

**From:** [Bitar, Maher](#)  
**To:** [Butler, Paul](#)  
**Cc:** [Goldman, Daniel](#); [Bair, James](#); [Kenny, Peter](#); [Noble, Daniel](#); [Mitchell, Nicolas](#)  
**Subject:** Michael Ellis - Subpoena for Testimony  
**Date:** Sunday, November 3, 2019 9:19:00 PM  
**Attachments:** [HPSCI Rules of Procedure.pdf](#)  
[House Deposition Regulations.pdf](#)  
[House Resolution 6 Sec 103\(a\).pdf](#)  
[20191104 - HPSCI Subpoena - Michael Ellis.pdf](#)  
[20191103 - Committees Subpoena Cover Letter - Michael Ellis.pdf](#)

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Paul -

Pursuant to the rules of the House of Representatives and the Permanent Select Committee on Intelligence, please find attached a duly authorized subpoena commanding your client's appearance tomorrow for testimony at 2:00 p m. at the Capitol in HVC-304.

Also attached is a letter from Chairman Schiff, Chairman Engel, and Acting Chairwoman Maloney, as well as other accompanying documents.

Please confirm receipt and acceptance of service on behalf of your client.

Thank you,

Maher

--

Maher Bitar  
General Counsel (Majority)  
House Permanent Select Committee on Intelligence (HPSCI)  
HVC-304 - The Capitol  
202-225-██████████

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

From: Butler, Paul ██████████  
Sent: Sunday, November 3, 2019 2:03 PM  
To: Noble, Daniel ██████████  
Cc: Goldman, Daniel ██████████; Bitar, Maher ██████████; Bair, James ██████████; Kenny, Peter ██████████  
Subject: Re: Michael Ellis

Dan

I'm not authorized to provide any further information at this time other than our guidance is that the failure to permit agency counsel to attend a deposition of Mr. Ellis would not allow sufficient protection of relevant privileges and therefore render any subpoena constitutionally invalid. As an Executive branch employee Mr. Ellis is required to follow this guidance. I'm happy to get on a call this afternoon any time after 2:30 but will not having anything else to add right now. Let me know how you would like to proceed. Best, Paul

Sent from my iPhone

> On Nov 3, 2019, at 10:34 AM, Noble, Daniel ██████████ wrote:  
>  
>  
>

> **\*\*EXTERNAL Email\*\***

>

>

> Ok thanks.

>

>> On Nov 3, 2019, at 10:34 AM, Butler, Paul [REDACTED] wrote:

>>

>> Yes I can talk between 2 and 6 today. Will be back with a good time. I will need to make some additional inquiries about your request

>>

>> Sent from my iPhone

>>

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

From: Noble, Daniel [REDACTED]

Sent: Sunday, November 3, 2019 9:25 AM

To: Butler, Paul [REDACTED]

Cc: Goldman, Daniel [REDACTED]; Bitar, Maher [REDACTED]; Bair, James [REDACTED]; Kenny, Peter [REDACTED]

Subject: Re: Michael Ellis

Hi Paul,

Wanted to follow up again to see if you can send us the OLC opinion and any White House communication your client has received? And what's your availability for a call between 2-6 today?

Thanks,

Dan

> On Nov 2, 2019, at 4:47 PM, Butler, Paul [REDACTED] wrote:

>

> Dan

> I tried to reach you earlier and happy to discuss further over the weekend but we are in receipt of an opinion from the Office of Legal Counsel providing guidance on the validity of a subpoena under the current terms and conditions and based on that guidance we are not in a position to appear for a deposition at this time. Best, Paul

>

> Sent from my iPhone

>

>> On Nov 2, 2019, at 12:12 PM, Noble, Daniel [REDACTED] wrote:

>>

>>

>>

>> **\*\*EXTERNAL Email\*\***

>>

>>

>> Paul-

>>

>> I understand Mr. Ellis is unwilling to appear voluntarily for a deposition as the Committees requested. I wanted to check in to see if you have determined whether Mr. Ellis would appear for a deposition pursuant to subpoena?

>>

>> As it stands, Mr. Ellis's deposition is noticed for Monday at 2:00 PM and we are prepared to issue a subpoena to compel his appearance at that time. If you can confirm that Mr. Ellis will appear under subpoena, notwithstanding any efforts by the White House to block him, we can discuss rescheduling the deposition to give you a little more time to prep. But if Mr. Ellis would defy the subpoena, we will issue one forthwith for the scheduled time on Monday. Mr. Ellis' failure to appear, of course, could be used as evidence against him in a contempt proceeding.

>>

>> Could you please let us know by 5:00 pm today?

>>

>> Thanks,

>> Dan

>>

>>> On Nov 1, 2019, at 5:04 PM, Butler, Paul [REDACTED] wrote:

>>>

>>> Dan

>>> Thanks for the call and attached is my contact info. My cell is 202

>>> 390 [REDACTED]. Will get back to you as soon as I can. Best, Paul Sent

>>> from my iPhone The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

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