 88:4, 88:5, 89:12, 93:3, 95:2, 95:16, 110:1, 110:11, 110:20, 113:17, 121:7, 124:5, 159:3, 169:20, 170:13, 171:6, 171:20, 171:22, 174:12, 175:9, 176:2, 182:2, 182:3, 182:6, 182:14, 182:19, 186:11, 186:13, 199:9, 202:2, 278:8, 288:5, 298:5 them 11:6, 11:7, 11:8, 18:1, 22:4, 34:13, 34:14, 35:11, 40:20, 47:1, 47:2, 111:15, 113:13, 117:21, 122:10, 125:2,</p>	<p>125:5, 147:14, 149:8, 150:16, 170:21, 171:19, 172:3, 172:7, 177:10, 183:1, 183:13, 183:15, 185:9, 185:10, 186:1, 189:21, 192:20, 194:13, 194:18, 194:20, 195:18, 199:10, 199:21, 213:4, 220:2, 236:15, 237:15, 242:4, 243:2, 243:6, 243:10, 243:21, 244:6, 244:14, 244:15, 246:11, 246:12, 248:18, 250:2, 250:6, 250:8, 250:12, 250:13, 250:16, 259:20, 278:15, 278:18, 279:9, 279:11, 284:9, 284:10, 290:4, 290:5, 302:13 themselves 9:16, 165:21, 197:7, 203:16 then 18:13, 19:15, 19:16, 20:15, 22:7, 23:18, 25:16, 26:3, 26:5, 26:9, 29:5, 30:8, 39:22, 40:20, 49:5, 49:14, 49:22, 51:20, 51:21, 53:12, 54:8, 54:12, 69:21, 71:16, 75:12, 80:8, 85:20, 87:17, 89:18, 91:2, 91:18, 91:19, 92:5, 92:19,</p>	<p>93:2, 95:5, 101:19, 106:12, 115:20, 116:12, 116:19, 117:10, 118:9, 120:13, 120:17, 121:5, 123:2, 130:9, 132:4, 134:7, 150:2, 151:3, 156:3, 158:15, 160:5, 167:8, 167:13, 176:11, 177:15, 179:21, 180:13, 181:4, 187:3, 187:5, 187:22, 188:6, 193:21, 201:13, 203:21, 211:7, 211:21, 215:8, 236:1, 236:7, 236:15, 237:21, 239:1, 249:15, 250:3, 260:4, 265:9, 267:21, 269:17, 269:18, 281:17, 281:18, 281:22, 284:5, 288:14, 289:18, 289:19, 298:17, 299:6, 303:13 there 11:5, 20:16, 20:21, 22:2, 27:9, 32:20, 36:21, 44:14, 46:5, 46:13, 50:5, 53:20, 54:20, 55:15, 59:14, 60:2, 61:10, 73:11, 83:19, 84:1, 86:14, 90:18, 96:22, 99:2, 100:15, 100:17, 100:18, 109:21, 114:19, 118:21, 121:19, 121:21, 122:2, 122:9,</p>
--	--	---	--

<p>132:19, 134:5, 137:22, 139:14, 148:18, 149:4, 149:8, 155:4, 175:17, 182:3, 182:17, 183:1, 183:3, 183:20, 189:16, 189:22, 190:13, 192:19, 195:6, 195:7, 195:12, 198:12, 200:16, 215:6, 217:6, 232:18, 237:17, 238:21, 239:19, 254:21, 259:17, 260:18, 269:12, 284:22, 288:9, 288:11, 288:17, 295:15, 303:12 there's 67:13, 72:6, 155:3, 156:6, 214:16, 288:16 thereafter 305:7 therefore 96:8, 288:2 these 16:6, 77:2, 77:4, 113:8, 114:5, 115:2, 115:3, 115:8, 116:9, 121:15, 122:9, 124:14, 137:12, 137:18, 147:12, 167:3, 185:21, 186:4, 190:21, 241:8, 243:11, 248:13, 248:17, 249:2, 249:6, 253:21, 259:5, 259:9, 259:10, 265:12, 267:12, 274:10, 277:4, 279:2, 279:4, 282:5, 286:4, 289:4,</p>	<p>290:3 they 9:16, 19:15, 20:1, 22:2, 23:17, 27:13, 28:14, 31:5, 32:8, 33:20, 34:11, 41:3, 41:4, 49:4, 52:20, 53:4, 53:11, 54:1, 54:10, 64:6, 69:13, 82:5, 82:9, 82:11, 84:7, 84:9, 93:1, 93:2, 97:2, 98:14, 99:4, 99:7, 99:8, 99:9, 99:10, 99:15, 111:18, 113:10, 116:12, 121:10, 129:20, 139:17, 140:1, 143:1, 151:1, 162:11, 165:19, 170:20, 171:21, 172:3, 172:12, 172:22, 174:5, 174:8, 175:18, 182:13, 183:21, 186:10, 