

From: Aldenberg, William B. (NH) (FBI)<wbaldenberg@fbi.gov>
Sent on: Friday, February 12, 2021 12:15:07 AM
To: Keromytis, Angelos D<angelos@gatech.edu>; Aldenberg, William (JMD)<William.Aldenberg@usdoj.gov>; DeFilippis, Andrew (JMD)<Andrew.DeFilippis2@usdoj.gov>
Subject: [EXTERNAL EMAIL] - Re: Interview with Angelos Keromytis

Angelos

Thank you for the information and taking the time to speak with us today.

Bill

-

On Feb 11, 2021 3:41 PM, "Keromytis, Angelos D" <angelos@gatech.edu> wrote:
In case these help, since you asked related questions:

- First time I met Dave Dagon (that I have a record for) is on November 2015, at DARPA. Probably some emails prior/leading up to that, as I was doing the planning for the EA program (what datasets exist, what is technical possible/plausible, etc.)
- First time I met Rodney Joffe (again, that I have a record for) is on April 2016; intent was to find out about what data Neustar has/had that might be helpful to the program. Had a couple of follow-ons (not sure if meetings or phone calls) in June.
- First discussion with FBI (NCIJTF) about EA around February 2016. (We had prior interactions, going back to March 2015, about a different program.)
- First discussion with NSD/DoJ about EA ~December 2015 (although maybe also October 2015).

(These are from my calendar, so I have limited context.)

-Angelos

> On Feb 10, 2021, at 8:15 PM, Aldenberg, William (JMD) <William.Aldenberg@usdoj.gov> wrote:

>

> Angelos

>

> The meeting info is below.

>

> Thank you

>

> Bill

>

> Sent from my iPhone

>

> Begin forwarded message:

>

>> From: "Arsenault, Kori (USACT)" <karsenault@usa.doj.gov>

>> Date: February 10, 2021 at 6:30:47 PM EST

>> To: "Aldenberg, William (JMD)" <waldenberg@jmd.usdoj.gov>

>> Subject: Interview with Angelos Keromytis

>>

From: Aldenberg, William B. (NH) (FBI)<wbaldenberg@fbi.gov>
Sent on: Friday, February 12, 2021 12:15:07 AM
To: Keromytis, Angelos D<angelos@gatech.edu>; Aldenberg, William (JMD)<William.Aldenberg@usdoj.gov>; DeFilippis, Andrew (JMD)<Andrew.DeFilippis2@usdoj.gov>
Subject: [EXTERNAL EMAIL] - Re: Interview with Angelos Keromytis

Angelos

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Bill

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>> Date: February 10, 2021 at 6:30:47 PM EST

>> To: "Aldenberg, William (JMD)" <waldenberg@jmd.usdoj.gov>

>> Subject: Interview with Angelos Keromytis

>>

From: Antonakakis, Manos<manos@gatech.edu> on behalf of Antonakakis, Manos
Sent on: Monday, October 18, 2021 12:52:43 PM
To: Fuller, Christian<christian.fuller@legal.gatech.edu>
Subject: Fwd: Open Records Act Request #102110

Christian, do you have time to discuss this?

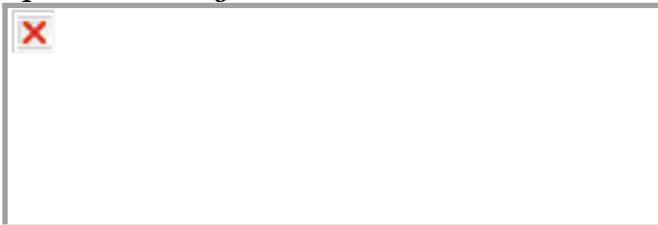
Thanks, Manos

From: Georgia Tech Open Records Office <openrecords@gatech.edu>
Sent: Monday, October 18, 2021 08:45
To: Antonakakis, Manos
Cc: Georgia Tech Open Records Office
Subject: Open Records Act Request #102110
Good morning Dr. Antonakakis,

My office received the below Open Records Act request last week. Would you be able to assist with the items listed in Item #3 of the request? If so, please provide an estimate of the amount of time it will take to search for, retrieve and potentially redact the information, as well as your hourly rate in accordance with your Georgia Tech salary. This information will be used to provide the requestor with a cost estimate for production.

Please let me know if you have any questions. Thanks so much.

Jamila Hudson-Allen
Open Records Officer
Office of Institute Communications
Open Records Division
Georgia Institute of Technology
openrecords@gatech.edu



From: Krawiec, Margaret E <Margaret.Krawiec@skadden.com>
Sent: Wednesday, October 13, 2021 11:51 AM
To: Georgia Tech Open Records Office <openrecords@gatech.edu>
Cc: Amaechi, Pamela I <Pamela.Amaechi@skadden.com>; McIntosh, Michael A <Michael.McIntosh@skadden.com>; Murday, Rebecca M <Rebecca.Murday@skadden.com>
Subject: AO Alfa Bank v. John Doe et al // Open Records Request
To Whom it May Concern:

I hope this email finds you well. My name is Margaret Krawiec and I represent AO Alfa Bank ("Alfa Bank") in a lawsuit pending in Florida state court, *AO Alfa-Bank v. John Doe et al.*, Case No. 50-2020-CA-006304-XXX MB (Fla. 15th Cir., filed June 11, 2020). I write to make a formal open records request from the University for the below-listed records. The time period for these requests is January 2016 to the present:

1. Cybersecurity research contracts awarded to the Georgia Institute of Technology ("Georgia Tech") by the U.S. Department of Defense in November 2016 ("DOD Contracts").
2. Any sub- contracts that Georgia Tech entered into with third parties in reference to the DOD Contracts including any confidentiality, terms of service, user agreements, or agreements related to the Domain Name System ("DNS") data.
3. Communications, documents, and computer data from Emmanouil "Manos" Antonakakis, David Dagon,

and other employees or contractors of Georgia Tech regarding:

1. The cyber security research contract awarded to the Georgia Institute of Technology by the U.S. Department of Defense in November 2016 and led by Mr. Antonakakis. This includes, but is not limited to, materials discussing Mr. Antonakakis's and Mr. Dagon's access to domain name system ("DNS") databases under this research contract;
 2. Draft or executed contracts regarding researchers' access to or use of DNS data, including but not limited to terms of service, confidentiality, and user agreements;
 3. Passive DNS collection systems, including but not limited to the DNS collection system referred to as "Thales";
 4. Allegations of secret communications between the Trump Organization and Alfa Bank. "Allegations of secret communications" is defined as the since-debunked theory that there was a covert or secret channel of communication between the Trump Organization and Alfa Bank prior to and following the 2016 U.S. presidential election;
 5. the Trump Organization server (IP address 66.216.133.29) or domains ("trump-email.com"; "contact-client.com"; hostnames "email1.trump-email.com" or "trump1.contact-client.com"; and any iterations involving alternate capitalization or concatenated versions thereof);
 6. the Alfa Bank server (IP addresses 217.12.96.15 and 217.12.97.15) or domains ("moscow.alfaintra.net," and any iterations involving alternate capitalization or concatenated versions thereof);
 7. AO Alfa-Bank, also known as "Alfa Bank";
 8. any analysis of computer data related to either the Trump Organization or Alfa Bank;
 9. analysis of computer data relating to the following entities: Cendyn, Listrak, Serenata, Denihan Hospitality Group, Spectrum Health, Heartland Payment Systems, Orbit Telecommunications, and Domo;
 10. allegations of Russian interference in U.S. elections;
 11. communications, documents, and computer data exchanged with individuals using the pseudonyms "Tea Leaves" or "Max";
 12. communications, documents, and computer data exchanged with April Lorenzen or Rodney Joffe;
 13. communications, documents, and computer data exchanged with Neustar, Inc., ZETAlytics LLC, or Dissect Cyber Inc.;
 14. communications, documents, and computer data exchanged with Packet Forensics LLC, VOSTROM Holdings, Inc., Centergate Research Group, LLC, or any other entities affiliated with Rodney Joffe;
 15. communications, documents, and computer data exchanged with Perkins Coie LLP, Michael Sussmann, Marc Elias, or any other affiliates of Perkins Coie;
 16. communications, documents, and computer data exchanged with Fusion GPS, Peter Fritsch, Glenn Simpson, Jacob "Jake" Berkowitz, Laura Seago or any other affiliates of Fusion GPS;
 17. communications, documents, and computer data exchanged with Daniel Jones, The Democracy Integrity Project, Advance Democracy Inc., Penn Quarter Group, Michael "Mikey" Dickerson, Matthew "Matt" Weaver, Layer Aleph or any other entity or individual affiliated with Daniel Jones; and
 18. communications, documents, and computer data exchanged with the Clinton Campaign or the Democratic National Committee.
4. Communications, documents, and computer data that were produced in response to subpoenas, discovery requests, informal document requests, or government inquiries, including but not limited to Special Counsel John Durham's investigation and the associated grand jury in *United States v. Sussman*, No. 1:21-cr-00582-CRC-1 (D.D.C. 2021) and that relate to (i) allegations of secret communications between the Trump Organization and Alfa Bank; (ii) the Trump Organization server or domains; (iii) Alfa Bank; (iv) analysis of computer data related to either the Trump Organization or Alfa Bank; (v) allegations of Russian interference in U.S. elections; or (vi) the John Doe Defendants or the Anonymous Researchers.

