

From: Lusk, Robert
To: No. B. Daniel; Manley, Kwame; McDermott, Jim
Cc: Blair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey
Subject: RE: Gordon Sondland
Date: Tuesday, October 8, 2019 7:52:57 AM
Attachments: 02_106.02

Dan
I am incredibly disappointed to report that, overnight, the State Department advised that it will direct Ambassador Sondland not to appear before the Committee this morning. While we have not yet gotten written confirmation of that direction, we wanted to advise you of this development at the earliest opportunity. As the sitting US Ambassador to the EU and employee of the State Department, Ambassador Sondland is required to follow this direction.
I hope that whatever concerns the Department has can be resolved promptly and that Ambassador Sondland's testimony can be scheduled at the earliest opportunity. I am very sorry for the inexcusably late notice, but we are sharing this with you as soon as it was confirmed to us. Ambassador Sondland is personally disappointed that he will not be able to answer the Committee's questions this morning.
Please accept my sincere apologies. I am sure we will continue to be in touch as this unfolds further and hope that matters will come to a swift and positive resolution.

Best
Bob

Robert Lusk
Paul Hastings LLP
875 15th ST NW
Washington, DC 20005
T: 1.202.551.1111
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From: Noble, Daniel
Sent: Monday, October 07, 2019 11:29 AM
To: Lusk, Robert; Manley, Kwame; McDermott, Jim
Cc: Blair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey
Subject: [EXT] RE: Gordon Sondland

Perfect. Thanks.

-----Original Message-----

From: Lusk, Robert
Sent: Monday, October 7, 2019 11:28 AM
To: Noble, Daniel
Cc: Blair, James; Manley, Kwame; McDermott, Jim
Subject: RE: Gordon Sondland

Dan
Forgive my tardy response. There will be a total of five in our party, including Ambassador Sondland. None of us has any dietary restrictions. We will look for Pat Fallon and not the enormous Conrad, at the corner of NJ and Independence at 0900.
Best
Bob

Robert Lusk
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From: Noble, Daniel
Sent: Sunday, October 06, 2019 2:02 PM
To: Manley, Kwame; Lusk, Robert; McDermott, Jim
Cc: Blair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad
Subject: [EXT] Re: Gordon Sondland

Counsel - We are looking forward to seeing you and Amb. Sondland on Tuesday morning. I wanted to let you know that Pat Fallon, a Senior Investigator for HPSCI, will be your escort instead of Conrad. Pat will meet your party near Independence and New Jersey Avenues at 9:00 am. Pat is copied on this email so you can coordinate.

Please confirm the total number in your party and any dietary restrictions so we can order lunch on Tuesday.

Thanks,
Dan

> On Oct 4, 2019, at 7:05 AM, Lusk, Robert wrote:

> Good. Yes same dial in, repeated below to avoid any confusion:

> Dial in:

> 1 800 309

> Passcode:

> Bob

> Robert Lusk
> Paul Hastings LLP
> 875 15th ST NW
> Washington, DC 20005
> T: 1.202.551.1111
> F: 1.202.551.1111
> M: 1.202.257.1111

> From: Noble, Daniel
> Sent: Friday, October 04, 2019 6:56 AM
> To: Lusk, Robert; McDermott, Jim; Manley, Kwame
> Cc: Blair, James; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms,
> Susanne; Sachsmann, Kenny; Peter, Carey; Laura
> Subject: [EXT] Re: Gordon Sondland

> Bob - sorry for the delay. Let's do the call at 9:15 today. Can we use the same dial-in? Thanks.

>> On Oct 3, 2019, at 8:55 PM, Noble, Daniel wrote:

>> Thanks Bob. Checking schedules. Will let you know ASAP.

>> -----Original Message-----

>> From: Lusk, Robert
>> Sent: Thursday, October 3, 2019 3:34 PM
>> To: Noble, Daniel; McDermott, Jim
>> Cc: Blair, James; Manley, Kwame
>> Cc: Blair, James; Steinbaum, Jason
>> Cc: Blair, James; Bitar, Maher
>> Cc: Blair, James; Goldman, Daniel
>> Cc: Blair, James; Rapallo, Dave
>> Cc: Blair, James; Grooms, Susanne; Sachsmann, Kenny; Peter, Carey; Laura
>> Subject: RE: Gordon Sondland

>> Understood, Dan

>> How is 0915 tomorrow morning? Jim McDermott is going to be on a plane this evening. We can use the same dial in.