192:20, 194:3, 194:6, 194:19, 195:18, 197:7, 197:10, 202:1, 203:6, 203:13, 213:3, 230:11, 231:22, 237:19, 242:21, 243:2, 244:3, 244:8, 244:13, 248:18, 250:6, 250:13, 250:15, 252:5, 259:10, 264:14, 266:16, 267:13, 274:1, 276:2, 276:19, 283:10, 283:11, 298:2,</p>	<p>298:3, 298:4, 299:15, 299:18 they're 12:21, 23:18, 29:19, 116:11, 130:11, 149:7, 167:14, 172:21, 186:13, 196:21, 237:18, 259:12, 292:7 they've 53:10, 292:7 thian 70:11, 70:12, 70:22, 71:4, 71:5, 71:6, 71:11, 71:16, 76:17, 84:14, 86:9, 86:10, 86:11, 93:16, 93:20, 94:1, 94:8, 111:4, 119:6, 124:13, 180:7, 180:11, 181:6, 182:9, 188:9, 189:11, 189:16, 190:22, 192:11, 194:9, 202:20, 235:16 thian's 93:11, 200:9 thing 12:10, 87:13, 113:22, 128:17, 173:19, 184:2, 257:15, 288:18 things 19:19, 19:21, 25:3, 25:8, 56:22, 65:14, 82:12, 92:9, 121:13, 167:5, 170:20, 171:9, 173:17, 195:10, 195:15, 198:8, 198:21, 210:12, 221:11, 232:9, 248:4, 254:22</p>	<p>think 20:21, 68:22, 71:22, 87:12, 95:7, 114:5, 165:9, 184:1, 193:6, 204:5, 226:19, 227:7, 227:13, 227:16, 227:22, 228:20, 232:8, 232:20, 232:21, 241:19, 255:21, 257:18, 258:21, 289:7, 290:8, 292:11, 294:8, 294:13, 303:10 thinking 22:21, 252:2 thinks 30:2 third 3:6, 141:11, 190:3 thirds 141:12 thomas 114:5, 114:7, 114:8, 122:16, 123:1, 123:16 thomasr@sgov 123:17 those 13:8, 18:12, 27:13, 28:5, 28:16, 28:19, 31:12, 31:22, 35:16, 36:11, 52:5, 52:13, 54:2, 54:7, 54:21, 71:22, 87:22, 92:7, 98:6, 99:4, 100:20, 108:19, 109:4, 112:5, 112:12, 112:15, 116:7, 116:22, 121:2, 122:12, 127:19, 127:20,</p>
--	--	--	--

<p>158:17, 166:15, 173:16, 173:19, 174:3, 174:16, 174:17, 176:15, 177:2, 178:2, 189:17, 195:9, 195:10, 195:14, 211:3, 212:22, 213:1, 239:15, 244:12, 252:20, 253:14, 253:16, 255:5, 259:7, 273:20, 276:8, 277:21, 278:3, 290:12, 291:10, 291:13, 291:16, 292:1, 300:4, 300:12 though 68:19, 140:19, 145:17, 155:11, 163:17, 181:12, 186:7, 189:7, 200:22, 222:13, 237:2, 249:19, 256:19, 257:19, 271:20, 273:22, 274:1, 274:4, 274:5 thought 185:15 thoughts 233:5 thousand 40:2, 40:10, 205:12, 207:5 three 15:19, 16:2, 16:6, 22:4, 277:13, 280:17, 285:4 through 11:6, 11:8, 26:5, 27:3, 30:17, 39:2, 40:16, 48:17, 50:15, 51:1, 90:11, 100:20,</p>	<p>115:2, 123:21, 127:7, 179:16, 185:17, 198:20, 200:14, 203:11, 204:1, 204:3, 213:22, 219:3, 260:10, 281:12, 282:22, 289:1, 290:7, 296:14 tie 78:7, 95:20 tied 77:21, 92:14, 156:14, 210:13, 228:3, 240:15, 265:7, 265:10 tillery 7:17, 8:5, 268:2, 276:3, 276:17, 277:1, 277:15, 279:16 times 47:11, 75:6, 75:15, 82:21, 83:3, 142:13, 209:11 title 17:6, 76:9 today 9:10, 10:8, 15:18, 16:8, 16:20, 21:12, 22:2, 38:10, 69:4, 82:7, 82:8, 92:5, 92:8, 92:9, 92:15, 102:1, 127:3, 164:13, 165:4, 188:13, 191:20, 198:3, 211:22, 213:17, 213:20, 219:8, 228:8, 228:16, 234:16, 240:21, 303:8 today's 9:8 together 78:7, 119:3,</p>	<p>124:12, 139:18, 155:15, 166:13, 264:15 told 57:7, 58:21, 59:1, 83:19, 183:1, 298:21 too 286:21 