

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, ex rel.,  
MARCO WHITE, MARK MITCHELL,  
and LESLIE LAKIND,

Plaintiffs,

vs.

Case No. D-101-CV-2022-00473

COUY GRIFFIN,

Defendant.

**PLAINTIFFS' MOTION IN LIMINE TO ADMIT PRIOR TRIAL TESTIMONY AND  
EXHIBITS AND GOVERNMENT RECORDS**

To lessen the Court's burden and conserve time at trial, Plaintiffs move to admit pretrial, under Rule of Evidence 11-804(B)(1), relevant testimony of unavailable witnesses and associated exhibits from Defendant's criminal trial arising from his actions in Washington, D.C. on January 6, 2021. *See United States v. Griffin*, 21-cr-92-TNM (D.D.C.). Plaintiffs also move to admit, under Rules of Evidence 11-803(8) or 11-201, certain relevant government records from investigations and proceedings admitted into evidence during Defendant's criminal trial. These exhibits and testimony bear directly on the question of whether the January 6, 2021 attack on the U.S. Capitol constituted an "insurrection" within the meaning of the Fourteenth Amendment and provide important context regarding Defendant's actions. They are available for review at the Court's request.

**I. Prior Trial Testimony of Unavailable Witnesses John Erickson and Lanelle Hawa and Accompanying Exhibits Are Admissible Under Rule 11-804(B)(1).**

Rule 11-804(B)(1) provides that if a "declarant is unavailable as a witness," their former testimony is "not excluded by the rule against hearsay" if the testimony "(a) was given as a

witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one,” and “(b) is now offered against a party who had ... an opportunity and similar motive to develop it by direct, cross-, or redirect examination.” A witness is “unavailable” if, among other things, he or she is “absent from the trial or hearing and the statement’s proponent has not been able, by process or other reasonable means, to procure ... the declarant's attendance.” Rule 11-804(A)(5)(a) NMRA.

Pursuant to Rule 11-804(B)(1), Plaintiffs move to admit into evidence for the upcoming trial the trial testimony from Defendant’s criminal trial of U.S. Capitol Police (USCP) Inspector John Erickson and U.S. Secret Service (USSS) Inspector Lanelle Hawa. Both declarants testified to matters highly relevant to this case, namely, the security concerns and challenges of law enforcement regarding the mob that assembled on the Capitol grounds, the breach of restricted areas of the Capitol complex, and efforts by law enforcement to protect the Capitol against the mob that sought to prevent the certification of the 2020 presidential election.

Despite Plaintiffs’ diligent efforts, including extensive negotiations with the declarants’ federal employers and issuance of subpoenas to obtain their trial testimony, Plaintiffs have been unable to secure these declarants’ attendance at trial. The declarants’ federal employers have refused to authorize either witness to testify voluntarily in this case, and sovereign immunity shields federal entities from state court subpoenas. Moreover, Defendant had an opportunity to object to any exhibits introduced through their testimony and to develop their testimony on cross-examination at his criminal trial. Therefore, the Court should admit their previous trial testimony under Rule 11-804(B)(1).

**A. Both USCP Inspector Erickson and USSS Inspector Hawa Are “Unavailable” Within the Meaning of Rule 11-804(A)(5).**

A declarant is unavailable when “the statement’s proponent has not been able, *by process or other reasonable means*, to procure the declarant’s attendance” at the relevant proceeding. Rule 11-804(A)(5) (emphasis added). New Mexico courts have interpreted “process” to mean a defined and valid legal process, such as a valid subpoena. *See, e.g., State v. Waits*, 1978-NMCA-116, 92 N.M. 275, 587 P.2d 53. Pertinent here, sovereign immunity generally shields federal government entities from state court subpoenas. *See In re Subpoena in Collins*, 524 F.3d 249, 251 (D.C. Cir. 2008) (“A state subpoena commanding a federal agency to produce its records or have its employees testify about information obtained in their official capacities violates federal sovereign immunity.”); *Houston Business Journal, Inc. v. Office of the Comptroller, et al.*, 86 F.3d 1208, 1211 (D.C. Cir. 1996) (“When a litigant seeks to obtain documents from a non-party federal governmental agency” in state court, “the federal government is shielded by sovereign immunity, which prevents the state court from enforcing a subpoena.”).

While courts have rarely addressed what constitutes “other reasonable means” under Rule 11-804(A)(5), courts generally read Rule 11-804 with “common sense to ensure that due diligence is exerted” to secure the witness’s attendance. *State v. Haskins*, 2008-NMCA-086, ¶ 29, 144 N.M. 287, 186 P.3d 916 (internal citation omitted); *see also Madrid v. Scholes*, 1976-NMCA-007, ¶ 5, 89 N.M. 15, 546 P.2d 863 (“A party seeking the admission of former testimony of a witness must make a showing of ‘due diligence’ by some evidence that the witness cannot be produced in person to testify.”). Whether a party exercised due diligence is a factual inquiry based on the totality of circumstances. *See State v. Graham*, 1993-NMCA-054, ¶¶ 10-11, 115 N.M. 745, 858; *see, e.g., State v. Ewing*, 1982-NMSC-003, ¶ 17, 97 N.M. 235, 638 P.2d 1080,

*holding modified by State v. Baca*, 1992-NMSC-055, 114 N.M. 668, 845 P.2d 762 (witness was unavailable when it was “obvious that the witness did not want to testify” due to repeated evasion of subpoena service); *State v. Gutierrez*, 1995-NMCA-013, ¶ 6, 119 N.M. 658, 894 P.2d 1014 (witness was unavailable when she had not appeared in earlier proceedings despite being served a subpoena, among other evidence that state had attempted and failed to locate her); *cf. State v. Brown*, 1977-NMCA-125, ¶ 5, 91 N.M. 320, 573 P.2d 675 (witness was not unavailable when he was in the general area of the court and there was no attempt to directly contact or subpoena him).

Here, Plaintiffs have exhausted all avenues to secure USCP Inspector Erickson’s attendance at trial through process or other reasonable means. From April through July of this year, Plaintiffs’ counsel engaged in extensive negotiations with USCP seeking approval for Mr. Erickson’s requested testimony. Plaintiffs then issued a subpoena seeking Mr. Erickson’s testimony and properly domesticated the subpoena in D.C. Superior Court. *See* Nikhel Sus Decl., Ex. 1, Attachment A (“Sus Decl”). By email dated July 18, 2022, USCP’s Office of the General Counsel confirmed in writing that it does not approve of Mr. Erickson testifying in this case voluntarily and that sovereign immunity shields him from compulsory state court process.<sup>1</sup> *See id.*

Plaintiffs have likewise exhausted all avenues to secure USSS Inspector Hawa’s attendance at trial through process or other reasonable means. USSS is subject to federal *Touhy* regulations restricting the appearance of federal employees for oral testimony. *See* 6 CFR §

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<sup>1</sup> This represents Plaintiffs’ third attempt to secure a USCP witness. USCP previously blocked two of its officers, Officer Aquilino A. Gonell and Harry A. Dunn, from testifying in this case.