>> Best

>> Bob

Robert Lusk | Partner, Litigation Department Paul Hastings
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GR@p-h.com | NG@p-h.com | CP@p-h.com | FT@p-h.com | YV@p-h.com | YD@p-h.com | SV@p-h.com | AA@p-h.com | RA@p-h.com | AV@p-h.com | QJ@p-h.com | J7@p-h.com | 79@p-h.com | 6a@p-h.com | 7D@p-h.com
TM@p-h.com | FW@p-h.com | wp@p-h.com | Aw@p-h.com | Dg@p-h.com | R4@p-h.com | 2M@p-h.com | 5J@p-h.com | hk@p-h.com | HG@p-h.com | Co@p-h.com | gr@p-h.com | 91@p-h.com | Dq@p-h.com | 6c@p-h.com | [FR@p-h.com">RE@p-h.com](mailto:FR@p-h.com)

>>
>>
>>-----Original Message-----
>>From: Noble, Daniel
>>Sent: Thursday, October 3, 2019 3:30 PM
>>To: Luskin, Robert; Manley, Kwame; McDermott, Jim
>>Cc: Bair, James; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny, Peter; Carey, Laura
>>Subject: [EXT] RE: Gordon Sondland

>> Bob,
>>
>> Our apologies. We are going to need to push back our 4pm call. Can you please let us know if you're available later this evening or tomorrow morning?
>>
>> Thank you.
>> Dan

>>-----Original Message-----
>>From: Noble, Daniel
>>Sent: Wednesday, October 2, 2019 5:13 PM
>>To: Luskin, Robert; Manley, Kwame; McDermott, Jim
>>Cc: Bair, James; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny, Peter; Carey, Laura
>>Subject: RE: Gordon Sondland

>> Sounds good. Thanks, Bob.

>>-----Original Message-----
>>From: Luskin, Robert
>>Sent: Wednesday, October 2, 2019 5:12 PM
>>To: Noble, Daniel; Manley, Kwame; McDermott, Jim
>>Cc: Bair, James; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny, Peter; Carey, Laura
>>Subject: RE: Gordon Sondland

>> Dan
>> Let's use the following conference information for tomorrow at 4PM:

>> Dial in:
>> 1 800 303 (US)
>> 1 719 955 (ex-US)
>> Passcode:

>> Best
>> Bob

>> Robert Luskin
>> Paul Hastings LLP
>> 475 15th ST NW
>> Washington, DC 20005
>> T: 1.202.551
>> F: 1.202.551
>> M: 1.202.257

>>From: Noble, Daniel
>>Sent: Tuesday, October 01, 2019 7:00 PM
>>To: Luskin, Robert; McDermott, Jim; Manley, Kwame
>>Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>>Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny,
>>Peter; Carey, Laura
>>Subject: [EXT] RE: Gordon Sondland

>> Thanks, Bob.

>>-----Original Message-----
>>From: Luskin, Robert
>>Sent: Tuesday, October 1, 2019 6:39 PM
>>To: Noble, Daniel; Manley, Kwame; McDermott, Jim
>>Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>>Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman;
>>Kenny, Peter; Carey, Laura
>>Subject: RE: Gordon Sondland

>> 4pm Thursday will be fine, Dan.
>> bob

>> Robert Luskin
>> Paul Hastings LLP
>> 475 15th ST NW
>> Washington, DC 20005
>> T: 1.202.551
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>> M: 1.202.257

>>From: Noble, Daniel
>>Sent: Tuesday, October 01, 2019 6:32 PM
>>To: Luskin, Robert; McDermott, Jim; Manley, Kwame
>>Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>>Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny,
>>Peter; Carey, Laura
>>Subject: [EXT] RE: Gordon Sondland

>> Bob,

>> We will presume that Amb. Sondland will appear for a deposition on October 8 at 9:30 a.m. given that you represented that you were available on that date in lieu of the noticed date of the 10th. We can discuss on Thursday whether that will be voluntary or pursuant to subpoena. And we acknowledge your position on documents. Let's discuss on our call on Thursday. We cannot do a call that morning, but could do sometime late that afternoon, say 4:00 p.m.? We, too, look forward to finding a productive path forward.