took 34:15, 34:20, 35:5, 36:16, 42:12, 44:21, 76:22, 86:2, 109:15, 110:13, 114:13, 177:1, 244:10, 249:20 top 27:20, 28:3, 30:8, 30:9, 30:11, 96:12, 137:22, 138:1, 155:4, 162:18, 221:2, 245:16, 256:1, 267:21, 268:22 topic 201:5, 201:10 topics 15:19, 16:6 total 258:22 towards 155:4, 180:22 track 18:3 tracking 18:4, 27:19, 29:7, 29:22, 39:5, 53:6, 90:12, 152:18, 162:16 training 109:21, 110:3, 110:9, 110:22, 111:1, 111:5, 111:20, 112:7, 113:15, 113:22,</p>	<p>118:17, 119:3, 122:3, 124:11 trainings 112:6 tran 294:11 transcribed 12:4 transcribing 11:13 transcript 293:1, 294:9, 294:12, 294:15, 295:7, 295:10, 295:22, 296:14, 297:5, 305:4 transcription 304:5 transcripts 293:12 transition 55:19, 56:3, 115:22, 116:4, 116:10 transmittal 7:7, 237:20 transpired 34:10, 238:19 transpiring 166:14 trey 6:20 true 304:4, 305:4 truth 39:13 try 13:11, 20:18, 111:14 trying 25:10, 38:5, 38:6, 39:2, 40:7, 46:12, 46:17, 61:14, 74:7, 96:9, 102:19, 163:22, 165:11, 185:9, 211:20, 215:20,</p>
--	---	---	--

<p>231:12, 238:18, 242:22, 244:13, 250:8, 250:15, 254:6, 258:3, 259:2, 297:20 tuesday 1:14 turn 279:7, 279:9, 279:11 turned 54:8, 54:10, 213:2 twitter 5:10 two 15:22, 28:16, 40:2, 40:10, 56:21, 64:2, 73:6, 73:11, 75:2, 158:17, 205:12, 207:4, 267:6, 275:16, 276:8, 277:4, 277:14, 277:21, 278:3, 278:7, 278:13, 279:2, 279:4 two-hour 111:15 type 28:11, 28:14, 29:17, 114:16, 149:20, 150:5, 154:15, 173:16, 195:15, 212:2, 212:10, 240:3, 266:12, 276:22, 279:8 types 195:10 typewriting 305:7 typical 90:9 typically 15:3, 19:11, 26:21, 29:20,</p>	<p>31:16, 42:12, 45:9, 81:19, 141:19, 144:10, 153:22, 154:5, 156:10, 161:15, 170:15, 170:18, 176:19, 182:7, 186:2, 193:13, 194:18, 203:19, 240:2, 267:14</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>uh-huh 11:12, 23:8, 26:17, 29:2, 29:16, 33:16, 36:8, 42:16, 60:1, 61:16, 64:14, 68:15, 70:10, 71:10, 76:15, 77:1, 77:16, 86:12, 87:6, 98:19, 114:6, 128:15, 140:4, 144:1, 150:13, 156:19, 159:2, 159:5, 159:8, 163:14, 168:8, 187:12, 208:3, 208:9, 214:19, 217:18, 221:4, 256:9, 276:16, 287:13 ultimately 251:20 unclassified 197:8 under 5:12, 29:21, 30:3, 62:4, 110:17, 116:18, 158:9, 221:2, 305:7 understand 12:12, 14:6, 38:5, 46:13, 46:18, 90:13, 98:16, 110:6,</p>	<p>113:17, 135:3, 155:19, 175:6, 186:11, 188:22, 198:22, 199:2, 199:10, 259:2 understanding 14:9, 14:14, 14:20, 44:2, 79:2, 86:8, 87:5, 95:20, 98:10, 148:20, 182:14, 192:18, 199:7 understood 12:17, 13:6, 110:11, 111:17, 296:22 unfortunately 197:12 united 1:1, 2:13, 4:12 unless 13:4, 15:6, 38:15 unredacted 228:11 until 49:17, 106:11, 243:6, 271:21 updates 14:2, 270:19 upload 40:19 upon 49:18, 178:5, 200:8, 201:19, 202:2, 250:10 use 25:4, 55:17, 56:2, 61:12, 68:11, 74:10, 75:4, 77:11, 81:5, 81:19, 88:4, 89:3, 91:8, 92:18, 154:9, 196:8, 196:22, 197:17, 199:8, 263:6,</p>	<p>263:9, 269:18, 270:8, 275:5, 294:3, 301:5 used 25:22, 59:11, 59:15, 67:21, 