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9 Counsel for the Congressional Defendants

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

14 JOHN C. EASTMAN

15 Plaintiff,

16 vs.

17 BENNIE G. THOMPSON, *et al.*,

18 Defendants.
19
20
21

Case No. 8:22-cv-00099-DOC-DFM

JOINT STATUS REPORT

22 Pursuant to the Court’s January 24, 2022 Order, the Congressional Defendants and
23 Chapman University respectfully submit the following joint status report. Plaintiff has
24 indicated that he will file a separate status report.
25

26 **Position of the Congressional Defendants:**

27 On January 25, pursuant to this Court’s order, counsel for the House Select
28 Committee to Investigate the January 6th Attack on the United States Capitol (the Select

1 Committee) contacted counsel for Plaintiff John Eastman to attempt to reach agreement
2 on preliminary procedural matters regarding Plaintiff's production of a privilege log and
3 documents responsive to the Select Committee's subpoena to Chapman University.
4 Specifically, the Select Committee requested that, beginning on January 26, Plaintiff
5 make a continuing production of documents and privilege log entries to the Select
6 Committee, with a production made each day at 8pm Eastern time, including
7 weekends. To that end, the Select Committee asked that each day Plaintiff provide to the
8 Select Committee: (1) the set of documents reviewed that day over which Plaintiff is not
9 claiming privilege; and (2) privilege log entries regarding any documents reviewed that
10 day over which Plaintiff is claiming privilege. In addition, the Select Committee
11 requested that Plaintiff begin his review and production with emails dated January 4,
12 2021, through January 7, 2021.

13 This morning, counsel for the Select Committee sent counsel for Plaintiff a list of
14 the following proposed fields for Plaintiff's privilege log: (1) Date and Time; (2) Bates
15 Range of Document Withheld (or Page(s) Redacted); (3) Author; (4) All Recipients
16 (Including CC and BCC); (5) General Description (including a description of any
17 attachment(s) to the email); (6) Nature of Privilege; (7) Client Name (to be left blank if
18 Plaintiff claims privilege over the client identity itself).

19 Earlier this afternoon, counsel for Plaintiff responded by email that Plaintiff and
20 his counsel "are going to try and start going through" the documents tonight and
21 tomorrow. Regarding the Select Committee's specific requests, counsel for Plaintiff
22 responded that Plaintiff was "not willing to agree to particular deadlines or requirements
23 beyond those contained in the subpoena itself and the Court's orders." Plaintiff's counsel
24 simply represented the intention to "comply with the court's orders in good faith as
25 expeditiously as we can."

26 The Select Committee is concerned about the pace of Plaintiff's review. This
27 Court ordered Plaintiff to begin work on production and creating a privilege log on
28 Tuesday, January 25, by 12:00 pm Pacific, yet it appears that Plaintiff has not even begun

1 reviewing the documents at issue, and that he will not begin before tonight or tomorrow.
2 Further, the Select Committee has received no indication from Plaintiff regarding when
3 Plaintiff will begin producing documents and privilege log entries, how often they will be
4 produced, and what will be included in the privilege log.

5 In light of Plaintiff's apparent unwillingness to engage regarding the Select
6 Committee's preliminary requests in the absence of an order by this Court, and given the
7 importance and urgency of the Select Committee's investigation and the need for the
8 particular documents at issue, the Congressional Defendants respectfully request that this
9 Court order Plaintiff to (1) make daily productions of documents and privilege log entries
10 to the Select Committee beginning tomorrow, January 27; (2) begin his review and
11 production with emails dated January 4, 2021, through January 7, 2021; and (3) include
12 in the privilege log the fields requested by the Select Committee, listed above.

13
14 **Position of Chapman University:**

15 Before noon PST on Tuesday, January 25, 2022, Chapman provided Dr. Eastman's
16 counsel with a download link for the emails that are responsive to the Select Committee's
17 subpoena, in Outlook .PST format. Dr. Eastman's counsel Anthony Caso confirmed he
18 received and could access the emails on Tuesday, January 25, 2022. In addition,
19 Chapman has engaged an outside vendor to prepare a sequentially-numbered set of the
20 production, to be provided to Dr. Eastman's counsel as soon as it is ready, which should
21 be no later than Thursday, January 27, 2022 at 3 pm PST.

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Respectfully submitted,

/s/ Douglas N. Letter

DOUGLAS N. LETTER

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*Counsel for Defendant Chapman
University*

Dated: January 26, 2022

CERTIFICATE OF SERVICE

WASHINGTON, DISTRICT OF COLUMBIA

I am employed in the aforesaid county, District of Columbia; I am over the age of 18 years and not a party to the within action; my business address is:

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On January 26, 2022, I served the **JOINT STATUS REPORT** on the interested parties in this action:

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(BY E-MAIL OR ELECTRONIC TRANSMISSION)

The document was served on the following via The United States District Court – Central District’s CM/ECF electronic transfer system which generates a Notice of Electronic Filing upon the parties, the assigned judge, and any registered user in the case:

(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 26, 2022 here, at Bethesda, Maryland.

/s/ Douglas N. Letter