>> Best,
>> Dan

>> -----Original Message-----
>> From: Luskin, Robert
>> Sent: Tuesday, October 1, 2019 6:24 PM
>> To: Noble, Danica; [REDACTED]; McDermott, Jim
>> [REDACTED]; Manley, Kwame
>> Cc: Hair, James; [REDACTED]; Campbell, Doug
>> [REDACTED]; Steinbaum, Jason
>> [REDACTED]; Bitar, Maher
>> [REDACTED]; Goldman, Daniel
>> [REDACTED]; Rapallo, Dave
>> [REDACTED]; Orooms, Susanne Sachman
>> [REDACTED]; Kenny, Peter
>> [REDACTED]; Carey, Laura
>> Subject: RE: Gordon Sondland

>> Dan
>> Unfortunately, we will not be in a position to confirm a deposition until Thursday morning. We need to consult with Ambassador Sondland and need further clarity on the position of the State Department with respect to your request for a voluntary deposition; we won't know that this evening or tomorrow morning.
>> As to the documents, Ambassador Sondland will not be producing documents in any event. Any documents responsive to your request, including any emails, texts, or messages on services such as What's App, constitute records under the Federal Records Act. Under the statute and governing State Department regulations, Ambassador Sondland is required to ensure that any such documents are preserved in accordance with regulations; he will certainly fulfill his obligations to do so, regardless of where the record is located (i.e. a cell phone or personal email), and he does not and will not assert any personal privileges to block their production. But, as I am sure you know, he is legally prohibited from producing them in response to your request, and any request for these or other materials relevant to your inquiry must be directed in the first instance to the State Department. Let me emphasize again that we are not interposing any objection to the production of relevant documents and are not taking the position that any responsive document is "personal" in nature. Our point is, simply, that, whatever the merits of your request, Ambassador Sondland is legally prohibited from producing these documents to the Committee.
>> I look forward to speaking at the earliest opportunity and hope that we can find a productive path forward.

>> Best
>> Bob
>>
>> Robert Luskin
>> Paul Hastings LLP
>> 875 15th ST NW
>> Washington, DC 20005
>> T: 1.202.551.1234
>> F: 1.202.551.1234
>> M: 1.202.257.1234

>> From: Noble, Danica
>> Sent: Tuesday, October 01, 2019 5:39 PM
>> To: Luskin, Robert; McDermott, Jim; Manley, Kwame
>> Cc: Hair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>> Goldman, Daniel; Rapallo, Dave; Orooms, Susanne Sachman; Kenny,
>> Peter; Carey, Laura
>> Subject: [EXT] RE: Gordon Sondland

>> Bob,
>> We can do the call on Thursday at 10 am to discuss the details of the deposition and the issues regarding the State Department's interference, but we need to lock in the date and time for the deposition, as well as a schedule for an initial production of documents, this evening or tomorrow morning at the latest.
>> To that end, please confirm that Amb. Sondland will appear on October 8 at 9:30 a.m. for his deposition and propose a schedule for an initial production of documents, prioritizing emails and text messages (including any encrypted text messaging apps, like WhatsApp) from his personal electronic devices. Ideally, we would receive these materials no later than Friday COB.
>> If you and your co-counsel would like to hop on a call this evening to discuss, we're available.

>> Thank you.
>> Dan

>> -----Original Message-----
>> From: Luskin, Robert
>> Sent: Tuesday, October 1, 2019 4:30 PM
>> To: Noble, Danica; [REDACTED]; McDermott, Jim
>> [REDACTED]; Manley, Kwame
>> Cc: Hair, James; [REDACTED]; Campbell, Doug
>> [REDACTED]; Steinbaum, Jason
>> [REDACTED]; Bitar, Maher
>> [REDACTED]; Goldman, Daniel
>> [REDACTED]; Rapallo, Dave
>> [REDACTED]; Orooms, Susanne Sachman
>> [REDACTED]; Kenny, Peter
>> [REDACTED]; Carey, Laura
>> Subject: RE: Gordon Sondland

>> Dan
>> Because of co-counsel's travel schedule, we will need to push this over until Thursday AM. Does 10AM work?
>> Best
>> Bob

Robert Luskin | Partner, Litigation Department Paul Hastings
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cont.d: DnF-pke: L20K3k8AC986Tvc4KsQd4TDReAcWYD0taG6S3YXIB0dR ROVCW66
GuRNOICvqPFTU YaRPlwLstLibY0CaSNEBA4km 84PY4PigWYRLX5E19hgZ2h6doi
alyXWq2C6f8a TVWrtQorGjv7kLRYsNTwK7yhgVYKRMWConjHk/bVPMfE