79:9, 86:22, 87:1, 88:12, 88:15, 142:10, 153:18, 156:21, 157:22, 158:6, 158:8, 158:11, 158:13, 158:19, 158:20, 158:21, 161:12, 167:7, 167:10, 167:15, 212:5, 215:1, 270:10, 270:15, 271:11 uses 87:19, 263:10 using 15:21, 60:4, 71:19, 80:12, 82:18, 84:2, 87:8, 89:11, 92:12, 93:3, 296:9, 298:22, 301:4 usual 303:15 usun 270:17</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vague 25:21, 231:10, 237:3 vaguely 171:8, 244:11 value 181:12, 181:14 various 214:9 vaughn 290:19, 291:1 verbal 12:5, 252:5</p>
--	--	--	---

<p>verbatim 68:18 version 296:3 versus 199:1, 211:21 very 13:18, 32:11, 125:8, 140:14, 143:7, 146:15, 149:10, 154:18, 195:8, 237:3 via 26:4, 40:21 video 4:19, 9:2, 9:9, 9:11, 10:7, 72:18, 72:21, 104:13, 104:16, 125:16, 125:19, 169:11, 169:14, 204:10, 204:13, 234:2, 234:5, 261:21, 262:4, 292:13, 292:16, 301:22, 302:3, 303:12 videographer 9:10 videotaped 1:11, 2:1, 9:3 voice-identify 9:15</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waiting 192:17, 250:4, 290:12 walk 197:6 walking 200:2, 200:3 walter 131:19, 131:20, 180:8, 188:9, 202:21 want 39:12, 39:16,</p>	<p>39:17, 40:16, 43:8, 43:11, 44:17, 47:4, 47:7, 50:2, 50:11, 55:11, 72:14, 79:20, 85:6, 94:18, 95:3, 95:9, 95:20, 98:9, 101:1, 109:19, 111:17, 115:2, 117:4, 125:1, 125:4, 141:10, 154:21, 156:13, 166:10, 171:12, 171:13, 172:3, 172:20, 174:2, 176:22, 177:17, 180:3, 185:17, 186:9, 188:18, 189:21, 192:9, 192:16, 195:18, 197:16, 198:1, 204:7, 209:17, 214:12, 219:2, 219:17, 220:20, 223:20, 225:12, 229:21, 235:8, 236:10, 237:8, 241:14, 241:16, 242:16, 244:10, 245:15, 257:14, 259:15, 261:10, 261:16, 267:4, 282:21, 282:22, 283:2, 296:17 wanted 124:16, 170:20, 197:5, 200:8, 201:7, 201:19, 202:1, 243:2, 259:13, 281:4, 298:3, 299:15 wants 192:19, 200:19, 203:20, 236:14 washington 1:13, 2:7, 3:8,</p>	<p>3:17, 4:7, 4:14, 9:14, 37:7 wasn't 43:7, 91:17, 105:19, 110:13, 242:11, 250:19, 258:5, 261:1 wasser 6:4, 21:20, 22:5, 23:13, 24:17, 42:13, 42:17, 43:14, 45:9, 45:19, 65:11, 66:1, 66:16, 66:17, 96:3, 98:6, 98:17, 99:2, 132:5, 132:7, 140:6, 140:8, 140:16, 142:4, 142:9, 143:13, 144:8, 145:14, 147:1, 147:7, 154:6, 162:21, 164:7, 204:19, 211:4, 211:9, 214:17, 215:8, 215:9, 216:19, 240:10, 267:20, 268:18, 268:19, 269:8, 269:11, 269:13, 270:16, 271:11, 277:7, 277:8, 278:12, 279:3, 281:9, 284:9, 284:12, 284:16, 286:19, 287:1 wasser's 270:20 watch 1:4, 3:5, 9:5, 13:21, 14:8, 67:14, 137:13, 153:8, 161:6, 179:2, 184:20, 191:16, 213:10, 245:1, 256:6,</p>	<p>265:16, 274:11, 293:3, 293:15, 295:16 watch's 14:22, 16:4, 265:22, 274:17 watchful 195:10 water 261:16 way 11:21, 58:17, 82:8, 90:9, 92:11, 121:10, 135:6, 136:10, 188:4 ways 253:16, 253:20, 254:2, 254:6, 254:19, 288:17 we'd 104:5 we'll 13:11, 15:18, 29:1, 48:5, 112:18, 170:21, 171:11, 173:18, 246:17, 254:19, 286:1 we're 12:11, 16:7, 18:5, 18:11, 18:16, 20:3, 20:9, 22:10, 30:22, 45:4, 73:20, 79:17, 85:7, 87:12, 90:14, 96:8, 128:17, 129:14, 143:2, 144:16, 145:16, 150:11, 152:9, 167:13, 171:17, 171:19, 172:4, 172:20, 198:20, 204:7, 214:3, 223:13, 245:9, 250:8, 257:15, 257:16,</p>
