

From: Lusk, Robert  
To: Dan, Denis; Manley, Kwame; McDermott, Jim  
Cc: Bair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey  
Subject: RE: Gordon Sondland  
Date: Tuesday, October 8, 2019 5:21:17 PM  
Attachments: [REDACTED]

Dan  
We understand from the Committee's public statement this afternoon that you intend to issue a subpoena to Ambassador Sondland. Assuming this comes to pass, we wanted to advise you that Ambassador Sondland has authorized us to accept service on his behalf. There are enough potential bumps in the road without making things more difficult than they need to be. We would, of course, want to discuss timing, etc., but at least wanted to clear away some of the potential underbrush in advance.

Best  
Bob

Robert Lusk  
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, Denise [REDACTED]  
Sent: Tuesday, October 08, 2019 11:10 AM  
To: Lusk, Robert; Manley, Kwame; McDermott, Jim  
Cc: Bair, James; Kenny, Peter; Fallon, Patrick; Stosz, Conrad; Lax, Kelsey  
Subject: [EXT] RE: Gordon Sondland

Thanks, Bob.

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

From: Lusk, Robert [REDACTED]  
Sent: Tuesday, October 8, 2019 11:09 AM  
To: Noble, Denise [REDACTED]; Manley, Kwame [REDACTED]; McDermott, Jim [REDACTED]; Lax, Kelsey [REDACTED]  
Cc: Bair, James [REDACTED]; Kenny, Peter [REDACTED]; Fallon, Patrick [REDACTED]; Stosz, Conrad [REDACTED]; Lax, Kelsey [REDACTED]  
Subject: RE: Gordon Sondland

Dan  
We received the attached letter (dated October 7) by hand approximately 30 minutes ago from the Department of State. The late night message was from Kenneth Thomas, in the Legal Advisor's office apprising me that the Department was directing Ambassador Sondland not to appear and advising me that a letter would be forthcoming.

Best  
Bob

Robert Lusk  
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, Denise [REDACTED]  
Sent: Tuesday, October 08, 2019 9:35 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 - Who left you the first VM last night at 12:30 AM? Was it someone from L? And if you have the VMs as .wav files, could you please forward to us? Thx.

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

From: Lusk, Robert [REDACTED]  
Sent: Tuesday, October 8, 2019 9:31 AM  
To: Noble, Denise [REDACTED]; Manley, Kwame [REDACTED]; McDermott, Jim [REDACTED]; Lax, Kelsey [REDACTED]  
Cc: Bair, James [REDACTED]; Kenny, Peter [REDACTED]; Fallon, Patrick [REDACTED]; Stosz, Conrad [REDACTED]; Lax, Kelsey [REDACTED]  
Subject: RE: Gordon Sondland

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  
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, Denise [REDACTED]  
Sent: Tuesday, October 08, 2019 9:06 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 [REDACTED]  
Sent: Tuesday, October 8, 2019 7:53 AM  
To: Noble, Denise [REDACTED]; Manley, Kwame [REDACTED]; McDermott, Jim [REDACTED]; Lax, Kelsey [REDACTED]  
Cc: Bair, James [REDACTED]; Kenny, Peter [REDACTED]; Fallon, Patrick [REDACTED]; Stosz, Conrad [REDACTED]; Lax, Kelsey [REDACTED]  
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 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 [REDACTED]  
F: 1.202.551 [REDACTED]  
M: 1.202.257 [REDACTED]

From: Noble, Denise [REDACTED]  
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 [REDACTED]  
Sent: Monday, October 7, 2019 11:28 AM  
To: Noble, Denise [REDACTED]; Manley, Kwame [REDACTED]; McDermott, Jim [REDACTED]; Lax, Kelsey [REDACTED]  
Cc: Bair, James [REDACTED]; Kenny, Peter [REDACTED]; Fallon, Patrick [REDACTED]; Stosz, Conrad [REDACTED]; Lax, Kelsey [REDACTED]  
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 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, Daniel  
Sent: Sunday, October 06, 2019 2:02 PM  
To: Masley, Kwame; Luskin, 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 IPSC1, 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 7:55 AM, Luskin, Robert wrote:

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

> Dial in:

> 1 800 309

> Passcode:

> [REDACTED]

> 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, Daniel  
> Sent: Friday, October 04, 2019 6:56 AM  
> To: Luskin, Robert; McDermott, Jim; Masley, Kwame  
> Cc: Bair, James; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms,  
> Susanne Sachman; 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: Luskin, Robert  
>> Sent: Thursday, October 3, 2019 3:24 PM  
>> To: Noble, Daniel; McDermott, Jim  
>> ; Masley, Kwame  
>> Cc: Bair, 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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>> Sounds good. Thanks, Bob.  
>>  
>>-----Original Message-----  
>> From: Luskin, Robert [mailto:rluskin@paulhastings.com]  
>> Sent: Wednesday, October 2, 2019 3:12 PM  
>> To: Noble, Daniel [mailto:dnoble@state.gov]; McDermott, Jim [mailto:jmcd@mcd.com]; Manley, Kwame [mailto:kmanley@paulhastings.com]  
>> Cc: Bair, James [mailto:jbair@paulhastings.com]; Campbell, Doug [mailto:dcampbell@paulhastings.com]; Steinbaum, Jason [mailto:jsteinbaum@paulhastings.com]; Bitar, Maher [mailto:mahar@paulhastings.com]; Goldman, Daniel [mailto:dgoldman@paulhastings.com]; Rapallo, Dave [mailto:drapallo@paulhastings.com]; Grooms, Susanne Sachman [mailto:sgrooms@paulhastings.com]; Kenny, Peter [mailto:pkenny@paulhastings.com]; Carey, Laura [mailto:lcarey@paulhastings.com]  
>> Subject: RE: Gordon Sondland