We would be happy to discuss the scope of these requests further over a call. Please let us know if you have any questions or would like to discuss.

Thanks,
Margaret

From: Antonakakis, Manos<manos@gatech.edu> on behalf of Antonakakis, Manos
Sent on: Sunday, November 14, 2021 5:17:53 PM
To: McLaughlin, Steven W<swm@gatech.edu>; Abdallah, Chaouki T<ctabdallah@gatech.edu>
CC: Keromytis, Angelos D<angelos@gatech.edu>
Subject: Heads up
Attachments: 5 False Narratives About The Spygate Indictment Of Michael Sussmann.pdf (534.78 KB)

Gentlemen,

The reporter inline wrote the attached article a couple of months ago and made the claim that my actions were equivalent to criminal conduct. We ignored the first article, as we were not consulted. This time around she asked us for a comment because will be writing a second stronger article possible replaying the same narrative.

Because I (or we?) might file a suit against her for knowingly writing false statements about me (and the work I did at GT), we had to respond with the way you see inline.

At some point we need to stop being quite about my role in all these. Being accused of criminal conduct is where I draw the line in this situation.

Manos

From: "Antonakakis, Manos" <manos@gatech.edu>
Date: Sunday, November 14, 2021 at 12:09 PM
To: "Schamel, Mark" <MSchamel@lowenstein.com>, "Jara, Ana" <AJara@lowenstein.com>
Subject: Re: Media Request re Mr. David Dagon

Yes, this makes sense.

Thank you, Mark

From: "Schamel, Mark" <MSchamel@lowenstein.com>
Date: Sunday, November 14, 2021 at 12:08 PM
To: "Antonakakis, Manos" <manos@gatech.edu>, "Jara, Ana" <AJara@lowenstein.com>
Subject: RE: Media Request re Mr. David Dagon

That was intentional. I wanted to push back hard on her crappy reporting. She is a hack. I think we are going to have to come out publicly at some point and say that. I want to make a record that we told her, clearly, what she was doing. If you ever want to file a suit, actual knowledge makes it much harder for her when we win.

Mark E. Schamel
Partner
Lowenstein Sandler LLP

T: 202.753.3805
M: 202.841.3401
F: 973.597.2400



From: Antonakakis, Manos <manos@gatech.edu>
Sent: Sunday, November 14, 2021 12:00 PM
To: Schamel, Mark <MSchamel@lowenstein.com>; Jara, Ana <AJara@lowenstein.com>
Subject: Re: Media Request re Mr. David Dagon

No. What I mean is that is borderline rude to her. Effectively telling her that she is not good at what she does. While true, I would never put that in an email.

Manos

From: "Schamel, Mark" <MSchamel@lowenstein.com>
Date: Sunday, November 14, 2021 at 11:56 AM
To: "Antonakakis, Manos" <manos@gatech.edu>, "Jara, Ana" <AJara@lowenstein.com>
Subject: RE: Media Request re Mr. David Dagon

Why don't I say that we have never had a position on the article?

Mark E. Schamel
Partner
Lowenstein Sandler LLP

T: 202.753.3805
M: 202.841.3401
F: 973.597.2400



From: Antonakakis, Manos <manos@gatech.edu>

Sent: Sunday, November 14, 2021 11:52 AM

To: Schamel, Mark <MSchamel@lowenstein.com>; Jara, Ana <AJara@lowenstein.com>

Subject: Re: Media Request re Mr. David Dagon

Mark your off the record statement is aggressive but you know better than me what is right here.

The on the record statement is correct.

Guess/speculation: The title of the article could be "Researcher 1 back away from the article." Of course there is nothing we can do about it ... as Researcher 1 never supported the article. Whatever.

Thanks, Manos

From: "Schamel, Mark" <MSchamel@lowenstein.com>

Date: Sunday, November 14, 2021 at 11:42 AM

To: "Antonakakis, Manos" <manos@gatech.edu>, "Jara, Ana" <AJara@lowenstein.com>

Subject: RE: Media Request re Mr. David Dagon

Margot

OFF THE RECORD

Having read a couple of your other articles, I have real concerns about the objectivity of your reporting on this issue. Not only are your conclusions incorrect, but the facts clearly do not support the insinuations in the indictment or your questions.

Dr. Antonakakis is NOT alleged to have done anything improper, illegal, unethical or even negligent. Dr. Antonakakis is a WITNESS in this "case" against Mr. Sussman. Dr. Antonakakis is APOLITICAL and has never met Sussman or any of the others involved in what Sussman and/or the campaign may have been doing. If you understood the work being done in the lab that Dr. Antonakakis runs, you would understand that the work is of vital importance to our national security. If you understood the facts at all, you would understand that the researchers at Georgia Tech were doing their job when they looked into the allegations of contact and possible collusion between the Trump campaign and a foreign power. Had there been an allegation involving the other campaign for President, they would do the same. That is actually their job.

I would encourage you to check with your sources and you will find that there was absolutely nothing improper about the researchers doing the research they are contracted to do. It is also critical that you understand that they did not access any databases to discredit the Trump campaign, but simply looked at the data they are tasked with monitoring to determine the facts. That they did not confirm it in their limited review, does not mean it does not exist. That analysis would simply take more time than was dedicated.

It would do you well to stop conflating not finding something in a preliminary analysis with it not having happened. Even Mr. Joffe's "fuck" email response seems to indicate that the preliminary analysis did not produce a definitive answer and thus, why no conclusion was ever produced, it does not mean there was not contact.

I would also strongly encourage you to cease writing articles that even intimate that Dr. Antonakakis has done anything wrong. As even the Special Counsel in its rush to find a way to exonerate the Trump campaign has made it abundantly clear, Dr. Antonakakis is not a subject of any investigation and that there is absolutely no evidence that he has ever done anything improper. If you are saying anything short of that, you are making a very serious and actionable mistake.

As for your questions, I offer you the following ON THE RECORD answers below:

Mark

Did Mr. Antonakakis use any data provided by Mr. Joffe in the analysis which you say he stands behind?

Dr. Antonakakis stands behind all published and unpublished research of which he is an author, coming out the Georgia Tech research lab. Dr. Antonakakis is one of the leading researchers in his field in the world. In this case he reviewed a narrative, as presented to him, by a well-known and respected researcher and provided his feedback, as he does for more than 100 unpublished research articles he receives every year. Dr. Antonakakis was not involved in the production of this anonymous article and there is nothing to support the false narrative that he did.

Did he know that any of that data came from the government pursuant to a separate government contract?

You should double check your sources, as the premise or your question is incorrect. No data procured for a government contract for which Dr. Antonakakis is responsible was used for the production of this anonymous article. Even the Durham investigation has confirmed this fact.

Also, did he use a GitHub account to communicate with the others and if so why?

He did not and since that is a provable fact, you lack even a good faith basis to say otherwise. The only reason you would ask this question is to make it appear nefarious, when in fact it was anything but and if you have done your research you will know this.

And finally, was Mr. Joffe's "fuck" response concerning the first data run related to Trump and Alfa Bank not showing a connection? If not, what did that refer to?

This is a question for Mr. Joffe.

Mark E. Schamel
Partner
Lowenstein Sandler LLP

T: 202.753.3805

M: 202.841.3401

F: 973.597.2400



From: Margot Cleveland <margotcleveland@gmail.com>

Sent: Saturday, November 13, 2021 11:53 PM

To: Schamel, Mark <MSchamel@lowenstein.com>

Subject: Fwd: Media Request re Mr. David Dagon

Dear Mr. Schamel,

I am writing an article on the Sussman indictment and have obtained a cache of emails involving data requests and communications between your client, Manos Antonakakis, and others, confirmed to the New York Times as the unnamed individuals discussed in the indictment, specifically, Mr. Joffe, Mr. David Dagon, and April Lorenzen. During this time frame, there were also emails between some of these individuals and Steve DeJong. Did Mr. Antonakakis use any data provided by Mr. Joffe in the analysis which you say he stands behind? Did he know that any of that data came from the government pursuant to a separate government contract?

Also, did he use a github account to communicate with the others and if so why? And finally, was Mr. Joffe's "fuck" response concerning the first data run related to Trump and Alfa Bank not showing a connection? If not, what did that refer to?

My deadline is tomorrow at noon.