---	--	---	--

<p>257:19, 257:20, 259:1, 259:16, 265:13, 268:5, 292:19, 295:2, 302:7 we've 67:1, 72:13, 129:16, 135:11, 201:6, 204:3, 209:4, 209:8, 288:22, 289:18 week 130:13, 164:2, 247:11, 247:12, 247:13 weismann 5:16, 138:10, 138:22, 146:11 well 11:5, 14:9, 22:10, 30:10, 34:11, 34:14, 46:20, 52:2, 53:19, 58:8, 60:13, 60:15, 76:7, 77:13, 78:8, 82:11, 82:12, 84:2, 87:13, 95:21, 96:17, 101:7, 110:14, 119:11, 122:20, 127:8, 130:7, 140:14, 143:8, 146:15, 149:10, 151:17, 154:18, 155:21, 156:16, 163:2, 163:10, 165:17, 167:2, 170:17, 170:22, 172:5, 174:18, 175:17, 175:18, 176:15, 177:4, 177:13, 179:8, 182:10, 189:1, 190:5, 190:18, 192:3, 194:1, 195:8, 195:15, 195:21,</p>	<p>197:13, 197:18, 198:13, 214:13, 214:17, 217:17, 219:22, 223:8, 235:10, 236:22, 241:19, 250:7, 254:4, 262:22, 269:20, 284:9, 284:12, 290:15, 300:16 went 30:17, 43:10, 69:17, 69:19, 69:21, 84:6, 119:12, 120:9, 122:18, 130:2, 150:17, 151:1, 156:1, 163:5, 185:11, 231:19, 259:6, 299:12, 299:19 weren't 151:8 what's 25:7, 73:5, 113:1, 115:13, 121:12, 128:5, 128:8, 136:21, 137:21, 138:1, 141:2, 144:15, 151:10, 153:1, 160:22, 171:18, 178:20, 184:11, 191:8, 194:21, 199:13, 199:14, 199:22, 211:21, 213:7, 218:16, 219:13, 219:19, 223:18, 233:17, 234:9, 244:19, 262:8, 264:11, 264:18, 271:6, 272:18, 275:1, 275:17 whatever 80:7, 81:18, 123:1, 173:13, 173:17, 175:12,</p>	<p>176:6, 198:6, 224:18, 289:22 where 16:7, 16:18, 34:12, 38:7, 54:10, 122:12, 122:22, 132:1, 132:2, 132:3, 133:16, 134:19, 135:12, 137:17, 139:10, 141:14, 149:7, 151:5, 157:17, 157:19, 158:7, 158:9, 180:11, 202:19, 226:9, 236:11, 238:1, 244:3, 245:18, 246:11, 254:6, 254:19, 285:21, 296:6, 300:3, 301:3 whereof 305:12 whether 15:19, 15:22, 16:2, 44:13, 52:9, 55:16, 56:2, 58:22, 59:11, 59:15, 60:4, 60:9, 60:15, 61:11, 65:6, 71:2, 71:19, 78:15, 79:9, 80:12, 81:4, 90:19, 91:3, 93:12, 93:16, 93:17, 97:4, 108:19, 129:21, 132:18, 135:8, 135:11, 136:1, 154:6, 160:7, 160:12, 186:12, 189:4, 189:9, 190:7, 196:10, 198:7, 200:3, 201:18, 204:2, 206:13, 209:12, 210:15,</p>	<p>228:3, 239:14, 239:20, 239:22, 240:22, 241:22, 254:21, 270:22, 278:12, 293:1, 296:8, 298:11, 301:7, 301:14 which 16:19, 17:20, 22:4, 27:21, 28:6, 37:8, 37:10, 39:5, 42:9, 42:18, 43:15, 47:14, 51:10, 53:6, 53:7, 53:11, 58:2, 73:5, 88:3, 91:19, 93:8, 96:18, 104:3, 127:19, 131:2, 132:16, 133:7, 137:10, 141:21, 147:17, 162:17, 167:12, 172:6, 185:21, 185:22, 186:22, 198:20, 200:19, 214:14, 215:3, 219:16, 233:2, 237:20, 262:8, 264:13, 269:16, 291:16, 296:2, 296:20 while 15:21, 45:11, 67:7, 83:13, 84:18, 85:9, 90:2, 185:4, 185:5, 289:3, 290:12, 293:18, 301:14 whitehead 1:22, 2:12, 10:9, 305:2 who's 172:16 whoever 63:4, 95:13</p>
---	---	---	---

