

From: Lusk, Robert
To: Ho, M. Daniel; Manley, Kwame; McDermott, Jim
Cc: Bair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey
Subject: RE: Gordon Sondland
Date: Tuesday, October 8, 2019 9:31:11 AM
Attachments: 002_01022

Dan
I was left a voicemail at 12:30AM (which I picked up around 5:30AM). That message was confirmed around 7:30AM by a second message from the Legal Advisor. We have not yet received any written confirmation and, once we do, will determine whether we can share it with you. We obviously believe that you are entitled to know the basis for the State Department's concerns, so that you and they can work to resolve them.
Best
Bob

Robert Lusk
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From: Noble, Daniel
Sent: Tuesday, October 08, 2019 9:15 AM
To: Lusk, Robert; Manley, Kwame; McDermott, Jim
Cc: Bair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey
Subject: [EXT] RE: Gordon Sondland

Bob,

What time were you or Ambassador Sondland first informed of this, and who from the State Department communicated it to you? We'd appreciate it if you could please forward us any email or letter that you or Ambassador Sondland received. I understand you may not have yet received "written confirmation," but we request that you please forward such written notice when you do.

Thank you.
Dan

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

From: Lusk, Robert
Sent: Tuesday, October 8, 2019 7:51 AM
To: Noble, Daniel; Manley, Kwame; McDermott, Jim
Cc: Bair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey
Subject: RE: Gordon Sondland

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 employees 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
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From: Noble, Daniel
Sent: Monday, October 07, 2019 11:29 AM
To: Lusk, Robert; Manley, Kwame; McDermott, Jim
Cc: Bair, 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; Manley, Kwame; McDermott, Jim
Cc: Bair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad
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 9:00.

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: Bair, 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:
> 1 800 305
> Passcode:
> [REDACTED]
>
> Bob
>
> Robert Lusk
> Paul Hastings LLP
> 875 15th ST NW
> Washington, DC 20005
> T: 1.202.551
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> M: 1.202.257
>
> From: Noble, Daniel
> Sent: Friday, October 04, 2019 6:36 AM
> To: Lusk, Robert; McDermott, Jim; Manley, Kwame
> Cc: Bair, James; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms,
> Stephanie; Sechman; 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
>> ; Manley, Kwame
>> Cc: Hair, James; Campbell, Doug
>> ; Steinbaum, Jason
>> ; Bitar, Maher
>> ; Goldman, Daniel
>> ; Rapallo, Dave
>> ; Grooms, Susanne Sachman
>> ; 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

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>> Cc: Bair, James; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachman; Kenny, Peter; 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 direction" that Amb. Sondland is apparently receiving from the Department. As I said in 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: Lusk, Robert
>> Sent: Tuesday, October 1, 2019 7:34 AM
>> To: Noble, Daniel; McDermott, Jim; Manley, Kwame; McNamey, Patricia X
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachman; Kenny, Peter; 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.

>> Bob
>> Robert Lusk
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>> From: Noble, Daniel
>> Sent: Monday, September 30, 2019 7:29 PM
>> To: Lusk, Robert; McDermott, Jim; Manley, Kwame
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachman; Kenny, Peter; Carey, Laura
>> Subject: [EXT] RE: Gordon Sondland

>> Bob,
>> Peter, Jamie and I are available between 10am 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: Lusk, Robert
>> Sent: Monday, September 30, 2019 7:33 PM
>> To: Noble, Daniel; McDermott, Jim; Manley, Kwame; McNamey, Patricia X
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachman; Kenny, Peter; 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.

>> Bob Lusk
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>> From: Noble, Daniel
>> Sent: Monday, September 30, 2019 7:06 PM
>> To: Lusk, Robert; McDermott, Jim; Manley, Kwame
>> Cc: Bair, James; Campbell, Doug; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachman; Kenny, Peter; Carey, Laura
>> Subject: [EXT] RE: Gordon Sondland

>> Mr. Lusk,
>> 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 his testimony or cooperation with the Committee, 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: Lusk, Robert
>> Sent: Monday, September 30, 2019 6:08 PM
>> To: Carey, Laura; McDermott, Jim; Manley, Kwame; McNamey, Patricia X