Thank you,

Margot Cleveland

Senior Contributor, The Federalist

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 11. communications, documents, and computer data exchanged with individuals using the pseudonyms "Tea Leaves" or "Max";
 12. communications, documents, and computer data exchanged with April Lorenzen or Rodney Joffe;
 13. communications, documents, and computer data exchanged with Neustar, Inc., ZETALytics LLC, or Dissect Cyber Inc.;
 14. communications, documents, and computer data exchanged with Packet Forensics LLC, VOSTROM Holdings, Inc., Centergate Research Group, LLC, or any other entities affiliated with Rodney Joffe;
 15. communications, documents, and computer data exchanged with Perkins Coie LLP, Michael Sussmann, Marc Elias, or any other affiliates of Perkins Coie;
 16. communications, documents, and computer data exchanged with Fusion GPS, Peter Fritsch,

2. Any sub- contracts that Georgia Tech entered into with third parties in reference to the DOD Contracts including any confidentiality, terms of service, user agreements, or agreements related to the Domain Name System ("DNS") data.

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 13. communications, documents, and computer data exchanged with Neustar, Inc. , ZETALytics LLC, or Dissect Cyber Inc.;
 14. communications, documents, and computer data exchanged with Packet Forensics LLC, VOSTROM Holdings, Inc., Centergate Research Group, LLC, or any other entities affiliated with Rodney Joffe;

From: L Jean Camp [REDACTED] >
Sent on: Sunday, March 4, 2018 10:59:53 PM
To: Manos Antonakakis <manos@gatech.edu>; dagon <[REDACTED]>
Subject: if you know anyone in Melbourne

Or Sidney? I am here until April 30.

I wanted to get the hell out of the very angry Midwest and hang out with people are less angry and unarmed. Also, I got to skip a good part of winter!

The whole open carry thing has become such a hemorrhoid on midwestern life: rarely dangerous, constantly annoying, and associated with bloody assholes. **Steve Myers was recruited by Apple. He and Cathy had many reasons but one was just not seeing people at the Kroger openly armed.**

Anyway as always looking for interest and funding for either phishing resilience measures, tools to improve resilience, or tools to mitigate risk.

Prof. L. Jean Camp

<http://www.ljean.com>

Research Gate: https://www.researchgate.net/profile/L_Camp

DBLP: <http://dblp.uni-trier.de/pers/hd/c/Camp:L= Jean>

SSRN: https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=262477

Scholar: <https://scholar.google.com/citations?user=wJPGa2IAAAAJ>

Make a Difference

<http://www.ieeeusa.org/policy/govfel/congfel.asp>

From: Paul Vixie <vixie@fsi.io>

Sent on: Thursday, November 9, 2017 11:41:43 PM

To: Manos Antonakakis <manos@gatech.edu>

Subject: ping

i'm in atlanta tonight, having dinner with dagon.

it made me remember that i owe you several apologies, for farsight's insensitivity and rudeness when we were commercializing DNSDB and SIE.

i would like to have an opportunity to hear your grievances against us and answer them. even if it does not result in us working together, i feel a need to clear the air.

--

P Vixie

From: Rodney Joffe <rjoffe@centergate.com>

Sent on: Wednesday, June 6, 2018 9:16:16 PM

To: David Dagon [REDACTED]; David Dagon <dagon@cc.gatech.edu>

Subject: Please call me asap..

From: "Antonakakis, Manos" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E6B0AFC581E477DB35A37C3A3A79AEB-ANTONAKAKIS>
Sent on: Sunday, October 29, 2017 5:56:58 PM
To: fabian@cs.unc.edu; Keromytis, Angelos D CIV DARPA (US) <angelos.keromytis@darpa.mil>; perdisci@cs.uga.edu
Subject: Fw: VMware Systems Research Award: Request for Nominations - Due November 3
Attachments: ManosAntonakakis.pdf (48.77 KB)

FYI- Gents. Thanks for taking time to write the letter for me. What I am pushing here is the reputation system I build back in the day. For its time it was the first dynamic reputation system for Internet DNS infrastructure.

Not sure when/if they will reach out.

Cheers,

—
Manos Antonakakis | manos@gatech.edu
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Antonakakis, Manos
Sent: Sunday, October 29, 2017 12:53 PM
To: Beyah, Raheem A
Cc: Romberg, Justin; Howard, Ayanna M
Subject: Re: VMware Systems Research Award: Request for Nominations - Due November 3

Hey Raheem,

You need the following from me:

- 1) A proposed citation of at most 20 words
 - Antonakakis, Perdisci, Dagon, Lee and Feamster. "Building a Dynamic Reputation System for DNS", In the 19th USENIX Security Symposium.
- 2) Contact information for three references:
 - Dr. Fabian Monrose, Kenan Distinguished Professor in the Computer Science department at the University of North Carolina at Chapel Hill, fabian@cs.unc.edu
 - Dr. Angelos Keromytis, DARPA Manager and Associate Professor Department of Computer Science, Columbia University, New York, angelos.keromytis@darpa.mil
 - Dr. Roberto Perdisci, Associate Professor, Department of Computer Science, University of Georgia, perdisci@cs.uga.edu
- 3) A one-page summary statement concerning the originality, impact, and future potential of the nominee's research.
 - Attached.

Please let me know if you need anything more.

Cheers,

—
Manos Antonakakis | manos@gatech.edu
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Beyah, Raheem A
Sent: Friday, October 27, 2017 4:26:14 PM
To: Antonakakis, Manos

Microsoft Exchange Server;converted from html;

From: Lee, Wenke<wenke@cc.gatech.edu> on behalf of Lee, Wenke
Sent on: Tuesday, February 2, 2016 2:54:51 PM
To: Cox, Ann<Ann.Cox@HQ.DHS.GOV>; Dewhurst, Jeffrey (CTR)<jeffrey.dewhurst@hq.dhs.gov>
CC: David Dagon<dagon@sudo.sh>
Subject: Re: slides for the PI meeting
Attachments: PI Meeting Feb 2016 Brifing Georgia Tech.pptx (28.74 MB)

Ann,

Sorry. Attached are the slides in the proper format. David will probably have to skip a few details per presentation time limit. Thanks.

Wenke

From: Cox, Ann <Ann.Cox@HQ.DHS.GOV>
Sent: Tuesday, February 2, 2016 9:11 AM
To: Lee, Wenke; Dewhurst, Jeffrey (CTR)
Cc: David Dagon
Subject: RE: slides for the PI meeting

Wenke,

Your slides are not in the correct format and don't contain the requested information. Please follow the template attached.

You need to tie in the original proposal to the work presented in the slides. There is a great gap- on title slide that is from the proposal, then- where did this come from?????

We are very short on time to get these done. Please update the slide deck today if possible, tomorrow at the latest.

Cheers,

Ann

Ann Cox, PhD

Program Manager

Cyber Security Division (CSD)

Homeland Security Advanced Research Projects Agency (HSARPA)

Science and Technology Directorate (S&T)

Department of Homeland Security (DHS)

Ann.Cox@hq.dhs.gov

Office: (202) 254-6198

BB: (202) 557-9248

From: Lee, Wenke [mailto:wenke@cc.gatech.edu]

Sent: Tuesday, February 02, 2016 8:38 AM

To: Cox, Ann; Dewhurst, Jeffrey (CTR)

Cc: David Dagon

Subject: slides for the PI meeting

Ann,

Attached are the slides (this time from Office 365 - Gmail puts attachment greater than 25 MB in size to Google Drive). Hopefully it works this time. Thanks.

Wenke

From: <raid16chairs@cs.unc.edu>

Sent on: Thursday, July 7, 2016 10:07:37 PM

To: Antonakakis, Manos<manos@gatech.edu>; Kountouras, Athanasios<kountouras@gatech.edu>; Nadji, Yacin I<yacin@gatech.edu>; Kintis, Panagiotis<kintis@gatech.edu>; Lever, Charles C<clever3@gatech.edu>; Chen, Yizheng<yzchen@gatech.edu>; Yacin Nadji<yacin@netrisk.io>; David Dagon<dagon@sudo.sh>

Subject: [RAID2016] Updated final paper #71 "Enabling Network Security Through Active..."

The final version for paper #71 has been updated at the 19th International Symposium on Research in Attacks, Intrusions and Defenses (RAID2016) submissions site.

Title: Enabling Network Security Through Active DNS Datasets

Authors: Athanasios Kountouras (Georgia Institute of Technology)

Panagiotis Kintis (Georgia Institute of Technology)

Chaz Lever (Georgia Institute of Technology)

Yizheng Chen (Georgia Institute of Technology)

Yacin Nadji (Netrisk)

David Dagon (Georgia Institute of Technology)

Manos Antonakakis (Georgia Institute of Technology)

Rodney Joffe (Neustar)

Paper site: <https://raid2016.cs.unc.edu/papers/paper.php/71?cap=071aWDl-MnfZupA>

You have until 8 Jul 2016 5pm EDT to make further changes.