<p>whole 156:3, 218:22</p> <p>whom 9:16, 248:7, 248:17, 305:2</p> <p>whose 31:21, 222:16</p> <p>why 25:3, 25:5, 43:5, 45:14, 46:10, 51:12, 57:2, 59:7, 81:22, 82:1, 82:2, 84:5, 86:18, 89:21, 90:7, 91:5, 93:5, 93:10, 93:11, 107:20, 119:18, 120:1, 124:14, 124:21, 125:13, 135:18, 152:15, 156:11, 163:4, 163:7, 163:18, 164:3, 166:12, 175:16, 218:3, 240:4, 241:7, 243:9, 259:5, 259:13, 271:19, 272:1, 287:20, 288:6, 288:9, 288:17, 290:3, 297:17, 297:22</p> <p>will 11:17, 12:16, 13:15, 19:11, 19:12, 20:18, 21:1, 35:21, 50:1, 68:22, 70:3, 109:14, 113:14, 113:17, 114:15, 117:19, 118:6, 118:9, 123:4, 147:5, 151:4, 165:13, 170:18, 176:6, 183:2, 189:1, 192:7, 201:13,</p>	<p>203:21, 226:6, 254:21, 267:22, 283:10, 284:13, 291:19</p> <p>william 234:21, 235:11, 245:17, 251:6</p> <p>withdraw 104:18, 274:18</p> <p>within 16:22, 17:20, 19:4, 19:8, 20:5, 23:21, 29:19, 35:15, 38:20, 46:6, 46:13, 67:21, 88:10, 88:11, 92:20, 95:1, 97:19, 131:10, 133:4, 133:8, 134:15, 149:21, 160:8, 160:12, 162:14, 165:20, 220:18, 243:18, 274:12, 285:6, 292:4</p> <p>without 92:6, 103:21, 138:11, 140:11, 142:12, 143:6, 154:19, 155:10, 155:14, 155:20, 163:21, 166:2, 199:16, 227:18, 228:1, 228:17</p> <p>witness 10:11, 104:8, 104:20, 261:20, 278:21, 293:10, 305:12</p> <p>word 85:21, 125:1, 125:4</p> <p>work 21:5, 67:21, 93:2, 95:5, 98:14, 103:9, 133:4, 134:15,</p>	<p>134:19, 135:14, 199:14, 213:22, 215:1</p> <p>worked 31:22, 32:1, 63:17, 76:1, 76:2, 76:6, 97:4, 98:13, 98:15, 98:17, 114:9, 118:19, 119:3, 132:1, 132:2, 132:3, 133:11, 133:16, 134:13, 159:15, 159:20, 159:21, 181:21, 215:2, 235:20, 235:21</p> <p>working 16:13, 16:19, 16:20, 16:22, 18:20, 18:22, 23:2, 32:8, 32:18, 54:5, 76:10, 96:17, 135:16, 170:11, 180:12, 181:1, 181:5, 181:18, 215:4, 215:9, 260:14, 284:15</p> <p>works 67:20, 132:17, 133:3, 133:6, 135:13, 236:5</p> <p>workshop 113:15, 113:21, 115:15, 115:21, 117:17, 117:20, 118:17, 120:6, 120:10, 121:18, 122:6, 122:17, 124:1</p> <p>workshops 119:13, 121:8, 122:10, 124:15</p> <p>wouldn't 15:5, 27:2, 35:7, 35:8, 53:1, 56:5,</p>	<p>56:8, 78:17, 79:7, 82:2, 108:21, 109:17, 116:12, 146:16, 151:15, 152:7, 154:20, 155:16, 159:12, 159:13, 165:17, 203:22, 225:22</p> <p>wrap 211:20, 238:18</p> <p>writes 180:12</p> <p>writing 38:22, 97:14</p> <p>written 139:13, 190:19</p> <p>wrong 237:10</p> <p>wrote 202:20, 202:21, 226:20, 264:14</p> <p>wtop 73:7, 73:14</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 22:19, 23:4, 23:5, 57:15, 67:1, 74:22, 105:14, 110:8, 110:13, 111:21, 111:22, 171:19</p> <p>yearly 173:18</p> <p>years 65:19, 67:3, 81:15, 121:2, 272:9</p> <p>yep 156:3</p> <p>yet 292:22</p> <p>you're 11:18, 12:3, 12:17, 34:8, 34:17, 46:18, 48:14, 53:18,</p>
---	--	--	---