5.45.<sup>2</sup> Inspector Hawa legally cannot be compelled to testify outside of the onerous process outlined in the agency's *Touhy* regulations for submission and review of such requests. Plaintiffs submitted a *Touhy*-compliant request to USSS on July 1, 2022, and followed up on that request with a subpoena for Inspector Hawa's trial testimony domesticated in D.C. Superior Court on July 18, 2022. *See* Sus Decl., Ex. 1, Attachments B, C, D. USSS has indicated it does not authorize Inspector Hawa to testify in this case and has denied Plaintiffs' *Touhy* request, and in fact indicated that it "anticipate[s] that Inspector Hawa's trial testimony would be available for use in the instant proceeding." *See* Sus Decl., Ex. 1, Attachment E. Inspector Hawa is immune from state court process except as prescribed in the agency's *Touhy* regulations.

Thus, both Inspectors Erickson and Hawa are "unavailable" under Rule 11-804.

**B. The Other Requirements of Rule 11-804(B)(1) Are Met.**

The other requirements of Rule 11-804(B)(1) are likewise met. The prior testimony was given by both Inspectors Erickson and Hawa as "witness[es] at a trial" in Defendant's federal criminal case. Rule 11-804(B)(1)(a).

Further, Defendant had "an opportunity and similar motive to develop" their testimony by cross-examination. 11-804(B)(1)(b). During his criminal trial, Defendant was represented by counsel, who cross-examined both witnesses concerning Defendant's criminal culpability for his actions at the U.S. Capitol on January 6, 2021. Both Inspector Erickson and Hawa testified as to the nature of the January 6 attack on the Capitol, the tactics and actions of the attackers, and the effect of their attack on the certification of the 2020 election results.

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<sup>2</sup>USCP has no comparable regulations for securing employee testimony. *See* Sus Decl., Ex. 1, Attachment A.

Defendant’s counsel cross-examined both witnesses about the security measures around the Capitol complex and the January 6 attackers’ entry onto the Capitol grounds. The security measures around the Capitol, Defendant’s reaction to them, and the actions of other members of the January 6 mob, whom, Plaintiffs allege, were incited by Defendant’s conduct that day, are relevant to determining whether Defendant engaged in “insurrection” within the meaning of the Fourteenth Amendment. Defendant had a strong motive to develop this testimony in the criminal context, where criminal sanctions were at stake. Further, Defendant himself in court filings has identified the two cases as being linked, arguing that – while Plaintiffs disagree – his acquittal on one criminal charge bears on whether he in fact engaged in insurrection against the United States. *See* Pls.’ Mot. For Prelim. Inj., *Griffin v. White*, No. 2-22-cv-00362-KG-GJF, ECF 20 (D.N.M. May 18, 2022), at 17.

Thus, Inspectors Erickson and Hawa’s testimony, relevant to the issues in this case, meets Rule 11-804’s requirements for admission into evidence. The transcript of Defendant’s criminal trial is available upon the Court’s request.

**C. Prior Testimony and Associated Exhibits for Admission under Rule 11-804(B)(1).**

Based on the foregoing, Plaintiffs move to admit into evidence Inspector Erickson and Inspector Hawa’s prior trial testimony. Plaintiffs also move to admit the following exhibits, which were entered into evidence at the criminal trial through Mr. Erickson’s testimony, and are available for review at the Court’s request:

- A bird’s eye satellite view of the Capitol complex;
- Photo of the Capitol complex with the security perimeter marked in yellow;
- Three images of security signage present around the Capitol on January 6, 2021;

- A 22-minute montage of USCP surveillance footage depicting the events of January 6, 2021;
- Five hours of time-stamped footage from a camera on the west roof of the Capitol; and
- Time-stamped surveillance camera footage of then-Vice President Pence escaping his congressional office and seeking shelter in a secure location.

Plaintiffs also move to admit the following exhibit, which was entered into evidence at the criminal trial through Ms. Hawa’s testimony and is available for review at the Court’s request:

- Video depicting the west plaza of the Capitol being breached.

By providing undisputable factual details on the context of the January 6 Attack on the Capitol, the above testimony and accompanying exhibits are critical to establishing that the events of January 6, 2021 were an “insurrection” within the meaning of the Fourteenth Amendment—a central issue in this *quo warranto* action. *See* Compl. ¶¶ 74–80, 98.

**D. Public Records Admitted in Defendant’s Criminal Trial Are Admissible Under Rules 11-803(8) and 11-201.**

Plaintiffs also move to admit into evidence for the upcoming trial relevant other public records previously admitted into evidence in Defendant’s criminal trial under Rule 11-803(8)’s “public records” hearsay exception and Rule 11-201. These public records include the Congressional Record from January 6, 2021 and the observations and factual findings of congressional entities tasked with investigating the events of that day, as well as Otero County Commission records and factual stipulations by the Defendant during his criminal trial. These documents are sourced from public information, are not subject to reasonable dispute, and bear directly on the elements of Plaintiffs’ *quo warranto* action.

Rule of Evidence 11-803(8) defines “public records” as a record or statement of a public office if it sets out: (a) the office’s activities; (b) a matter observed while under a legal duty to report; or (c) factual findings from a legally authorized investigation. Further, upon request by a

party, Rule 11-201 requires this Court to judicially notice a fact that is not subject to reasonable dispute when (a) it is generally known within the court's territorial jurisdiction; or (b) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

Here, Plaintiffs move this Court to admit into evidence pursuant to Rule 11-803(8), or the facts contained therein pursuant to Rule 11-201, the following public records admitted into evidence in Defendant's criminal trial without a sponsoring witness, and are available for review at the Court's request:

- House Certificate of Authenticity of Domestic Records;
- Senate Certificate of Authenticity of Domestic Records;
- Montage of time-stamped footage of floor of the House of Representatives throughout the January 6 Attack;
- Excerpt of Senate Congressional Record from Jan 6, 2021;
- Excerpt of House Congressional Record from Jan 6, 2021;
- Stipulation about Otero County Commission Meeting with Defendant's signature;
- Video of Otero County Commission Meeting on January 14, 2021; and
- Stipulation by Defendant in criminal case acknowledging the House certification taking place on January 6, 2021 and the fact that a recess had to occur.

The documents listed above, and the facts they contain, are sourced from public information and are not subject to reasonable dispute by Defendant. They bear directly on the question of whether the January 6, 2021 attack on the U.S. Capitol constituted an "insurrection" within the meaning of the Fourteenth Amendment. *See* Compl. At ¶ 98. The congressional

record and footage of the House floor on January 6 provide critical context to Defendant's actions on January 6, 2021, including the nature of the attack and the effect of the attack on the certification of the 2020 election results. Defendant's stipulation acknowledging the House certification was taking place, and was in fact delayed, is probative of his motive in entering the U.S. Capitol grounds and in speaking the words and taking the actions he did in the restricted area on January 6. Defendant's comments about the January 6 Attack shortly after he returned to New Mexico contained in the Otero County Commission records and Defendant's associated stipulation are further probative of his motive to breach the Capitol grounds and act and speak as he did in the restricted area that day.

Finally, the proffered copies of evidence admitted in Defendant's criminal trial are authentic. Plaintiffs acquired these exhibits directly from the United States Attorney's Office for the District of Columbia, which has attested as to their authenticity in a sworn declaration, available upon request of the Court.