Contact Program Chairs <raid16chairs@cs.unc.edu> with any questions or concerns.

- RAID2016 Submissions

From: [REDACTED] > on behalf of Manos Antonakakis<manos@gatech.edu>
Sent on: Friday, July 29, 2016 2:00:14 PM
To: David Dagon<dagon@sudo.sh>
CC: Ahamad, Mustaqe<mustaq@cc.gatech.edu>; Farrell, Michael D<Michael.Farrell@gtri.gatech.edu>; Blough, Douglas M<doug.blough@ece.gatech.edu>; Fabian Monroe<fabian@cs.unc.edu>; Beyah, Raheem A<rbeyah@coe.gatech.edu>; Roberto Perdisci<perdisci@cs.uga.edu>; Dan Durrer<dan@durrer.net>; Rodney Joffe<rjoffe@centergate.com>; Simon Forster<forster@spamteq.com>; Tim Chen<tim@domaintools.com>
Subject: DARPA-16-34-EA-FP-023 --- Status Update

Gentlemen,

This is a status update on where we are and where we are heading to.

In the last two weeks I have been in contact with a contracting person (Danielle) from USAF. They wanted a number of clarifications about our project so the contract negotiation can begin. Last night we finalized their last clarification request around our statement of work, and this morning just got off the phone with them, where they acknowledged we are good to go.

Next step here is to quickly negotiate the contract and begin the project. My number one priority at this point is for this to happen asap. I am canceling all my trips in August so I can work with them day-to-day. The program has a start date the first of November, however, I want to have us begin as early as end of August (or sooner if possible).

The two things I am making sure are:

1. We can get a written permission of a start date August 15. This will enable the academic arm of this project to start billing against the project throughout the entire Fall semester. Vis-a-vis, your students will be covered by the project in Fall.
2. The subs to get paid asap, before we even start pulling data from your networks. This is a fight that I am winning at the moment with Georgia Tech. Apparently, if you bring (this level of) funds in the school, people read your email. :) As soon as I have additional news around this, I will relay them to you. In the mean time, I will be reaching out independently so we can have a standard NDA in place between GT and your organizations. Please, be ready to share with me your standard NDA.

All-in-all, things are on track (actually, slightly ahead of schedule), and we should be starting soon. If you have any questions or issues, please drop me and Dave a note. We are here to help smooth this process and have a great 4.5 years of collaboration.

Thanks,

Manos [REDACTED]

From: [REDACTED] on behalf of Manos Antonakakis<manos@gatech.edu>
Sent on: Thursday, August 25, 2016 12:34:05 PM
To: David Dagon<dagon@sudo.sh>
CC: Ahamad, Mustaqe<mustaq@cc.gatech.edu>; Farrell, Michael D<Michael.Farrell@gtri.gatech.edu>; Blough, Douglas M<doug.blough@ece.gatech.edu>; Fabian Monroe<fabian@cs.unc.edu>; Beyah, Raheem A<rbeyah@coe.gatech.edu>; Roberto Perdisci<perdisci@cs.uga.edu>; Dan Durrer<dan@durrer.net>; Rodney Joffe<rjoffe@centergate.com>; Simon Forster<forster@spamteq.com>; Tim Chen<tim@domaintools.com>
Subject: Re: DARPA-16-34-EA-FP-023 --- Status Update

Folks,

The Air Force people just came back to me, with the following message.

#####

Manos,

So great to hear from you!

The new start contract package has been assigned to a contract specialist and contracting officer. The contract specialist will reach out to George Tech, but I'm not certain when exactly this will be.

Contract awards are anticipated for early November.

Thanks again for your email.

Danielle

#####

They are moving _very slow_ folks, regardless the emails I am sending their way. Not sure what else I can do but wait.

Cheers,

Manos

On Wed, Aug 10, 2016 at 11:16 AM, Manos Antonakakis <manos@gatech.edu> wrote:

> Folks,

>

> This is a quick update.

>

> We are trying to have the subs ready, even before we begin the
> negotiation of the contract begins. This should expedite the official
> start of this project. Meanwhile, Dave and I have taken care two
> requests for attribution reports that came towards our team. We didn't
> wanted to ruin your summer, so with the exception of Rodney and Tim
> (who helped us with data --- many thanks), we delivered against these
> requests ourselves.

>

> The quality of our deliverables trilled the DARPA folks. In private
> channels they acknowledged that; "the work we delivered [through our
> framework] is well ahead of what is the norm [in research]". Clearly,
> the first impression of what we can deliver is well above the bar.

>

> With respect of the Air Force folks, I am waiting for someone to
> contact me so I can initialize the contract negotiation. I do not have
> a date for when this will happen. Expect news as I receive them.

From: Angelos D. Keromytis [REDACTED]
Sent on: Friday, November 9, 2018 12:28:30 AM
To: dagon [REDACTED]
CC: Farrell, Michael <Michael.Farrell@gtri.gatech.edu>; Manos Antonakakis <manos@gatech.edu>
Subject: Re: Briefing synch
Attachments: signature.asc (499 Bytes)

OK

From: "Antonakakis, Manos" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E6B0AFC581E477DB35A37C3A3A79AEB-ANTONAKAKIS>
Sent on: Wednesday, April 18, 2018 12:45:40 PM
To: Scott Taylor [REDACTED]; David Dagon [REDACTED]; Farrell, Michael D <Michael.Farrell@gtri.gatech.edu>
CC: Angelos D. Keromytis [REDACTED]; Tejas Patel <tejas@kududyn.com>
Subject: Re: Congratulations

Many thanks Scott!

—
Manos Antonakakis | manos@gatech.edu
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Scott Taylor <[REDACTED]>
Sent: Tuesday, April 17, 2018 11:03:56 PM
To: Antonakakis, Manos; David Dagon; Farrell, Michael D
Cc: Angelos D. Keromytis; Tejas Patel
Subject: Congratulations

Manos, David, Michale,

Congratulations on the "Outstanding Achievement in Research Program Development" Award!

--Scott

From: Keromytis, Angelos <angelos.keromytis@darpa.mil>

Sent on: Monday, August 28, 2017 2:35:01 PM

To: Antonakakis, Manos <manos@gatech.edu>

CC: Patel, Tejas (contr-i2o) <tejas.patel.ctr@darpa.mil>; dagon@sudo.sh

Signed by: KEROMYTIS.ANGELOS.D.1501999799 on Monday, August 28, 2017 2:34:59 PM

Subject: Re: DARPA domains

Attachments: Nameless.txt (961 Bytes)

From: "Antonakakis, Manos" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E6B0AFC581E477DB35A37C3A3A79AEB-ANTONAKAKIS>
Sent on: Wednesday, September 6, 2017 1:19:30 AM
To: Aaron, David (NSD) <David.Aaron2@usdoj.gov>; [REDACTED]
CC: Myers, Zachary (USAMD) <Zachary.Myers@usdoj.gov>; Mitchell, Nicolas (USAMD) <Nicolas.Mitchell@usdoj.gov>; Keromytis, Angelos <angelos.keromytis@darpa.mil>
Subject: Re: DOJ contact - Case #2

Hey David, very pleased to meet you Sir.

Dave Dagon (CCed) and I are working on a full report for you. We expect to have this ready by the 15th, however, this depends on both the load at the Georgia Tech cluster and the findings as more analysis comes to us from the Attribution Framework.

Please stay tuned --- we will pass information to you asap.

BTW, can you guys use PGP at all?

Cheers,

—
Manos Antonakakis | manos@gatech.edu
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Aaron, David (NSD) <David.Aaron2@usdoj.gov>
Sent: Tuesday, September 5, 2017 6:22:32 PM
To: Antonakakis, Manos
Cc: Myers, Zachary (USAMD); Mitchell, Nicolas (USAMD); Keromytis, Angelos
Subject: DOJ contact - Case #2

Manos,

Angelos passed along your email address. I'm his contact at DOJ for Case #2. I wanted to introduce myself in case we have additional information or follow-up questions. I've copied my colleagues, Zach Myers and Nick Mitchell.

Thank you very much for your work on this.

-David

David Aaron
U.S. Department of Justice
(202) 307-5190

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Friday, March 23, 2018 2:08:47 PM

To: Renee Burton [REDACTED] >

CC: Tejas Patel <tejas@kududyn.com>; Scott Taylor [REDACTED]; David Dagon [REDACTED];

Farrell, Michael <Michael.Farrell@gtri.gatech.edu>; Angelos D. Keromytis [REDACTED]

Subject: Re: follow up

Attachments: ATT00001 (12 Bytes), msg.asc (831.94 KB)

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Friday, March 23, 2018 4:47:57 PM

To: Renee Burton [REDACTED] >

CC: Tejas Patel <tejas@kududyn.com>; Scott Taylor [REDACTED]; darin j <[REDACTED]>;

David Dagon [REDACTED]; Angelos D. Keromytis [REDACTED]; Farrell, Michael
<Michael.Farrell@gtri.gatech.edu>

Subject: Re: follow up

Attachments: ATT00001 (12 Bytes), msg.asc (11.68 KB)

Virgil, Franchesca

From: [REDACTED] on behalf of Manos Antonakakis <manos@gatech.edu>
Sent: Saturday, November 19, 2016 9:45 AM
To: David Dagon; Farrell, Michael D; Beyah, Raheem A; Joffe, Rodney; Fabian Monroe
Subject: DARPA Team Dinner

Gents,

You (and members of your teams?) will come out to the kick off meeting. Can you please confirm that you (and your team?) will be available for a Monday dinner? I will try to get us a place walking distance from DARPA and the Hilton hotel (where most of us will be staying).