<p>59:17, 59:21, 68:20, 69:6, 74:1, 79:6, 79:19, 79:21, 80:1, 88:2, 89:16, 89:18, 92:19, 96:21, 100:1, 100:9, 100:15, 100:16, 101:2, 113:4, 116:16, 142:17, 147:5, 148:17, 148:20, 150:11, 151:11, 151:12, 155:18, 180:2, 181:18, 193:13, 194:20, 200:1, 200:3, 212:17, 237:14, 237:17, 249:17, 249:19, 253:5, 257:2, 257:5, 265:9, 266:19, 292:6 you've 126:3, 126:5, 126:9, 128:1, 128:11, 136:20, 144:19, 153:2, 161:1, 163:11, 178:20, 179:6, 184:12, 191:10, 198:11, 213:13, 218:19, 228:20, 233:19, 245:5, 262:11, 267:1, 272:21 yourself 214:18</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zero 162:18, 269:5, 269:6</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>00000897 6:18 00001325 6:15, 6:16</p>	<p>00001326 6:10, 6:11 00002129 6:13 00002130 6:13 0001 6:10, 6:15, 6:18 0002 6:16 0003 6:11 01 104:14, 192:12 01242 1:7, 9:7 03 1:15, 9:9, 292:14 05 204:11 08 5:11 08848 267:21</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>10 1:15, 5:3, 5:8, 6:12, 9:9, 72:19, 73:6, 82:16, 122:22, 184:9, 184:12, 184:17 11 5:20, 6:14, 7:15, 7:19, 8:3, 72:19, 72:22, 128:19, 129:4, 129:11, 135:20, 136:16, 185:21, 187:2, 187:16, 190:8, 191:5, 191:9, 191:15, 202:17, 221:3, 221:7, 270:17, 283:3, 284:21</p>	<p>1100 2:5, 3:16, 9:12 112 5:11 12 5:20, 6:17, 7:19, 82:22, 104:14, 104:17, 125:17, 129:4, 213:5, 213:8, 228:12, 229:1, 245:20, 248:10, 249:2, 249:21, 250:11, 252:1 125 5:16 128 5:19 13 5:8, 6:3, 6:5, 6:6, 6:19, 7:11, 104:17, 125:20, 218:12, 218:17, 226:14, 233:18, 264:5, 293:4, 295:13, 296:6 136 5:21 1363 293:4, 295:13 14 1:7, 6:3, 7:3, 7:11, 7:15, 7:19, 8:3, 9:7, 141:8, 142:7, 143:22, 145:15, 163:13, 164:5, 164:15, 165:6, 166:18, 168:6, 168:18, 169:12, 169:15, 204:14, 233:15, 233:19, 234:9, 292:17, 305:16 144 6:3 15 6:19, 7:5,</p>	<p>111:13, 204:11, 204:14, 220:13, 234:3, 234:6, 244:17, 244:20, 245:3 15,000 221:8 152 6:5 16 7:7, 8:9, 246:17, 246:18, 246:21, 261:22, 262:5, 296:2 160 6:6 17 7:9, 8:3, 255:15, 255:18, 255:19, 275:20, 276:7, 276:15, 277:2, 277:5, 277:16, 278:9, 292:14, 292:17, 302:1, 302:4, 303:14 1748 137:10, 142:5, 143:3 178 6:9 18 7:11, 8:9, 261:22, 262:2, 262:8, 262:16, 263:21, 264:4, 280:18 184 6:12 19 7:14, 214:15, 262:19, 262:22, 263:2, 263:4, 263:16, 264:8, 265:1, 265:3, 266:5, 268:6 1904 172:6, 177:15,</p>
---	---	--	--

<p>186:15 191 6:14 1st 49:17, 142:7, 143:19, 168:2, 181:4</p> <hr/> <p style="text-align: center;">2</p> <p>2/3/14 7:3 2/6/12 5:16 20 4:6, 7:15, 88:5, 92:20, 129:4, 220:13, 266:21, 267:2, 267:7, 267:18, 267:19, 268:13 20005 3:17 20024 3:8 20036 2:7 2006 16:14, 17:4, 17:13, 80:21, 198:11 2008 60:15, 115:4, 115:14, 119:16 2009 20:12, 24:12, 26:16, 27:17, 32:11, 32:16, 33:5, 33:12, 38:2, 38:21, 39:20, 42:15, 43:14, 46:4, 47:10, 47:18, 55:11, 55:18, 56:3, 60:15, 61:2, 62:4, 62:6, 62:11, 62:17, 63:4, 63:18, 80:20,</p>	<p>97:10, 97:13, 97:15, 100:7, 103:7, 109:20, 117:7, 118:18, 119:11, 119:18, 121:11, 123:21, 142:7, 143:19 2010 120:18, 121:8 2011 74:5, 74:18, 83:7, 86:3, 120:19, 121:8 2012 14:3, 37:5, 49:17, 54:14, 57:18, 97:15, 115:4, 120:19, 121:8, 123:21, 128:19, 129:4, 129:11, 135:20, 