### CONCLUSION

Based on the forgoing, Plaintiffs respectfully request that the Court admit in evidence the above-described prior trial testimony and exhibits and government records. All videos and documents are available for review at this Court's request.

Date: July 22, 2022

FREEDMAN BOYD HOLLANDER  
& GOLDBERG, P.A.

*/s/ Joseph Goldberg*  
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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2022, I filed the foregoing Motion in Limine to Admit Prior Trial Testimony and Exhibits and Government Records through the New Mexico Odyssey File & Serve system, which caused all counsel of record to be served by electronic means.

Defendant Griffin was served the foregoing via e-mail and 2 identical packages of the foregoing as indicated below:

1) by U.S. Postal First Class Mail and 2) by Federal Express, two-day delivery available to Tularosa, NM to the following address:

Couy Griffin



*/s/ Joseph Goldberg* \_\_\_\_\_  
Joseph Goldberg

*Counsel for Plaintiffs*

# **Exhibit 1**



STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, ex rel.,  
MARCO WHITE, MARK MITCHELL,  
and LESLIE LAKIND,

Plaintiffs,

vs.

Case No. D-101-CV-2022-00473

COUY GRIFFIN,

Defendant.

**DECLARATION OF NIKHEL SUS**

I, Nikhel Sus, declare as follows:

1. I serve as a counsel for Plaintiffs Marco White, Mark Mitchell, and Leslie Lakind in this *quo warranto* action.
2. I make this declaration in support of Plaintiffs' Motion *In Limine* to Admit Prior Trial Testimony and Exhibits and Government Records. I have personal knowledge of the matters stated in this declaration.
3. I have reviewed the communications between Plaintiffs' attorneys and the U.S. Capitol Police (USCP) seeking USCP Inspector John Erickson's trial testimony in this case. I have also reviewed the communications between Plaintiffs' attorneys and the U.S. Secret Service (USSS) seeking the trial testimony of USSS Inspector Lanelle Hawa in this case.
4. Attached hereto as Attachment A is a true and correct copy of an email dated July 18, 2022 from Magdalena Boynton, Deputy General Counsel at USCP's Office of the General Counsel, to Plaintiffs' counsel, Nikhel Sus.

5. Attached hereto as Attachment B is a true and correct copy of an email and its attachment dated July 5, 2022 from Plaintiffs' counsel, Jessica Lutkenhaus, to Colin Valencia, attorney at USSS Office of the Chief Counsel.
6. Attached hereto as Attachment C is a true and correct copy of an email and its attachment dated July 18, 2022 from Plaintiffs' counsel, Jessica Lutkenhaus, to Colin Valencia, attorney at USSS Office of the Chief Counsel.
7. Attached hereto as Attachment D is a true and correct copy of an email and its attachment dated July 19, 2022 from Plaintiffs' counsel, Jessica Lutkenhaus, to Colin Valencia, attorney at USSS Office of the Chief Counsel.
8. Attached hereto as Attachment E is a true and correct copy of a letter received July 21, 2022 from Thomas F. Huse, USSS Chief Counsel to Plaintiffs' counsel, Donald Sherman.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 22nd day of July, 2022, in Washington, D.C.



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Nikhel Sus  
Counsel for Plaintiffs

# **Attachment A**



Nikhel Sus &lt;nsus@citizensforethics.org&gt;

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## Follow-Up on USCP / CREW Meeting

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**Boynton, Magdalena A.** <Magdalena.Boynton@uscg.gov>

Mon, Jul 18, 2022 at 5:36 PM

To: Nikhel Sus &lt;nsus@citizensforethics.org&gt;

Cc: "Walters, Lisa N." &lt;Lisa.Walters@uscg.gov&gt;

Nik:

My apologies for being unavailable earlier, but I've been in meetings all day and have a few more still to go. However, in the interest of getting back to you, I've reprinted below an email from Laura Iheanachor to Lisa Walters of my office. The email summarizes USCP's position on the relevant issues. Moreover, from our prior meeting I understand you will order the transcript of Insp. Erickson's testimony in the criminal trial since he is not subject to a state subpoena, and will not appear at the New Mexico state proceeding that is the subject of your inquiry.

Best,

Magdalena

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Dear Ms. Walters,

I write to follow up on our email and telephone communications beginning in late March 2022 concerning CREW's request for USCP's *Touhy* or other similar housekeeping guidelines concerning the subpoena of officers for testimony in a New Mexico state court civil matter in which the USCP and US government is not a party. That case is *State ex rel. Marco White v. Couy Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.) (the "New Mexico Suit"). In particular, we are interested in subpoenaing Capitol Police Inspector John Erickson for testimony in the New Mexico Suit that is substantially similar to testimony he previously provided as a government witness in the case of *United States v. Couy Griffin*, No. 21-cr-00092-TNM (D.D.C.).

As a result of our April phone call, I understand USCP's position to be that it is immune or otherwise not subject to state court jurisdiction pursuant to *Houston Bus. Journal, Inc. v. Office of Comptroller of Currency*, 86 F.3d 1208 (D.C. Cir. 1996). I further understand USCP's position to be that it is not subject to *Touhy* nor does it have other similar regulations in place dictating the agency's response to subpoenas requesting USCP officer testimony or other official information for litigation purposes in matters to which it is not a party. In light of this, my understanding is that if we were to issue a subpoena to USCP for Inspector Erickson's testimony in the New Mexico Suit, the USCP would not comply with the subpoena on the ground that it is immune from state court process. If that is the case, could you kindly reply to this email or send separate written correspondence to CREW confirming that this remains USCP's position?

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**From:** Nikhel Sus <nsus@citizensforethics.org>

**Sent:** Monday, July 18, 2022 4:34 PM

To: Boynton, Magdalena A. <[Magdalena.Boynton@uscp.gov](mailto:Magdalena.Boynton@uscp.gov)>

Subject: Re: Follow-Up on USCP / CREW Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe and relevant.

Just FYI, you can reach me on my cell at 864 376 6556. Thanks.

On Mon, Jul 18, 2022 at 12:37 PM Nikhel Sus <[nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)> wrote:

Ms. Boynton,

Attached is a subpoena for Inspector John Erickson's trial testimony in *State ex rel. Marco White v. Couy Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.). I am writing to confirm two points, which we would like to discuss with you on a brief call today or tomorrow, if possible:

1. Will you accept service of the attached subpoena on behalf of Insp. Erickson?
2. Based on our prior discussions with your office, we understand USCP's position is that it has sovereign immunity from state court process per *Houston Bus. Journal, Inc. v. Office of Comptroller of Currency*, 86 F.3d 1208 (D.C. Cir. 1996). We further understand that USCP has no regulations or guidelines permitting litigants to compel USCP employee testimony through a state court subpoena. In light of this, our understanding is that USCP will not comply with the attached subpoena on the ground that it is immune from state court process. If accurate, could you please confirm in writing that this remains USCP's position? We are seeking written confirmation of USCP's position to demonstrate that Insp. Erickson is "unavailable" for purposes of the New Mexico evidentiary rule governing "former testimony" of an "unavailable witness." N.M. R. Evid. 11-804.B.1.