Thanks,

Manos

Virgil, Franchesca

From: Rodney Joffe <rjoffe@centergate.com>
Sent: Wednesday, June 6, 2018 4:16 PM
To: David Dagon; Dagon, David S
Subject: Please call me asap..

Virgil, Franchesca

From: Rodney Joffe <rodney.joffe@neustar.biz>
Sent: Saturday, November 19, 2016 12:06 PM
To: Antonakakis, Manos
Cc: David Dagon; Farrell, Michael D; Beyah, Raheem A; Fabian Monroe
Subject: Re: DARPA Team Dinner

I know and am ok with all 3.

> On Nov 19, 2016, at 10:40 AM, Manos Antonakakis <manos@gatech.edu> wrote:

>

> Regarding places that are good enough, likely have room for the team

> and close by DARPA/hotel, we have the following options:

>

> - P.F. Chang's (Chinese Restaurant)

> - Uncle Julio's (Mexican Restaurant)

> - Zoës Kitchen (Mediterranean Restaurant)

>

> I can make the reservations Monday, so let me know what you prefer. We

> are looking for dinner time to be 19.30.

>

> Thanks,

>

> Manos

>

>> On Sat, Nov 19, 2016 at 9:44 AM, Manos Antonakakis <manos@gatech.edu> wrote:

>> Gents,

>>

>> You (and members of your teams?) will come out to the kick off

>> meeting. Can you please confirm that you (and your team?) will be

>> available for a Monday dinner? I will try to get us a place walking

>> distance from DARPA and the Hilton hotel (where most of us will be

>> staying).

>>

>> Thanks,

>>

>> Manos

Virgil, Franchesca

From: [REDACTED] on behalf of Manos Antonakakis <manos@gatech.edu>
Sent: Wednesday, September 21, 2016 10:42 AM
To: Farrell, Michael D; Fabian Monrose; Simon Forster; Rodney Joffe; Tim Chen; dan@klondikedata.com
Cc: David Dagon; Roberts, Kristen N
Subject: Re: DARPA-16-34-EA-FP-023 --- Status Update

Folks,

We have some very minor budget discrepancies and budget formatting request that will be coming your way. The government wants you to send to them directly your budgets. Now, your data will still be in GT under my control, however, that is the way the contract will be negotiated.

Now, I will be following up individually with each one of you, with detailed instructions of what you need to revise in your quotes so we can make the process move faster and smother. When possible, I will include templates so I can make your life easier.

If you have any issues, Kristen, Dave and I are here to help.

This is a heads up.

Manos

On Tue, Sep 20, 2016 at 3:29 PM, Manos Antonakakis <manos@gatech.edu> wrote:

> Folks,
>
> Happy to report that contract negotiations have began. Stay tuned for
> more information and action items.
>
> Cheers,
>
> Manos

From: Angelos D. Keromytis [REDACTED] >

Sent on: Sunday, March 11, 2018 3:31:30 AM

To: dagon [REDACTED] >

CC: Tejas Patel [REDACTED]; Michael.Farrell@gtri.gatech.edu; Manos Antonakakis <manos@gatech.edu>

Subject: Re: notes 20180302

Attachments: PGP/MIME Versions Identification (12 Bytes), encrypted.asc (7.63 KB)

From: "Antonakakis, Manos" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E6B0AFC581E477DB35A37C3A3A79AEB-ANTONAKAKIS>
Sent on: Friday, November 10, 2017 12:28:20 AM
To: Paul Vixie <vixie@fsi.io>
Subject: Re: ping

Paul, you are a stand up guy for just sending this email.

Yes, I would like for the two of us to chat, clear the air and work together --- the Internet would be a safer place in that event. However, I just arrived home. [REDACTED]
[REDACTED]. Tomorrow I will be in my office until noon. After noon, my day gets very busy full of meetings I cannot reschedule.

If you have time tomorrow, you are more than welcome to swing by my office. Otherwise, we can chat in the next MAAWG?

—
Manos Antonakakis | manos@gatech.edu
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: vixie@fsi.io <vixie@fsi.io> on behalf of Paul Vixie <vixie@fsi.io>
Sent: Thursday, November 9, 2017 6:41:43 PM
To: Antonakakis, Manos
Subject: ping

i'm in atlanta tonight, having dinner with dagon.

it made me remember that i owe you several apologies, for farsight's insensitivity and rudeness when we were commercializing DNSDB and SIE.

i would like to have an opportunity to hear your grievances against us and answer them. even if it does not result in us working together, i feel a need to clear the air.

--
P Vixie

From: Keromytis, Angelos<angelos.keromytis@darpa.mil>
Sent on: Sunday, October 29, 2017 4:59:28 PM
To: Antonakakis, Manos<manos@gatech.edu>
Signed by: KEROMYTIS.ANGELOS.D.1501999799 on Sunday, October 29, 2017 4:59:24 PM
Subject: Re: VMware Systems Research Award: Request for Nominations - Due November 3
Attachments: Nameless.txt (6.01 KB)

Ack

On Oct 29, 2017, at 12:57, Antonakakis, Manos <manos@gatech.edu> wrote:

FYI- Gents. Thanks for taking time to write the letter for me. What I am pushing here is the reputation system I build back in the day. For its time it was the first dynamic reputation system for Internet DNS infrastructure.

Not sure when/if they will reach out.

Cheers,

—

Manos Antonakakis | manos@gatech.edu

Georgia Institute of Technology

FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Antonakakis, Manos

Sent: Sunday, October 29, 2017 12:53 PM

To: Beyah, Raheem A

Cc: Romberg, Justin; Howard, Ayanna M

Subject: Re: VMware Systems Research Award: Request for Nominations - Due November 3

Hey Raheem,

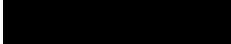
You need the following from me:

1) A proposed citation of at most 20 words

- Antonakakis, Perdisci, Dagon, Lee and Feamster. "Building a Dynamic Reputation System for DNS", In the 19th USENIX Security Symposium.

From: Paul Vixie <vixie@fsi.io>

Sent on: Friday, May 11, 2018 7:57:50 AM

To: Manos Antonakakis <manos@gatech.edu>; David Dagon 

Subject: you guys and your work is referred to here

<https://www.sciencedirect.com/science/article/pii/S0167404818302967#bib0032>

--

P Vixie

From: "Keromytis, Angelos D" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8F339093DC3C4BC7B981913B18F6BCFB-KEROMYTIS_A>
Sent on: Friday, February 12, 2021 1:38:36 AM
To: Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>
CC: Aldenberg, William (JMD) <William.Aldenberg@usdoj.gov>; DeFilippis, Andrew (JMD) <Andrew.DeFilippis2@usdoj.gov>
Subject: Re: [EXTERNAL EMAIL] - Re: Interview with Angelos Keromytis

No problem, feel free to reach out if I can help with anything else.

On Feb 11, 2021, at 19:15, Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov> wrote:

Angelos

Thank you for the information and taking the time to speak with us today.

Bill

-

On Feb 11, 2021 3:41 PM, "Keromytis, Angelos D" <angelos@gatech.edu> wrote:
In case these help, since you asked related questions:

- First time I met Dave Dagon (that I have a record for) is on November 2015, at DARPA. Probably some emails prior/leading up to that, as I was doing the planning for the EA program (what datasets exist, what is technical possible/plausible, etc.)
- First time I met Rodney Joffe (again, that I have a record for) is on April 2016; intent was to find out about what data Neustar has/had that might be helpful to the program. Had a couple of follow-ons (not sure if meetings or phone calls) in June.
- First discussion with FBI (NCIJTF) about EA around February 2016. (We had prior interactions, going back to March 2015, about a different program.)
- First discussion with NSD/DoJ about EA ~December 2015 (although maybe also October 2015).

(These are from my calendar, so I have limited context.)

-Angelos

> On Feb 10, 2021, at 8:15 PM, Aldenberg, William (JMD) <William.Aldenberg@usdoj.gov> wrote:

>

> Angelos

>

> The meeting info is below.