>> -----Original Message-----
>> From: Noble, Danica
>> Sent: Tuesday, October 1, 2019 3:27 PM
>> To: Luskin, Robert; [REDACTED]; McDermott, Jim
>> [REDACTED]; Manley, Kwame
>> Cc: Hair, James; [REDACTED]; Campbell, Doug
>> [REDACTED]; Steinbaum, Jason
>> [REDACTED]; Bitar, Maher
>> [REDACTED]; Goldman, Daniel
>> [REDACTED]; Rapallo, Dave
>> [REDACTED]; Orooms, Susanne Sachman
>> [REDACTED]; Kenny, Peter
>> [REDACTED]; Carey, Laura
>> Subject: [EXT] RE: Gordon Sondland

>> Bob,
>> We want to do an initial call with you and your co-counsel tomorrow morning without representatives from the State Department on the line. We can discuss during the call if/when it would be appropriate for us to loop in State. We would also like to learn more about the "conflicting directions" that Amb. Sondland is apparently receiving from the Department. As I said on my initial email, if Amb. Sondland requires a subpoena to attend the deposition without interference from the Department, we will provide one.
>> Can you please let us know what time works between 10am and noon tomorrow for a call?

>> Thank you.
>> Dan

>> -----Original Message-----
>> From: Luskin, Robert
>> Sent: Tuesday, October 1, 2019 7:54 AM
>> To: Noble, Danica; [REDACTED]; McDermott, Jim
>> [REDACTED]; Manley, Kwame
>> [REDACTED]; McNeerney, Patricia X
>> Cc: Hair, James; [REDACTED]; Campbell, Doug
>> [REDACTED]; Steinbaum, Jason
>> [REDACTED]; Bitar, Maher
>> [REDACTED]; Goldman, Daniel
>> [REDACTED]; Rapallo, Dave
>> [REDACTED]; Orooms, Susanne Sachman

>> [REDACTED]; Kenny, Peter
>> [REDACTED]; Carey, Laura
>> Subject: RE: Gordon Sondland

>> Dan
>> Let me check with my co-counsel regarding a specific time, but that window should work. I strongly suggest that we include a representative of the State Department on our call, particularly if you would like to discuss the production of documents. We understand the Committee's schedule the deposition on an expedited basis and ensure that the Committees have relevant documents, it would be extremely helpful if we were not forced to bounce back and forth between the House and State, like children of divorced parents. Of course, your agreement to join such a call would be entirely without prejudice to your position that -- if the conflicting positions cannot be reconciled -- State is without authority to limit the Ambassador's testimony.
>> Our goal here is to be pragmatic and to accomplish what is necessary in the shortest possible time.

>> Best
>> Bob
>> [REDACTED]
>> [REDACTED]
>> [REDACTED]
>> Robert Luskin
>> Paul Hastings LLP
>> 875 15th ST NW
>> Washington, DC 20005
>> T: 1.202.551 [REDACTED]
>> F: 1.202.551 [REDACTED]
>> M: 1.202.257 [REDACTED]

>> From: Noble, Daniel [REDACTED]
>> Sent: Monday, September 30, 2019 7:49 PM
>> To: Luskin, Robert; McDermott, Jim; Manley, Kwame
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>> Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny,
>> Peter; Carey, Laura
>> Subject: [EXT] RE: Gordon Sondland

>> Bob,
>> Peter, Jamie and I are available between 11am and noon on Wednesday for a call. What's good for you? We'll want to lock in the date and details for the deposition and discuss production of documents, too.

>> Thanks,
>> Dan
>> -----Original Message-----
>> From: Luskin, Reber [REDACTED]
>> Sent: Monday, September 30, 2019 7:33 PM
>> To: Noble, Daniel [REDACTED]; McDermott, Jim
>> [REDACTED]; Manley, Kwame
>> [REDACTED]; McNeerney, Patricia X
>> [REDACTED]

>> Cc: Bair, James [REDACTED]; Campbell, Doug
>> [REDACTED]; Steinbaum, Jason
>> [REDACTED]; Bitar, Maher
>> [REDACTED]; Goldman, Daniel
>> [REDACTED]; Rapallo, Dave
>> [REDACTED]; Grooms, Susanne Sachaman
>> [REDACTED]; Kenny, Peter
>> [REDACTED]; Carey, Laura
>> Subject: RE: Gordon Sondland

>> Dan
>> We will consult with our client and with the relevant officials at the State Department, copied here, and get back to you at the earliest opportunity. Given the time difference and the Ambassador's travel schedule, I cannot commit to a response by tomorrow. I am in a previously scheduled meeting at the Department of Justice for another client all day tomorrow, but should be able to speak with you on Wednesday. Let me know, please, what time might be convenient for you.