Again, we would appreciate the opportunity for a short call today or tomorrow. I can make myself available at your convenience -- please just let me know a good time and number to call.

Thanks,

Nik

On Tue, Jul 12, 2022 at 5:11 PM Boynton, Magdalena A. <[Magdalena.Boynton@uscp.gov](mailto:Magdalena.Boynton@uscp.gov)> wrote:

Dear Mr. Sherman:

Thank you for your email. Regarding your question, Mr. Gonell is currently a USCP employee, and until there is a change in his status, our position remains unchanged.

Best,

Magdalena

Magdalena Boynton

Deputy General Counsel

Office of the General Counsel

General Law Division

United States Capitol Police (USCP)

Main: (202) 593-3619

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[Magdalena.boynton@uscg.gov](mailto:Magdalena.boynton@uscg.gov)

**THE INFORMATION CONTAINED IN THIS MESSAGE MAY BE LEGALLY PRIVILEGED AND CONFIDENTIAL**

If you have received this document in error, you are advised not to read this email or any accompanying attachments, and not to disseminate, distribute or copy this message and/or attachments. Please immediately notify our office by telephone at (202) 593-3619 if you have received this document in error and delete it from your system.

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**From:** Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>

**Sent:** Tuesday, July 12, 2022 4:02 PM

**To:** Boynton, Magdalena A. <[Magdalena.Boynton@uscg.gov](mailto:Magdalena.Boynton@uscg.gov)>

**Cc:** Nikhel Sus <[nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)>; liheanachor@citizensforethics.org; Walters, Lisa N. <[Lisa.Walters@uscg.gov](mailto:Lisa.Walters@uscg.gov)>

**Subject:** Re: Follow-Up on USCP / CREW Meeting

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Ms. Bonyton:

I wanted to follow-up briefly given the recent announcement that Sgt. Gonell is going to retire from USCP. Does that change USCP's position regarding his availability to testify in our client's trial next month?

Thanks.

Donald Sherman

On Thu, Jul 7, 2022 at 10:24 AM Boynton, Magdalena A. <Magdalena.Boynton@uscg.gov> wrote:

Dear Mr. Sus:

Thank you for your email. We have discussed this matter internally, and on behalf of the Department, I am writing to inform you that the Department does not approve Insp. Erickson, Sgt. Gonell, or Officer Dunn testifying in the New Mexico proceeding.

Best,

Magdalena

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**From:** Nikhel Sus <nsus@citizensforethics.org>

**Sent:** Wednesday, July 6, 2022 4:55 PM

**To:** Boynton, Magdalena A. <Magdalena.Boynton@uscg.gov>

**Cc:** Donald Sherman <dsherman@citizensforethics.org>; liheanachor@citizensforethics.org; Walters, Lisa N. <Lisa.Walters@uscg.gov>

**Subject:** Re: Follow-Up on USCP / CREW Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe and relevant.

Hi Ms. Boynton,

I'm writing to follow up on our June 22, 2022 discussion regarding Sgt. Gonell, Officer Dunn, and Inspector Erickson potentially testifying in the civil action captioned *State of New Mexico ex rel. White v. Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.).

Yesterday we learned through counsel for Sgt. Gonell and Officer Dunn that USCP's General Counsel does not approve of Sgt. Gonell or Officer Dunn testifying in the case, but no explanation was provided. We have not heard anything about Inspector Erickson. Because we have not heard directly from USCP since we exchanged emails with you last week, we wanted to confirm the following:

1. Is USCP forbidding Sgt. Gonell, Officer Dunn, and Inspector Erickson from testifying in the case, even though we are merely seeking factual testimony consistent with prior testimony the officers have provided in criminal proceedings and before the January 6 Select Committee regarding what the officers saw, heard, and experienced on January 6, 2021?

2. Would USCP object to the officers testifying in the case in their personal capacity, on their own time, while not in uniform?

3. If USCP is categorically opposed to the officers testifying in the case, could you please explain your reasoning? Given that the officers have already testified under oath and spoken repeatedly to the media on these topics, we are unsure why USCP would not allow the officers to provide substantially similar testimony in a different forum. But we would welcome the opportunity to discuss this with you.

Best,  
Nik

On Wed, Jun 29, 2022 at 5:09 PM Boynton, Magdalena A. <Magdalena.Boynton@uscg.gov> wrote:

Same to all of you.

---

**From:** Donald Sherman <dsherman@citizensforethics.org>  
**Sent:** Wednesday, June 29, 2022 5:08 PM  
**To:** Boynton, Magdalena A. <Magdalena.Boynton@uscg.gov>  
**Cc:** liheanachor@citizensforethics.org; Walters, Lisa N. <Lisa.Walters@uscg.gov>; nsus@citizensforethics.org  
**Subject:** Re: Follow-Up on USCP / CREW Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe and relevant.

Thanks very much! Appreciate the consideration. Have a nice holiday weekend.

Donald

On Wed, Jun 29, 2022 at 5:06 PM Boynton, Magdalena A. <Magdalena.Boynton@uscg.gov> wrote:

Dear Ms. Sherman:

Thank you for your email. This matter is being discussed within USCP leadership. We expect to get back to you after the holiday next week.

Best,

Magdalena



**From:** Donald Sherman <dsherman@citizensforethics.org>  
**Sent:** Tuesday, June 28, 2022 10:03 PM  
**To:** dsherman@citizensforethics.org; liheanachor@citizensforethics.org; Walters, Lisa N. <Lisa.Walters@uscg.gov>; Boynton, Magdalena A. <Magdalena.Boynton@uscg.gov>; nsus@citizensforethics.org  
**Subject:** Re: Follow-Up on USCP / CREW Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe and relevant.

Adding Ms. Boynton since Ms. Walters is on vacation.

On Tue, Jun 28, 2022 at 9:56 PM Donald Sherman <dsherman@citizensforethics.org> wrote:

Hello Ms. Walters:

I just wanted to follow up again regarding the testimony of Capitol Police officers in our clients' trial. If you need additional information from us please let me know. Thanks very much!

Donald Sherman

On Fri, Jun 24, 2022 at 5:04 PM <dsherman@citizensforethics.org> wrote:

Hello:

Thank you again for meeting with us earlier this week. Per our conversation, we were hoping to follow-up about the Capitol Police personnel we discussed on Wednesday and their availability to testify in our clients' trial this summer. Thanks again.