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent on: Monday, July 6, 2020 8:11:20 PM
To: Antonakakis, Manos <manos@gatech.edu>
CC: Nie, Ling-Ling <linglingnie@gatech.edu>; David Dagon [REDACTED]; Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Re: [Tim.Fuhrman@usdoj.gov: FW: Possible Interview]

Of course. I'm happy to have a conversation.

Kate

> On Jul 6, 2020, at 3:07 PM, Antonakakis, Manos <manos@gatech.edu> wrote:
>
> Hey Kate and Ling-Ling,
>
> Dave is looking for some advice. Can we please provide some guidance to our researcher on how he should reply back to the DoJ investigator?
>
> Chief; all these are just FYI-
>
> Thanks,
>
> --
> Manos Antonakakis, Ph.D. | manos@gatech.edu
> College of Engineering Dean's Professorship Chair and Associate Professor
> Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS)
> School of Electrical and Computer Engineering | Georgia Institute of Technology
> FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668
>
>> On Jul 6, 2020, at 2:42 PM, dagon [REDACTED] > wrote:
>>
>> Hi,
>>
>> I previously forwarded an email to you from Tim Fuhrman, before the
>> holiday on June 30, 2020. I just received the message below.
>>
>> Is there any update?
>>
>> ----- Forwarded message from "Fuhrman, Tim (JMD)" <Tim.Fuhrman@usdoj.gov> -----
>>
>> Date: Mon, 6 Jul 2020 17:48:52 +0000
>> From: "Fuhrman, Tim (JMD)" <Tim.Fuhrman@usdoj.gov>
>> To: [REDACTED]
>> [REDACTED]
>> CC: "Fuhrman, Timothy J. (MO) (FBI)" <TJFUHRMAN@fbi.gov>
>> Subject: FW: Possible Interview
>> Message-ID: <CY1P110MB0373932A5FD75121EF61F45B9F690@CY1P110MB0373.NAMP110.PROD.OUTLOOK.COM>
>> Content-Type: multipart/alternative;
>> boundary="_000_CY1P110MB0373932A5FD75121EF61F45B9F690CY1P110MB0373NAMP_"
>>
>> Mr. Dagon- I am forwarding the attached email which I sent to you last week. That email was preceded by three voicemail messages left for you to determine if you would agree to a voluntary interview now that Georgia Tech and the Department of Defense have no objection to you doing so. As I am in Washington, DC this week, I can be reached on any of the three numbers listed below or you may feel free to respond to this email address. I hope that I will receive a response from you this time.

>>

>> Tim Fuhrman, Investigator, Department of Justice

>> 202-616-1470 (Office)

>> 202-307-2388 (Alternate Office)

>> 202-532-3557 (Cell)

>>

>>

>> From: Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov>

>> Sent: Monday, June 29, 2020 12:49 PM

>> To: [REDACTED]

>> Subject: Possible Interview

>>

>> Mr. Dagon- as you may recall, I contacted you several months ago on behalf of the US Department of Justice (DOJ). At that time you indicated that you did not believe either Georgia Tech or the Department of Defense (DOD) entity funding your research would authorize you to be interviewed about the matters that are of interest to us. After numerous discussions with the DOD entity and Georgia Tech's Office of General Counsel, we have been advised that neither organization objects to an interview of you as part of our work.

>> As I mentioned to you previously, our investigation has found that you have knowledge relevant to it. To that end, we believe that you are a witness who can provide valuable information to advance our investigation.

>> I would ask that you kindly contact me at 202-532-3557 (Cell); 202-6161470 (DC Office); or 251-415-3298 (Temporary office in Mobile, AL) so that we can schedule an interview with you. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

>>

>>

>> ----- End forwarded message -----

>>

>> --

>> David Dagon

>> [REDACTED]

[REDACTED]

>

From: dagon [REDACTED]
Sent on: Monday, July 6, 2020 8:18:01 PM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>
CC: Antonakakis, Manos <manos@gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>; Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Re: [Tim.Fuhrman@usdoj.gov: FW: Possible Interview]

On Mon, Jul 06, 2020 at 07:11:20PM +0000, Wasch, Kate wrote:

> Of course. I'm happy to have a conversation.

Thanks everyone. Kate, is there a time I might call?

--

David Dagon
[REDACTED]

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Tuesday, June 30, 2020 6:00:39 PM

To: David Dagon [REDACTED]

CC: Wasch, Kate <kate.wasch@legal.gatech.edu>

Subject: Re: [TJFUHRMAN@fbi.gov: Possible Interview]

Attachments: PGP MIME Versions Identification (13 Bytes), encrypted.asc (4.24 KB)

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Tuesday, June 30, 2020 6:01:39 PM

To: David Dagon [REDACTED] >

CC: Wasch, Kate <kate.wasch@legal.gatech.edu>

Subject: Re: [TJFUHRMAN@fbi.gov: Possible Interview]

Attachments: PGP MIME Versions Identification (13 Bytes), encrypted.asc (4.31 KB)

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Tuesday, June 30, 2020 6:02:09 PM

To: David Dagon [REDACTED]

CC: Wasch, Kate <kate.wasch@legal.gatech.edu>

Subject: Re: [TJFUHRMAN@fbi.gov: Possible Interview]

Attachments: PGP MIME Versions Identification (13 Bytes), encrypted.asc (4.41 KB)

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Tuesday, June 30, 2020 6:02:39 PM

To: David Dagon [REDACTED] >

CC: Wasch, Kate <kate.wasch@legal.gatech.edu>

Subject: Re: [TJFUHRMAN@fbi.gov: Possible Interview]

Attachments: PGP MIME Versions Identification (13 Bytes), encrypted.asc (4.42 KB)

From: "Antonakakis, Manos" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E6B0AFC581E477DB35A37C3A3A79AEB-ANTONAKAKIS>
Sent on: Monday, May 4, 2020 3:24:54 PM
To: Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>
CC: Knotts, Robert B <knotts@gatech.edu>
Subject: Re: Address update

Thank you Dave, moving you to BCC.

Mr. Fuhrman, my cell phone number is [REDACTED] You can call me or you can talk directly to Mr. Knotts (CCed), who is the Exec Dir-Federal Relations for Georgia Tech at (202) 756-3670.

Thanks,

—
Dr. Manos Antonakakis | Associate Professor | manos@gatech.edu
School of Electrical and Computer Engineering
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>
Sent: Monday, May 4, 2020 10:03 AM
To: dagon
Cc: Antonakakis, Manos
Subject: Re: Address update

Mr. Dagon- thanks for getting back to me. At your convenience, Could you or Mr. Antonokakis provide me with a phone number where I can contact him? Thank you in advance. Tim Fuhrman

Sent from my iPhone

> On May 1, 2020, at 5:04 PM, dagon [REDACTED] wrote:
>
>> On Thu, Apr 30, 2020 at 07:35:18PM +0000, Fuhrman, Tim (JMD) wrote:
>>
>> Mr. Dagon- thank you for reaching out to me. I just left you a
>> message on the phone number you called me on. Look forward to
>> hearing from you. Tim Fuhrman
>
> Hi Tim,
>
> Thanks for your call yesterday. As discussed, we're required to
> work through the school's liaison process. Prof. Manos Antonakakis,
> addressed above, is my co-PI on research projects and supervises my
> work in the lab. Tim is with the DOJ, working with an AG review team.
>
> As you can imagine, things are very busy at the University right
> now, given the global pandemic. So can you briefly relay to
> Prof. Antonakakis the nature of your inquiry? He can then engage our
> university and federal liaison staff.
>
> You noted this concerns the general type of DNS information
> discussed in this public report:
>

> https://justthenews.com/sites/default/files/2020-04/Ankura_AlfaBank_ResearchAnalysis_Apr2020dh.pdf.pdf

>

> I caution that the above report, commissioned by a foreign entity,
> suggests that global public iterative DNS data is private, and covered
> by US federal privacy policies. This is false of course, and would
> have an enormous impact on the entire DNS security industry, which
> relies on public DNS data analysis---and that may well have been its
> intent.

>

> For that reason, I suspect your inquiry might be relevant to Georgia
> Tech, and our sponsored research projects. Manos, I know you're busy,
> but for the reasons I've suggested, this may prove important.

>

> --

> David Dagon

[REDACTED]

From: Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>
Sent on: Monday, May 4, 2020 3:03:58 PM
To: dagon [REDACTED] >
CC: manos@gatech.edu
Subject: Re: Address update

Mr. Dagon- thanks for getting back to me. At your convenience, Could you or Mr. Antonokakis provide me with a phone number where I can contact him? Thank you in advance. Tim Fuhrman

Sent from my iPhone

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>
>> On Thu, Apr 30, 2020 at 07:35:18PM +0000, Fuhrman, Tim (JMD) wrote:

>>
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> Hi Tim,

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> work through the school's liaison process. Prof. Manos Antonakakis,
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> work in the lab. Tim is with the DOJ, working with an AG review team.

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>
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> relies on public DNS data analysis---and that may well have been its
> intent.