>> Dan  
>> Let's use the following conference information for tomorrow at 4PM:  
>>  
>> Dial in:  
>> 1 800 303 8339 (US)  
>> 1 719 955 8339 (ex-US)  
>> Passcode:  
>> 123456

>> 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, Daniel [mailto:dnoble@state.gov]  
>> 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 Sachman; Kenny,  
>> Peter; Carey, Laura  
>> Subject: [EXT] RE: Gordon Sondland

>> Thanks, Bob.  
>>  
>>-----Original Message-----  
>> From: Luskin, Robert [mailto:rluskin@paulhastings.com]  
>> Sent: Tuesday, October 1, 2019 6:59 PM  
>> To: Noble, Daniel [mailto:dnoble@state.gov]; McDermott, Jim [mailto:jmcd@mcd.com]; Manley, Kwame [mailto:kmanley@paulhastings.com]  
>> Cc: Bair, James [mailto:jbair@paulhastings.com]; Campbell, Doug [mailto:dcampbell@paulhastings.com]; Steinbaum, Jason [mailto:jsteinbaum@paulhastings.com]; Bitar, Maher [mailto:mahar@paulhastings.com]; Goldman, Daniel [mailto:dgoldman@paulhastings.com]; Rapallo, Dave [mailto:drapallo@paulhastings.com]; Grooms, Susanne Sachman [mailto:sgrooms@paulhastings.com]; Kenny, Peter [mailto:pkenny@paulhastings.com]; Carey, Laura [mailto:lcarey@paulhastings.com]  
>> Subject: RE: Gordon Sondland

>> 4pm Thursday will be fine, Dan.  
>> 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, Daniel [mailto:dnoble@state.gov]  
>> 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 Sachman; 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 [mailto:rluskin@paulhastings.com]  
>> Sent: Tuesday, October 1, 2019 6:24 PM  
>> To: Noble, Daniel [mailto:dnoble@state.gov]; McDermott, Jim [mailto:jmcd@mcd.com]; Manley, Kwame [mailto:kmanley@paulhastings.com]  
>> Cc: Bair, James [mailto:jbair@paulhastings.com]; Campbell, Doug [mailto:dcampbell@paulhastings.com]; Steinbaum, Jason [mailto:jsteinbaum@paulhastings.com]; Bitar, Maher [mailto:mahar@paulhastings.com]; Goldman, Daniel [mailto:dgoldman@paulhastings.com]; Rapallo, Dave [mailto:drapallo@paulhastings.com]; Grooms, Susanne Sachman [mailto:sgrooms@paulhastings.com]; Kenny, Peter [mailto:pkenny@paulhastings.com]; Carey, Laura [mailto:lcarey@paulhastings.com]  
>> 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 those or other materials relevant to your inquiry must be directed in the first instance to Ambassador Sondland is legally prohibited from producing these documents to the Committee.  
>> Our point is, simply, that, whatever the merits of your request, 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, Daniel [mailto:dnoble@state.gov]  
>> Sent: Tuesday, October 01, 2019 5:39 PM  
>> To: Luskin, 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,  
>>  
>> 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 those 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, Daniel; Manley, Kwame; McDermott, Jim  
>> Cc: Bair, James; Steinbaum, Jason; Bitar, Maher; Goldman, Daniel; Rapallo, Dave; Grooms, Susanne Sachman; Kenny, Peter; 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  
>> LLP | 875 15th Street, N.W., Washington, DC 20005 | Direct:  
>> 1.202.551 | Main: 1.202.551 | Fax: 1.202.551  
>> [https://defense.protonmail.com/2/nf/bv\\_https-3A\\_www.paulhastings.com/d\\_DwIF-g&e\\_L93KjKaC98aTvc4KvQdMTRAcWDDRmG6S3YXIEH0&r\\_ROVCWefe](https://defense.protonmail.com/2/nf/bv_https-3A_www.paulhastings.com/d_DwIF-g&e_L93KjKaC98aTvc4KvQdMTRAcWDDRmG6S3YXIEH0&r_ROVCWefe)  
>> GuRNGHCvqPF8TUyARPhwLntUlhY00a5NEB0A&am\_84PY14PigWY8L3XSE19bzgFZk6doi  
>> slyXWag2CfrLks TVWrrQrt63v7dLryXTwKa7bngVYKRmWConqHivJbVPMk&e

>> -----Original Message-----  
>> From: Noble, Daniel  
>> Sent: Tuesday, October 1, 2019 3:27 PM  
>> To: Luskin, Robert; Manley, Kwame; McDermott, Jim  
>> 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 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 7:34 AM  
>> To: Noble, Daniel; Manley, Kwame; McDermott, Jim  
>> Cc: Bair, James; 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  
>> position regarding State's role, but, as I hope you appreciate, Ambassador Sondland is receiving conflicting direction from the State Department. As a full time employee of the Department and a confirmed US Ambassador, this places him in a difficult posture. Particularly if we are to  
>> 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  
>>  
>> Robert Luskin  
>> Paul Hastings LLP  
>> 875 15th ST NW  
>> Washington, DC 20005  
>> T: 1.202.551  
>> F: 1.202.551  
>> M: 1.202.257  
>>  
>> From: Noble, Daniel  
>> 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 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: Luskin, Robert  
>> Sent: Monday, September 30, 2019 7:33 PM  
>> To: Noble, Daniel; McDermott, Jim