Donald Sherman

**USCP / CREW**

When Wed Jun 22, 2022 10am – 10:45am Eastern Time - New York

Joining info Join with Google Meet

[meet.google.com/efo-qgwy-nju](https://meet.google.com/efo-qgwy-nju)

Join by phone

(US) [+1 980-277-2870](tel:+19802772870) (PIN: 919908166)

[More phone numbers](#)

- Who
- [liheanachor@citizensforethics.org](mailto:liheanachor@citizensforethics.org) - organizer
  - [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)
  - [dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)
  - [lisa.walters@uscp.gov](mailto:lisa.walters@uscp.gov)

Attachments

--

Donald K. Sherman  
 Citizens for Responsibility and Ethics in Washington  
 @donaldonethics  
 202-408-5565

--

Donald K. Sherman  
 Citizens for Responsibility and Ethics in Washington  
 @donaldonethics  
 202-408-5565

--

Donald K. Sherman  
 Citizens for Responsibility and Ethics in Washington  
 @donaldonethics

202-408-5565

--

**Nikhel Sus** (he/him)  
Senior Counsel | Citizens for Responsibility and Ethics in Washington  
Office: (202) 408-5565  
[nsus@citizensforethics.org](mailto:nsus@citizensforethics.org) | [www.citizensforethics.org](http://www.citizensforethics.org)

--

Donald K. Sherman

Citizens for Responsibility and Ethics in Washington

[@donaldonethics](https://twitter.com/donaldonethics)

202-408-5565

--

**Nikhel Sus** (he/him)  
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--

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# **Attachment B**

---

**From:** Lutkenhaus, Jessica <Jessica.Lutkenhaus@wilmerhale.com>  
**Sent:** Tuesday, July 5, 2022 3:33 PM  
**To:** Colin.Valencia@usss.dhs.gov  
**Cc:** Bi, Cindy M.; Donald Sherman; ogc@hq.dhs.gov  
**Subject:** Touhy Request for Testimony  
**Attachments:** 2022-07-01 Ltr. from Sherman to Meyer & Huse.pdf

Dear Mr. Valencia,

We are seeking the trial testimony of Lanelle Hawa of the US Secret Service in *State of New Mexico, ex rel., Marco White, Mark Mitchell, & Leslie Lakind v. Couy Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.). Attached is a copy of the request, which we also mailed to your office on Friday. We were hoping to touch base with you about the request – would you be available for a short call in the next few days?

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**

*She/Her/Hers*

1875 Pennsylvania Avenue NW

Washington, DC 20006 USA

+1 202 663 6640 (t)

+1 202 663 6363 (f)

[jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com)

**Please consider the environment before printing this email.**

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This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to [postmaster@wilmerhale.com](mailto:postmaster@wilmerhale.com)—and destroy all copies of this message and any attachments. Thank you.

For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

July 1, 2022

**Via FedEx**

Jonathan Meyer  
Office of the General Counsel  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave, SE  
Washington, DC 20528-0485  
[ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)

Thomas F. Huse  
U.S. Secret Service  
Communications Center  
Attn: Office of Chief Counsel  
245 Murray Lane SW, Building T5  
Washington, DC 20223

Re: *State of New Mexico, ex rel., Marco White, Mark Mitchell, & Leslie Lakind v. Couy Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.)

Dear Mr. Meyer and Mr. Huse:

We represent Plaintiffs Marco White, Mark Mitchell, and Leslie Lakind in the above-referenced matter, which seeks to disqualify Otero County Commissioner Couy Griffin from public office based on his participation in the January 6, 2021 insurrection. Pursuant to 6 C.F.R. §§ 5.41-48 and *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951), we submit this request for trial testimony from Lanelle Hawa of the U.S. Secret Service. Trial is scheduled to begin on August 15, 2022. A subpoena for Ms. Hawa’s testimony is forthcoming.

**Background**

This lawsuit arises under Section 3 of the Fourteenth Amendment to the U.S. Constitution. Section 3, also known as the Disqualification Clause, bars any person from holding federal or state office who took an “oath . . . to support the Constitution of the United States” as an “officer of any State” and then “engaged in insurrection or rebellion” or gave “aid or comfort” to insurrectionists. U.S. Const. amend. XIV, § 3. At trial, Plaintiffs expect to prove: (1) Mr. Griffin swore an oath to support the U.S. Constitution when he became an Otero County Commissioner, (2) the events of January 6, 2021 were part of an “insurrection or rebellion,” and (3) Mr. Griffin engaged in such insurrection or rebellion, or aided insurrectionists.

Mr. Griffin was criminally convicted earlier this year of entering restricted U.S. Capitol grounds on January 6, 2021. *See United States v. Griffin*, 21-CR-92 (TNM) (D.D.C.). Ms. Hawa testified in Mr. Griffin’s criminal trial. She explained that, on January 6, 2021, she coordinated a visit by Vice President Mike Pence to the U.S. Capitol to oversee the certification of the Electoral College results. She testified about restrictions in place that day at the U.S. Capitol and

surrounding grounds; security breaches of those restrictions; and the effect on the congressional certification proceedings.

### **Testimony Sought**

Plaintiffs seek testimony on the same topics about which Ms. Hawa testified in Mr. Griffin's criminal trial. This testimony is relevant to key issues at the trial in New Mexico. *Cf.* 6 C.F.R. § 5.45 (requiring a party seeking testimony to set forth "the nature and relevance of the official information sought"). First, testimony about the breach of security restrictions in place at the U.S. Capitol on January 6, 2021 is relevant to whether the events of that day constitute an "insurrection or rebellion." Such testimony is also relevant to whether Mr. Griffin himself breached security restrictions when he visited various locations on the U.S. Capitol and surrounding grounds, which goes to Plaintiffs' claim that Mr. Griffin engaged in insurrection or rebellion. Second, testimony about the disruption of the Electoral College certification process is relevant to whether the events of January 6, 2021 were an "insurrection or rebellion," specifically due to their interference with Congress's constitutionally mandated duties.

Granting this request would satisfy the factors in 6 C.F.R. § 5.48:

- This case implicates matters of substantial governmental and public interest. As the U.S. government recognized during Mr. Griffin's criminal trial, the events of January 6, 2021 "represented a grave threat to our democratic norms" and were "cultivated to interfere, and did interfere, with one of the most important democratic processes we have: the peaceful transfer of power to a newly elected President." Government's Sentencing Memorandum, *United States v. Griffin*, 21-cr-92 (TNM) (D.D.C. June 10, 2022). Plaintiffs seek Ms. Hawa's testimony not for private purposes, but to enforce constitutional qualifications that disbar from public office individuals who engage in insurrection against the United States. Ms. Hawa's anticipated testimony is accordingly in the interest of the U.S. Secret Service and the public. Ms. Hawa is also positioned, as a member of the U.S. Secret Service who was present at the U.S. Capitol on January 6, 2021, to provide unique information about security restrictions and concerns that Plaintiffs could not get from an alternative source. *See* § 5.48(a)(3), (5)-(8).
- Ms. Hawa's testimony would not be unduly burdensome. Her anticipated testimony at trial would be limited to the topics about which she previously testified at Mr. Griffin's criminal trial, limiting the need for extensive preparation. Plaintiffs also anticipate that Ms. Hawa's testimony would last no more than 2 hours, including any cross-examination. *See* § 5.48(a)(1), (4)-(5), (7).
- Because Ms. Hawa has already publicly testified about these topics, it is unlikely that the anticipated testimony would implicate any issues of privilege or disclosure of information, *see* § 5.48(a)(2); violate any law, regulation, rule of procedure, or executive order, *see* § 5.48(b)(1)-(2); or reveal any properly classified or otherwise sensitive information, *see* § 5.48(b)(3)-(5). Her testimony would not offend any applicable rules of discovery or the rules of procedure governing this case. *See* § 5.48(a)(1).