>
> For that reason, I suspect your inquiry might be relevant to Georgia
> Tech, and our sponsored research projects. Manos, I know you're busy,
> but for the reasons I've suggested, this may prove important.

>
> --
> David Dagon

> [REDACTED]

From: Georgia Tech Open Records Office<openrecords@gatech.edu>
Sent on: Friday, May 27, 2022 4:53:40 PM
To: Fuller, Christian<christian.fuller@legal.gatech.edu>
Subject: Fw: Records

Hi Christian,

Can you tell me if these the fees for these employees were covered and if so is there a particular contact to obtain this information? Thanks!

Franchesca Virgil

From: Ryan Milliron [REDACTED]
Sent: Friday, May 27, 2022 11:50 AM
To: Georgia Tech Open Records Office <openrecords@gatech.edu>
Subject: Records

Hi,

Im interested in submitting an open records request related to the total payments so far of legal fees for Mr. Antonakakis, Dagon, Keromytis, and Farrell.

Should I address that to the finance department? Is there a summary tracker of some kind or do I need to try to guess at the invoices involved?

Thank you!
Ryan

INVOICE

February 28, 2022

Christian Fuller, Esq.
Senior Counsel, Employment & Litigation
Georgia Institute of Technology
Office of Legal Affairs
760 Spring Street NW, Suite 324
Atlanta, Georgia 30332-0495

INVOICE NO. GCR-GT-021-003

Invoice for legal services rendered for the period November 1, 2021 through February 28, 2022.

FEES

| Date | Personnel | Description | Hours |
|-------------|------------------|---|--------------|
| 11/1/21 | Westby | Review emails from joint counsel; edit letter; review emails from D. Dagon; draft transmittal letter to FL; revise letter to FL; review email from EFF; review email from joint counsel; review order on hearing for time extension; email joint counsel; finalize letter and send final version to joint counsel; email C. Fuller re t/c | 3.0 |
| 11/1/21 | Rasch | Joint defense call re civil case Alfa Bank; respond to FL motion for continuance | 1.6 |
| 11/2/21 | Westby | Review emails from joint counsel; Finalize letter to FL; t/calls w/ joint counsel; t/c w/ M. Rasch re filing letter; send letter to FL judge; review finalized answers to Alfa Qs; email answers to Skadden; | 1.8 |
| 11/2/21 | Rasch | Prepare letter to FL Court Re Extension; Prepare FL Deposition answers t/call w J Westby | 1.4 |
| 11/10/21 | Rasch | Tel call w joint defense US v Sussman, research data integrity and third party | 0.8 |
| 11/15/21 | Rasch | Research Re: post immunity privilege in civil depositions | 1.1 |
| 11/23/21 | Rasch | Joint defense conf call, Review Alfa Bank litigation in DC/ME | 1.0 |
| 12/30/21 | Westby | Review email from Andrew DeF & reply; t/c/ w/ M. Rasch re same; t/c w/ D. Dagon | .5 |
| 12/30/21 | Rasch | Tel Call J Westby, David Dagon | 0.5 |

| Date | Personnel | Description | Hours |
|-------------|------------------|--|--------------|
| 12/31/21 | Westby | Emails to joint defense; t/c w/ D. Dagon | 1.0 |
| 12/31/21 | Rasch | Common interest call | 1.0 |
| 1/2/22 | Rasch | Common interest tel call | 0.7 |
| 1/5/22 | Westby | T/c w/ DeF; t/c w/ M. Rasch re same | .5 |
| 1/5/22 | Rasch | Tel call w A. DeF/ J. Westby | 0.5 |
| 1/6/22 | Westby | T/c w/ joint defense counsel; review email & docs from joint defense counsel; review In re Sealed Motion case | 3.8 |
| 1/6/22 | Rasch | Tel cal -common interest, research grand jury secrecy issue | 3.0 |
| 1/7/22 | Westby | T/c w/ joint defense counsel | 1.0 |
| 1/7/22 | Rasch | Common interest call | 1.0 |
| 1/9/22 | Westby | Review doc from joint defense counsel; review file | 1.5 |
| 1/9/22 | Rasch | Common interest call | 1.0 |
| 1/11/22 | Westby | Review doc from FBI; T/c w/ Dagon | 1.5 |
| 1/11/22 | Rasch | Common interest call; call w J Westby; tel cal Dagon | 1.4 |
| 1/12/22 | Westby | T/c w/ joint defense | .5 |
| 1/13/22 | Westby | T/c w/ joint defense; review file & doc production | 2.0 |
| 1/13/22 | Rasch | Common interest call, review discovery documents, protective order | 1.2 |
| 1/18/22 | Westby | T/c w/ joint defense counsel | 1.2 |
| 1/18/22 | Rasch | Zoom call - common interest | 1.2 |
| 1/20/22 | Westby | Review emails from joint defense counsel; reply | .4 |
| 1/24/22 | Westby | T/c w/ joint defense counsel; comms w/ client; review email from Skadden re Alfa depo; t/c w/ M. Rasch to discuss Skadden email | 2.0 |
| 1/24/22 | Rasch | Common interest call - review Alfa Bank demand for deposition, privilege issue post immunity | 2.5 |
| 1/27/22 | Westby | Review email from Alfa re depo & reply | .2 |
| 1/31/22 | Rasch | Review GT documents found online, review US v Sussman discovery pleadings | 1.0 |
| 2/2/22 | Rasch | Tel call J Westby, D Dagon, respond to pleading US v. Sussman by DeF | 0.8 |
| 2/2/22 | Westby | Review email from DeF & reply; forward to client; t/c w/ M. Rasch | .5 |
| 2/12/22 | Westby | Review email from joint counsel; review motion by DeF; t/c w/ M. Rasch | 1.0 |
| 2/12/22 | Rasch | Tel call w J. Westby, common defense email review | 0.8 |
| 2/13/22 | Westby | T/c w/ joint counsel (2); t/c w/ client; review doc from client; prepare talking points | 4.5 |
| 2/13/22 | Rasch | Common defense calls; call w D Dagon, confirm DNS and other records | 3.2 |
| 2/14/22 | Westby | T/c w/ joint counsel (2); review documents from client; prepare talking points; review email from joint counsel; review filing by joint counsel; | 4.5 |
| 2/14/22 | Rasch | Review documents re US v Sussman pleading, prepare response to DeF arguments | 3.0 |
| 2/15/22 | Westby | T/c w/ joint counsel; email joint counsel | 1.0 |

lesterrm@morrisville.edu; jayanth@hawaii.edu; armstrongg@william.jewell.edu;
jclayton@deiworksite.org; benjamin.salcido@ca.ngb.army.mil; sheila.bowser@dot.state.nj.us;
cjosayma@pacificenvironment.org; crogers@madisoncountync.org; brodriguez@mcsflames.org;
matches.cannabis@sculptori.freemail.selfip.org; wehrsdr@auburn.edu; b-saghafi@csu.edu;
pjuagsu@chanelforsalejp.org; info@ymja.org; ccrouch@swbts.edu; nabeelah@newafricatheatre.org;
ucso.edwinr@state.ut.us; mcrotwell@mc.edu; lorna_mentzer@lampstras.k12.pa.us;
pamela_riley@ncsu.edu; elliot.johnson@lrsd.org; rrhoades@ci.caldwell.id.us;
anthony@122973.org; gabriel@mediasana.org; sales@templesinainj.org; gis@gsi-iran.org;
frankies@umich.edu; paul@unbc.edu; rchizungu@worldbank.org; asoleno9@csufresno.edu;
membership@gfoa.org; lbass@mississippi.org; alawrenson@concrete.k12.wa.us;
jmirabal@character.org; jpalinski@ysop.org; bill.brueske@tosacu.org; angevt@rpi.edu;
jjones@trrl.org; tpeake@radford.edu; markjudy@shianet.org; adoll@ycp.edu;
inglis55@cortland.edu; lakota.forinash@phoenix.edu; djanoso@aurora-schools.org;
hwangwey@cse.msu.edu; jacky.gatliff@epc.org; webmaster@nslsilus.org;
farcher@sansumclinic.org; dss38@drexel.edu; pkuchl@newhaven.edu; cathylh@itsa.ucsf.edu;
bhagwat@isgs.uiuc.edu; shin@hpolicy.duke.edu; ccrosswh@wellesley.edu; mreeder@thehill.org;
iqbal@evergreengroupbd.org; ebadalian@krha.org; nkowfja@jonzlu.kkqdm.wqwd.edu;
kristinsmith1@mail.boisestate.edu; waszi@milicja.org; meagan_hoang5440@aptel.org;
ayanette@ou.edu; kehudson@oit.umass.edu; cveselka@sendit.nada.edu; agarner@mailworks.org;
leslie@vlt.org; agamador@uncg.edu; vickymarsh@murraystate.edu; presswebmail@unl.edu;
dhardwick@firsthealth.org; azulcg@ufl.edu; wscott@tibh.org; cnull@lacroixchurch.org;
amunir@bgcb.org; cle2a@mtsu.edu; renita.s.cauthen@irs.gov; bagegorastexaxd@gotmail.org;
jking@cityofspartanburg.org; amenahem@law.gwu.edu; bat7586@cup.edu;
rclaypool@saintmichael1.org; abramms@vetmed.auburn.edu; swbd@mail.nysed.gov;
jeff.heilman@pnl.gov; grgandingco@tmhs.org; dagon@cc.gatech.edu; info@greatercentennial.org;
nlockwoo@uiuc.edu; dudes@thedudes.org; nathanqib@vrify.org; binderbitzen@telis.org; diagnose-
marlene@thule-seminar.org; carlsonk@ohiou.edu; benson@umich.edu; admin@oldworldorder.org;
heyi@rzgmtckb.org; aapostolova896@hawks.rwu.edu; blesse@unr.edu;
elementary@heritagemail.org; cmarchbanks@stlcc.edu; emul@sanbao.org;
firemarshal@eveshamfire.org; swarcher@students.wisc.edu; klandovitz@engenderhealth.org;
rbrown@crnaf.org; councilman.rosendahl@lacity.org; harringb@soc.mil;
xjbaqal@ccvax.fullerton.edu; kchatman@nita.org; schul012@mail.duke.edu; astehney@fau.edu;
azar.abuali@fcps.edu; fyhrie@bjc.hfh.edu; msuzzane@nova.edu; gelardic2@derbyps.org;
tnelson@truman.edu; jyan@cc.gatech.edu; fk@muw.edu; kkreiter@central-clinton.k12.ia.us