136:16, 138:1, 139:2, 139:6, 146:4, 146:11, 148:13, 154:7, 209:21, 270:18, 271:8, 271:9, 271:20, 282:6 2013 20:12, 32:12, 32:16, 33:12, 38:2, 38:22, 39:20, 40:2, 40:10, 42:10, 42:15, 43:14, 44:11, 44:21, 45:4, 46:4, 47:10, 49:17, 50:14, 51:1, 54:14, 63:18, 73:7, 74:14, 76:22, 82:16, 97:10, 97:13, 100:7, 103:7, 106:15, 108:4, 109:20, 140:2, 141:8, 142:7, 143:22, 145:15,</p>	<p>148:14, 154:7, 157:7, 157:15, 162:14, 163:6, 163:13, 163:19, 164:5, 164:15, 165:6, 166:18, 168:7, 168:18, 170:8, 171:3, 174:3, 176:4, 177:21, 178:4, 179:16, 180:6, 180:22, 185:21, 187:2, 187:16, 190:9, 192:5, 192:12, 205:12, 205:22, 206:5, 206:20, 207:5, 207:6, 209:15, 271:22, 303:4 2014 16:1, 21:15, 23:11, 24:12, 26:16, 27:17, 40:3, 40:10, 42:10, 44:11, 45:4, 50:15, 51:1, 52:6, 88:3, 88:9, 107:1, 107:13, 154:16, 205:13, 205:22, 206:5, 206:20, 207:5, 207:6, 207:20, 208:2, 208:17, 209:3, 209:15, 210:17, 214:6, 215:4, 215:15, 216:21, 217:10, 217:20, 221:3, 221:18, 222:6, 222:18, 222:21, 224:1, 224:17, 225:10, 226:17, 226:20, 227:21, 229:11, 229:17, 231:16, 232:6, 235:2, 238:12, 239:14, 240:7,</p>	<p>241:3, 242:9, 242:20, 243:21, 244:7, 244:9, 244:10, 245:12, 249:8, 250:18, 251:3, 251:15, 252:10, 252:16, 253:10, 256:13, 256:14, 257:1, 257:8, 260:9, 264:5, 264:21, 265:2, 267:21, 269:4, 270:21, 275:20, 276:7, 276:15, 277:2, 277:5, 277:16, 278:9, 281:10, 286:5, 287:8, 289:1, 289:2, 289:12, 290:7, 290:8 2015 16:1, 82:22, 220:13, 229:22, 291:9 2016 280:19, 295:8 2019 1:14, 9:8, 305:13 202 3:9, 3:18, 4:8, 4:15 2023 305:16 20520 4:14 20530 4:7 21 6:5, 7:18, 139:6, 140:2, 146:11, 157:7, 163:6, 163:19, 262:5, 270:1, 270:4, 271:4 213 6:17</p>
--	--	--	---

<p>218 6:19 22 7:19, 105:3, 105:7, 105:8, 106:6, 107:4, 205:19, 221:13, 222:4, 272:16, 272:19, 282:2 2201 4:13 2205 4:8 23 8:3, 274:21, 275:2, 275:22, 276:4, 276:13, 285:2, 286:5, 287:8 233 7:3 24 8:6, 280:3, 280:7, 287:10, 287:12 242900 1:20 244 7:5 246 7:7 25 8:9, 282:12, 282:16, 302:1, 302:4 255 7:9 26 6:6, 72:22, 162:14, 163:5, 169:12, 169:15, 303:14, 303:17 262 7:11, 7:14 266 7:15 27 179:16</p>	<p>270 7:18 272 7:19 274 8:3 280 8:6 282 8:9 29 5:11, 115:14, 180:6, 282:6 2nd 256:13, 257:1, 260:1 <hr/>3<hr/>30 117:7, 179:16, 192:5, 192:11 305 1:21, 3:18 31 271:8, 271:20 34 125:20 37 125:17 3767 2:8 3rd 235:2, 240:7, 256:14 <hr/>4<hr/>4 129:4, 214:15 40981 138:1, 146:4 42 267:7 425 3:6 43 267:8 433 2:8</p>	<p>44 187:3 45 111:14, 111:19 48 234:3 49 234:6 4th 305:13 <hr/>5<hr/>5 303:17 50 64:2, 64:4 514 4:8 5172 3:9 53 180:6 5th 107:1, 107:12 <hr/>6<hr/>61 295:21, 296:5 62 300:6 63 293:4, 300:6 6371 4:15 64 296:15, 296:18, 299:22, 300:22 646 3:9 647 4:15 692 245:3 693 54:5, 237:20 <hr/>7<hr/>7 180:6</p>	<p>7/9/14 7:14 70 281:1 73 5:8 7583 3:18 <hr/>8<hr/>8 187:3 800 3:7 888 2:8 8th 295:8 <hr/>9<hr/>9 192:12 9/9/14 7:18 950 2:6, 9:13 9th 249:7, 249:20, 255:9, 255:10, 264:21, 265:2</p>
--	--	--	---