- Finally, because Mr. Griffin has already been criminally convicted, Ms. Hawa's anticipated testimony would not impede or prejudice an ongoing law enforcement investigation. *See* § 5.48(b)(6).

Please do not hesitate to contact us if you have any questions. We welcome a dialogue regarding our request. Given the approaching trial date of August 15, 2022, we appreciate your prompt consideration of this request.

Sincerely,



Donald Sherman  
Citizens for Responsibility and  
Ethics in Washington  
1331 F Street NW, Suite 900  
Washington, DC 20004  
P: 202.408.5565  
[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)



# **Attachment C**

---

**From:** Lutkenhaus, Jessica <Jessica.Lutkenhaus@wilmerhale.com>  
**Sent:** Monday, July 18, 2022 7:29 PM  
**To:** COLIN VALENCIA (LEG)  
**Cc:** Bi, Cindy M.; Donald Sherman; Nikhel Sus  
**Subject:** RE: Touhy Request for Testimony  
**Attachments:** USSS Subpoena (DC Sup Ct).pdf

Mr. Valencia,

As discussed, please see the attached subpoena for Ms. Hawa's testimony. Because we are serving the subpoena via email, we have not included Ms. Hawa's witness fee. Should Ms. Hawa be approved to testify, we are happy to coordinate payment for travel costs and time. Let us know if you have any questions, or if we can provide any additional information. Thank you.

Best,  
Jessica

Jessica Lutkenhaus | **WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** Lutkenhaus, Jessica  
**Sent:** Wednesday, July 13, 2022 10:24 AM  
**To:** COLIN VALENCIA (LEG) <COLIN.VALENCIA@usss.dhs.gov>  
**Subject:** RE: Touhy Request for Testimony

Much appreciated, Mr. Valencia. We will send to you once it is ready.

Best,  
Jessica

Jessica Lutkenhaus | **WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Sent:** Wednesday, July 13, 2022 10:10 AM  
**To:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

**EXTERNAL SENDER**

Good morning Ms. Lutkenhaus,

You can send the subpoena to me. The decision is still pending, but I will pass the subpoena along.

Sincerely,  
Colin Valencia

---

**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Sent:** Tuesday, July 12, 2022 5:09 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

You don't often get email from [jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com). [Learn why this is important](#)

Mr. Valencia,

We wanted to follow up to see whether you are able to accept service of a subpoena for Ms. Hawa's testimony. Could you please let us know if you can accept service? To confirm, we would not view your acceptance of service as a determination on our request for her testimony.

We also wanted to update you that we have a July 22, 2022 deadline from the Court to submit witness lists (or, alternatively, to move to admit Ms. Hawa's testimony from Mr. Griffin's criminal trial on the grounds that Ms. Hawa is unavailable). We greatly appreciate your response to our request for testimony in advance of that date. We are happy to have a call to discuss if helpful.

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** Lutkenhaus, Jessica  
**Sent:** Friday, July 8, 2022 1:27 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

Much appreciated! Please let us know if you have any questions or we can provide additional information.

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Sent:** Friday, July 8, 2022 1:26 PM  
**To:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

**EXTERNAL SENDER**

Good afternoon Ms. Lutkenhaus,

I apologize for the delay. I received your email and your request is being reviewed by our office.

Sincerely,  
Colin Valencia

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**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Sent:** Friday, July 8, 2022 12:47 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>; Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; [ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)  
**Subject:** RE: Touhy Request for Testimony

You don't often get email from [jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com). [Learn why this is important](#)

Dear Mr. Valencia,

I wanted to confirm that you had received the below and see if we could set up a time to chat about this request. Please let us know your availability.

As we note in the letter, trial begins in this matter on August 15, which is fast approaching. We appreciate your consideration!

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Sent:** Tuesday, July 5, 2022 3:33 PM  
**To:** [Colin.Valencia@usss.dhs.gov](mailto:Colin.Valencia@usss.dhs.gov)  
**Cc:** Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>; Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; [ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)  
**Subject:** Touhy Request for Testimony

Dear Mr. Valencia,

We are seeking the trial testimony of Lanelle Hawa of the US Secret Service in *State of New Mexico, ex rel., Marco White, Mark Mitchell, & Leslie Lakind v. Couy Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.). Attached is a copy of the request, which we also mailed to your office on Friday. We were hoping to touch base with you about the request – would you be available for a short call in the next few days?

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**  
*She/Her/Hers*

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+1 202 663 6640 (t)  
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[jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com)

**Please consider the environment before printing this email.**

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SUBPOENA

Superior Court of the District of Columbia  
CIVIL DIVISION

Check One:

Civil Actions Branch  
500 Indiana Ave., N.W.  
Room 5000  
Washington, D.C. 20001  
Telephone: (202) 879-1133

Landlord & Tenant Branch  
510 4<sup>th</sup> Street, N.W.  
Room 110  
Washington, D.C. 20001  
Telephone: (202) 879-4879

Small Claims & Conciliation Branch  
510 4<sup>th</sup> Street, N.W.  
Room 120  
Washington, D.C. 20001  
Telephone: (202) 879-1120

STATE OF NEW MEXICO, et al. MARCO WHITE, MARK MITCHELL, and LESLIE LAKIND  
Plaintiff

SUBPOENA FOR A CIVIL CASE

v.

COUY GRIFFIN,  
Defendant

CASE NUMBER: 2022 03028

Check box if medical records are being requested

To: LANELLE HAWA

YOU ARE COMMANDED to appear in this Court at the place, date, and time specified below to testify in the above case.

COURTROOM AND ADDRESS	DATE	TIME
First Judicial District - Division I, 225 Montezuma Ave., Santa Fe, NM 87504-2268	August 15, 2022 through August 16, 2022	8:30 am through 5:00 pm (MDT)

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE	TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition must designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which each person will testify. Super. Ct. Civ. R. 30(b)(6).

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

DOCUMENTS OR OBJECTS	DATE	TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date, and time specified below.

PREMISES	DATE	TIME

ISSUING PERSON'S SIGNATURE AND TITLE (indicate if attorney for plaintiff or defendant) DATE  
*Bill Hol*

ISSUING PERSON'S NAME, ADDRESS AND PHONE NUMBER  
K. Daehly, Deputy Clerk 500 Indiana Ave, NW, Ste 500  
Washington, DC, 20001

Authorization as required by D.C. Code §14-307 and Brown v. U.S., 567 A.2d 426 (D.C. 1989), is hereby given for issuance of a subpoena for medical records concerning a person who has not consented to disclosure of the records and has not waived the privilege related to such records.