>> Best
>> Bob Luskin
>> [REDACTED]
>> [REDACTED]
>> Paul Hastings LLP
>> 875 15th ST NW
>> Washington, DC 20005
>> T: 1.202.551 [REDACTED]
>> F: 1.202.551 [REDACTED]
>> M: 1.202.257 [REDACTED]

>> From: Noble, Daniel [REDACTED]
>> Sent: Monday, September 30, 2019 7:56 PM
>> To: Luskin, Robert; McDermott, Jim; Manley, Kwame
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>> Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachaman; Kenny,
>> Peter; Carey, Laura
>> Subject: [EXT] RE: Gordon Sondland

>> Mr. Luskin,
>> I am a Senior Counsel on HPSCI and am working on this matter with my colleagues Jamie Bair on HFAC and Peter Kenny on COR.
>> We appreciate you moving expeditiously on this matter. We understand that the noticed deposition date of October 10 does not work for you. The only available alternative is October 8, so we expect Amb. Sondland will make himself available that day. We would like to begin no later than 9:30 am.
>> Under the House deposition rules (attached along with H. Res. 6, referenced therein), State Department counsel is not permitted to be present during the deposition. Accordingly I have removed State Department counsel from this email chain. We also note that it would be a violation of appropriations law should any State Department counsel instruct a witness not to speak to Congress. We expect Amb. Sondland would report any such instruction, or any other attempt to interfere with the testimony or cooperation with the Committees, to us immediately. If Amb. Sondland requires a subpoena because the State Department is imposing any restrictions on his cooperation or testimony, please let us know and we will provide one.
>> We understand that you will need time to discuss these issues with your client, but we'd like to lock in the date for the testimony and a production schedule by tomorrow. Could we arrange a call for tomorrow afternoon?

>> Thanks,
>> Dan
>> -----Original Message-----
>> From: Luskin, Reber [REDACTED]
>> Sent: Monday, September 30, 2019 6:08 PM
>> To: Carey, Laura [REDACTED]; McDermott, Jim
>> [REDACTED]; Manley, Kwame
>> [REDACTED]; McNeerney, Patricia X
>> [REDACTED]

>> Cc: Bair, James [REDACTED]; Campbell, Doug
>> [REDACTED]; Steinbaum, Jason
>> [REDACTED]; Bitar, Maher
>> [REDACTED]; Goldman, Daniel
>> [REDACTED]; Noble, Daniel
>> [REDACTED]; Rapallo, Dave
>> [REDACTED]; Grooms, Susanne Sachaman
>> [REDACTED]; Kenny, Peter
>> Subject: RE: Gordon Sondland

>> Thank you, Laura
>> We will do our best to make that happen, with the caveat that we have only just been retained and have not yet had the opportunity to meet in person with Ambassador Sondland, to review the areas outlined in your letter and document request, or to liaise with the State Department, which I understand has a role in determining the circumstances under which current State Department officials are permitted to testify.
>> I will look forward to consulting with you and staff about arranging a deposition.

>> Best
>> Robert Luskin
>> [REDACTED]
>> [REDACTED]
>> Robert Luskin
>> Paul Hastings LLP
>> 875 15th ST NW
>> Washington, DC 20005
>> T: 1.202.551 [REDACTED]
>> F: 1.202.551 [REDACTED]
>> M: 1.202.257 [REDACTED]

>> From: Carey, Laura [REDACTED]
>> Sent: Monday, September 30, 2019 4:45 PM
>> To: Luskin, Robert; McDermott, Jim; Manley, Kwame
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher;
>> Goldman, Daniel; Noble, Daniel; Rapallo, Dave; Grooms, Susanne
>> Sachaman; Kenny, Peter
>> Subject: [EXT] RE: Gordon Sondland