JUDGE

(See Super. Ct. Civ. R. 45 (c) and (d) on the reverse side)  
WHITE - FOR RETURN OF SERVICE YELLOW - FOR SERVICE



Case Number: **2022 03028**

Court Date: \_\_\_\_\_

**PROOF OF SERVICE**

Served	Date	Time	Place
--------	------	------	-------

Served on (Print Name)	Title
------------------------	-------

MANNER OF SERVICE (attach the return receipt if service was made by registered or certified mail) I served the subpoena by delivering a copy to the named person as follows:

\_\_\_\_\_

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the District of Columbia that I am at least 18 years of age and not a party to the above entitled case and that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Address of Server

**Super. Ct. Civ. R. 45(c) and (d):**

**(c) PROTECTING A PERSON SUBJECT TO A SUBPOENA; ENFORCEMENT.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents, electronically stored information, or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court must quash or modify a subpoena that:

- (i) fails to allow reasonable time to comply;
- (ii) requires a person who is neither a party nor a party's officer to travel more than 25 miles from where that person resides, is employed, or regularly transacts business in person—except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place to the place of trial;
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information;
- (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
- (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 25 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) DUTIES IN RESPONDING TO A SUBPOENA.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation materials must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

# **Attachment D**



---

**From:** Lutkenhaus, Jessica <Jessica.Lutkenhaus@wilmerhale.com>  
**Sent:** Tuesday, July 19, 2022 1:55 PM  
**To:** COLIN VALENCIA (LEG)  
**Subject:** RE: Touhy Request for Testimony  
**Attachments:** Subpoena to Lanelle Hawa - NM.pdf

Mr. Valencia, thank you so much! I also am attaching the New Mexico subpoena, in case you need it as well. (The one we provided earlier was domesticated in DC Superior court – both for the same testimony.)

Best,  
Jessica

Jessica Lutkenhaus | **WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** COLIN VALENCIA (LEG) <COLIN.VALENCIA@usss.dhs.gov>  
**Sent:** Tuesday, July 19, 2022 9:48 AM  
**To:** Lutkenhaus, Jessica <Jessica.Lutkenhaus@wilmerhale.com>  
**Subject:** RE: Touhy Request for Testimony

**EXTERNAL SENDER**

Good morning Ms. Lutkenhaus,

Just wanted to acknowledge receipt of the subpoena.

Best,  
Colin Valencia

---

**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Sent:** Monday, July 18, 2022 7:29 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>; Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; Nikhel Sus <[nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)>  
**Subject:** RE: Touhy Request for Testimony

Mr. Valencia,

As discussed, please see the attached subpoena for Ms. Hawa's testimony. Because we are serving the subpoena via email, we have not included Ms. Hawa's witness fee. Should Ms. Hawa be approved to testify, we are happy to coordinate payment for travel costs and time. Let us know if you have any questions, or if we can provide any additional information. Thank you.

Best,  
Jessica

Jessica Lutkenhaus | **WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

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**From:** Lutkenhaus, Jessica  
**Sent:** Wednesday, July 13, 2022 10:24 AM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Subject:** RE: Touhy Request for Testimony

Much appreciated, Mr. Valencia. We will send to you once it is ready.

Best,  
Jessica

Jessica Lutkenhaus | **WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Sent:** Wednesday, July 13, 2022 10:10 AM  
**To:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

**EXTERNAL SENDER**

Good morning Ms. Lutkenhaus,

You can send the subpoena to me. The decision is still pending, but I will pass the subpoena along.

Sincerely,  
Colin Valencia

---

**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Sent:** Tuesday, July 12, 2022 5:09 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

You don't often get email from [jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com). [Learn why this is important](#)

Mr. Valencia,

We wanted to follow up to see whether you are able to accept service of a subpoena for Ms. Hawa's testimony. Could you please let us know if you can accept service? To confirm, we would not view your acceptance of service as a determination on our request for her testimony.

We also wanted to update you that we have a July 22, 2022 deadline from the Court to submit witness lists (or, alternatively, to move to admit Ms. Hawa's testimony from Mr. Griffin's criminal trial on the grounds that Ms. Hawa is unavailable). We greatly appreciate your response to our request for testimony in advance of that date. We are happy to have a call to discuss if helpful.

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

---

**From:** Lutkenhaus, Jessica  
**Sent:** Friday, July 8, 2022 1:27 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

Much appreciated! Please let us know if you have any questions or we can provide additional information.

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**  
*She/Her/Hers*  
+1 202 663 6640

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**From:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Sent:** Friday, July 8, 2022 1:26 PM  
**To:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Subject:** RE: Touhy Request for Testimony

**EXTERNAL SENDER**

Good afternoon Ms. Lutkenhaus,

I apologize for the delay. I received your email and your request is being reviewed by our office.

Sincerely,  
Colin Valencia

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**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>  
**Sent:** Friday, July 8, 2022 12:47 PM  
**To:** COLIN VALENCIA (LEG) <[COLIN.VALENCIA@usss.dhs.gov](mailto:COLIN.VALENCIA@usss.dhs.gov)>  
**Cc:** Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>; Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; [ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)  
**Subject:** RE: Touhy Request for Testimony

You don't often get email from [jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com). [Learn why this is important](#)

Dear Mr. Valencia,

I wanted to confirm that you had received the below and see if we could set up a time to chat about this request. Please let us know your availability.

As we note in the letter, trial begins in this matter on August 15, which is fast approaching. We appreciate your consideration!

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**

*She/Her/Hers*

+1 202 663 6640

---

**From:** Lutkenhaus, Jessica <[Jessica.Lutkenhaus@wilmerhale.com](mailto:Jessica.Lutkenhaus@wilmerhale.com)>

**Sent:** Tuesday, July 5, 2022 3:33 PM

**To:** [Colin.Valencia@uss.dhs.gov](mailto:Colin.Valencia@uss.dhs.gov)

**Cc:** Bi, Cindy M. <[Cindy.Bi@wilmerhale.com](mailto:Cindy.Bi@wilmerhale.com)>; Donald Sherman <[dsherman@citizensforethics.org](mailto:dsherman@citizensforethics.org)>; [ogc@hq.dhs.gov](mailto:ogc@hq.dhs.gov)

**Subject:** Touhy Request for Testimony

Dear Mr. Valencia,

We are seeking the trial testimony of Lanelle Hawa of the US Secret Service in *State of New Mexico, ex rel., Marco White, Mark Mitchell, & Leslie Lakind v. Couy Griffin*, D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.). Attached is a copy of the request, which we also mailed to your office on Friday. We were hoping to touch base with you about the request – would you be available for a short call in the next few days?

Best,  
Jessica

**Jessica Lutkenhaus | WilmerHale**

*She/Her/Hers*

1875 Pennsylvania Avenue NW

Washington, DC 20006 USA

+1 202 663 6640 (t)

+1 202 663 6363 (f)

[jessica.lutkenhaus@wilmerhale.com](mailto:jessica.lutkenhaus@wilmerhale.com)

**Please consider the environment before printing this email.**

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This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately—by replying to this message or by sending an email to [postmaster@wilmerhale.com](mailto:postmaster@wilmerhale.com)—and destroy all copies of this message and any attachments. Thank you.

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STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, ex rel.,  
MARCO WHITE, MARK MITCHELL,  
and LESLIE LAKIND,

Plaintiffs,

vs.

COUY GRIFFIN,

Defendant.

Case No. D-101-CV-2022-00473

FILED  
CIVIL DIVISION  
JUL 15 2022  
Superior Court of the  
District of Columbia

2022 03028

**SUBPOENA<sup>1</sup>**

**SUBPOENA FOR APPEARANCE OF PERSON FOR TRIAL<sup>2</sup>**

TO: Lanelle Hawa  
U.S. Secret Service  
245 Murray Lane SW – BLDG T-5  
Washington, DC 20223  
202.406.5708

YOU ARE HEREBY COMMANDED TO APPEAR as follows:

Place: First Judicial District Court – Division I  
225 Montezuma Ave.  
Santa Fe, NM 87504-2268

Date: Monday, August 15, 2022 through Tuesday, August 16, 2022

Time: 8:30 am through 5:00 pm

To: testify at trial.

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

July 13, 2022.

  
Co-Counsel for Plaintiffs



USE NOTES

**TO BE PRINTED ON EACH SUBPOENA**

1. This subpoena must be served on each party in the manner provided by Rule 1-005 NMRA. If service is by a party, an affidavit of service must be used instead of a certificate of service.
2. A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.
3. If a person's attendance is commanded, one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. See NMSA 1978, Section 38-6-4 (1983) for per diem and mileage for witnesses. See NMSA 1978, Section 10-8-4(A) (2009) for per diem and mileage rates for nonsalaried public officers. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts. See NMSA 1978, Section 34-9-11 (2017) for payments from the jury and witness fee fund.
4. A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose on the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney fees.

**RETURN FOR COMPLETION BY SHERIFF OR DEPUTY**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena, a witness fee in the amount of \_\_\_\_\_ and mileage in the amount of \$ \_\_\_\_\_.<sup>3</sup>

\_\_\_\_\_  
Deputy sheriff

**RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE**

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena, the statutory witness fee, and mileage in the amount of \$ \_\_\_\_\_.<sup>3</sup>

\_\_\_\_\_  
Person making service

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, (date).

\_\_\_\_\_  
Judge, notary, or other officer authorized to administer oaths

THIS SUBPOENA issued by or at request of:

Christopher A. Dodd  
DODD LAW OFFICE, L.L.C.  
20 First Plaza NW, Suite 700  
Albuquerque, NM 87102  
505.475.2742  
[chris@doddnm.com](mailto:chris@doddnm.com)

**CERTIFICATE OF SERVICE BY ATTORNEY**

I certify that I caused a copy of this subpoena to be served on the Defendant Couy Griffin by mail and email on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Couy Griffin, 52 Dusty Lane, Tularosa, NM 88352; [couygriffin@hotmail.com](mailto:couygriffin@hotmail.com)

/s/Christopher A. Dodd  
Christopher A. Dodd  
Counsel for Plaintiffs



## INFORMATION FOR PERSONS RECEIVING SUBPOENA

Subject to Rule 1-045(D)(2) NMRA, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if that time is less than fourteen (14) days after service, serve on the party or attorney designated in the subpoena and all parties to the lawsuit identified in the certificate of service by attorney written objection to inspection or copying of any or all of the designated materials or of the premises or within fourteen (14) days after service of the subpoena may file and serve on all parties a motion to quash the subpoena. If an objection is served or a motion to quash is filed and served on the parties and the person responding to the subpoena, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except under an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. The order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded. The court may award costs and attorney fees against a party or person for serving written objections or filing a motion to quash that lacks substantial merit.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(1) fails to allow reasonable time for compliance,

(2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred (100) miles from the place where that person resides, is employed, or regularly transacts business in person, except as provided below, the person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held,

(3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(4) subjects a person to undue burden.

If a subpoena

(1) requires disclosure of a trade secret or other confidential research, development, or commercial information,

(2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(3) requires a person who is not a party or an officer of a party to incur substantial expense to travel,

the court may quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

#### **DUTIES IN RESPONDING TO SUBPOENA**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

[Adopted, effective January 1, 1998; as amended, effective November 1, 2002; January 20, 2005; as amended by Supreme Court Order No. 08-8300-002, effective March 15, 2008; as amended by Supreme Court Order No. 20-8300-005, effective for all cases pending or filed on or after December 31, 2020.]

# **Attachment E**



U.S. Department of Homeland Security  
**UNITED STATES SECRET SERVICE**

Washington, D.C. 20223

**VIA MAIL AND EMAIL**

Donald Sherman  
Citizens for Responsibility and  
Ethics in Washington  
1331 F Street NW, Suite 900  
Washington, DC 20004  
dsherman@citizensforethics.org

Re: *State of New Mexico, ex rel., Marco White, Mark Mitchell, &  
Leslie Lakind v. Couy Griffin*  
D-101-CV-2022-00473 (N.M. 1st Jud. Dist. Ct.)

Dear Mr. Sherman:

Reference is made to your letter of July 1, 2022, subpoena of July 13, 2022, issued by the New Mexico First Judicial District Court – County of Santa Fe, and an undated subpoena from the Superior Court of the District of Columbia seeking the testimony of United States Secret Service (Secret Service) Inspector Lanelle Hawa in the above-referenced matter.

Please be advised that pursuant to Title 6, Code of Federal Regulations, Section 5.44(a), current and former Secret Service employees are prohibited from providing oral or written testimony by deposition, declaration, affidavit, or otherwise concerning any information acquired while such person was an employee of the Secret Service as part of the performance of that person's official duties or by virtue of that person's official status, unless authorized to do so by the Office of the Chief Counsel.

Pursuant 6 C.F.R. § 5.48, this office may consider the following when making its determination:

- 1) whether compliance would be unduly burdensome or otherwise inappropriate under the applicable rules of discovery or the rules of procedure governing the case or matter in which the demand arose;
- 2) whether compliance is appropriate under the relevant substantive law concerning privilege or disclosure of information;

- 3) the public interest;
- 4) the need to conserve the time of Department employees for the conduct of official business;
- 5) the need to avoid spending the time and money of the United States for private purposes;
- 6) the need to maintain impartiality between private litigants in cases where a substantial government interest is not implicated;
- 7) whether compliance would have an adverse effect on performance by the Department of its mission and duties; and
- 8) the need to avoid involving the Department in controversial issues not related to its mission.

After a review of the facts and circumstances involved, and in light of the factors outlined above, including but not limited to items one and four, it is the decision of this office that Inspector Hawa will not be authorized to provide testimony in this matter.

Inspector Hawa can provide no information not readily available from other sources concerning whether security was breached on January 6, 2021, at the U.S. Capitol, whether Congressional proceedings were interrupted, or whether actions that day constituted “an insurrection or rebellion.” Inspector Hawa is also unable to testify with personal knowledge as to any conduct of Mr. Griffin on that day. It is unclear how her live testimony would be of consequence in establishing “that the events of January 6, 2021, were part of an ‘insurrection or rebellion’” or that “Mr. Griffin engaged in such insurrection or rebellion, or aided insurrectionists,” given the widespread media coverage of these events as well as Mr. Griffin’s conviction for his participation in them. We would also anticipate that Inspector Hawa’s trial testimony would be available for use in the instant proceeding. Finally, we would also note that neither Inspector Hawa nor the Secret Service are the appropriate sources for information and records concerning that conviction as this agency was not the investigating agency nor did Inspector Hawa serve as the case agent.

Any further correspondence concerning this matter may be directed to Attorney Advisor Colin Valencia at [colin.valencia@uss.dhs.gov](mailto:colin.valencia@uss.dhs.gov).

Sincerely,

Thomas F. Huse / ALR

Thomas F. Huse  
Chief Counsel