Subject: Earn by driving

We pay \$250 weekly to vehicle owners who help us advertise our brand with their respective vehicle's exterior part. Click here to read more and apply: <https://wrapvehicle2earn.com/register/>

From: Antonakakis, Manos<manos@gatech.edu>
Sent on: Sunday, November 14, 2021 5:17:53 PM
To: McLaughlin, Steven W<swm@gatech.edu>; Abdallah, Chaouki T<ctabdallah@gatech.edu>
CC: Keromytis, Angelos D<angelos@gatech.edu>
Subject: Heads up
Attachments: 5 False Narratives About The Spygate Indictment Of Michael Sussmann.pdf (534.78 KB)

Gentlemen,

The reporter inline wrote the attached article a couple of months ago and made the claim that my actions were equivalent to criminal conduct. We ignored the first article, as we were not consulted. This time around she asked us for a comment because will be writing a second stronger article possible replaying the same narrative.

Because I (or we?) might file a suit against her for knowingly writing false statements about me (and the work I did at GT), we had to respond with the way you see inline.

At some point we need to stop being quite about my role in all these. Being accused of criminal conduct is where I draw the line in this situation.

Manos

From: "Antonakakis, Manos" <manos@gatech.edu>
Date: Sunday, November 14, 2021 at 12:09 PM
To: "Schamel, Mark" <MSchamel@lowenstein.com>, "Jara, Ana" <AJara@lowenstein.com>
Subject: Re: Media Request re Mr. David Dagon

Yes, this makes sense.

Thank you, Mark

From: "Schamel, Mark" <MSchamel@lowenstein.com>
Date: Sunday, November 14, 2021 at 12:08 PM
To: "Antonakakis, Manos" <manos@gatech.edu>, "Jara, Ana" <AJara@lowenstein.com>
Subject: RE: Media Request re Mr. David Dagon

That was intentional. I wanted to push back hard on her crappy reporting. She is a hack. I think we are going to have to come out publicly at some point and say that. I want to make a record that we told her, clearly, what she was doing. If you ever want to file a suit, actual knowledge makes it much harder for her when we win.

Mark E. Schamel
Partner
Lowenstein Sandler LLP

T: 202.753.3805
M: 202.841.3401
F: 973.597.2400



From: Antonakakis, Manos <manos@gatech.edu>
Sent: Sunday, November 14, 2021 12:00 PM
To: Schamel, Mark <MSchamel@lowenstein.com>; Jara, Ana <AJara@lowenstein.com>
Subject: Re: Media Request re Mr. David Dagon

No. What I mean is that is borderline rude to her. Effectively telling her that she is not good at what she does. While true, I would never put that in an email.

Manos

From: "Schamel, Mark" <MSchamel@lowenstein.com>
Date: Sunday, November 14, 2021 at 11:56 AM
To: "Antonakakis, Manos" <manos@gatech.edu>, "Jara, Ana" <AJara@lowenstein.com>
Subject: RE: Media Request re Mr. David Dagon

From: IT Resources Newsletter<itnews@e.sys-con.com>

Sent on: Wednesday, August 17, 2016 3:00:00 PM

To: dagon@cc.gatech.edu

Subject: How to Combat Security Cracks; An Approach to Hybrid Cloud



EVENTS

» Cloud Expo
Santa Clara, CA
Nov 1-3, 2016

» @ThingExpo
Santa Clara, CA
Nov 1-3, 2016

Digital - Design Thinking = Status Quo

Importance of design thinking in digital transformation initiatives

By Sujoy Sen

(August 17, 2016) - Today organizations are spending millions on digital transformation initiatives - in analytics, AI and platforms. While this is the best portfolio for them to invest in, they need to periodically evaluate the end objectives.

How to Combat Security Cracks Created by Collaboration

The number of cyberattacks will grow as employees increasingly use collaboration tools to increase company's productivity

By Ram Vaidyanathan

(August 17, 2016) - Cybercrime costs the global economy as much as \$450 billion each year. And cybercrime has increased by nearly 200% in the last five years. Meanwhile, collaboration has become successful organizations. But collaboration often comes with a risk.

Monitoring Kafka on Docker Cloud

Docker Cloud is the best service for Docker container management and deployment

By Stefan Thies

(August 17, 2016) - Pygmalios helps companies monitor how customers and staff interact in real-time. The platform tracks sales, displays conversions, customer and staff behavior to deliver better service, track check-outs and the optimal amount of staffing for a given time and location.

You are currently subscribed to 8-17-2016-it-newsletter-1 as: dagon@cc.gatech.edu To unsubscribe to this list only, send a blank email to: leave-712228-51695994N
To stop receiving special offers from our partners, but to keep receiving your digital edition and newsletter subscriptions, [click here](#). To unsubscribe from all SYS-CON Media, including special offers and your digital edition and newsletter subscriptions, [click here](#).

SYS-CON Media

577 Chestnut Ridge Road
Woodcliff Lake NJ 07677
201-802-3020



>>

>> Tim Fuhrman, Investigator, Department of Justice

>> 202-616-1470 (Office)

>> 202-307-2388 (Alternate Office)

>> 202-532-3557 (Cell)

>>

>>

>> From: Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov>

>> Sent: Monday, June 29, 2020 12:49 PM

>> To: [REDACTED]

>> Subject: Possible Interview

>>

>> Mr. Dagon- as you may recall, I contacted you several months ago on behalf of the US Department of Justice (DOJ). At that time you indicated that you did not believe either Georgia Tech or the Department of Defense (DOD) entity funding your research would authorize you to be interviewed about the matters that are of interest to us. After numerous discussions with the DOD entity and Georgia Tech's Office of General Counsel, we have been advised that neither organization objects to an interview of you as part of our work.

>> As I mentioned to you previously, our investigation has found that you have knowledge relevant to it. To that end, we believe that you are a witness who can provide valuable information to advance our investigation.

>> I would ask that you kindly contact me at 202-532-3557 (Cell); 202-6161470 (DC Office); or 251-415-3298 (Temporary office in Mobile, AL) so that we can schedule an interview with you. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

>>

>>

>> ----- End forwarded message -----

>>

>> --

>> David Dagon

>> [REDACTED]

>> D970 6D9E E500 E877 B1E3 D3F8 5937 48DC 0FDC E717

>

From: dagon [REDACTED]
Sent on: Monday, July 6, 2020 8:18:01 PM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>
CC: Antonakakis, Manos <manos@gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>; Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Re: [Tim.Fuhrman@usdoj.gov: FW: Possible Interview]

On Mon, Jul 06, 2020 at 07:11:20PM +0000, Wasch, Kate wrote:

> Of course. I'm happy to have a conversation.

Thanks everyone. Kate, is there a time I might call?

--

David Dagon

[REDACTED]
D970 6D9E E500 E877 B1E3 D3F8 5937 48DC 0FDC E717

Now, neither member of my team nor me will talk to anyone *until* I get explicit direction from the Dean of COE and/or EVPR that GT wants my team to get involved in this investigation. Assuming we end up as GT helping out DoJ in this investigation, I would like to understand how GT (Steve and Chaouki) plans to protect me and my researchers when our attribution analysis become public and we have extreme people from either the far right (i.e., KKK) or the far left (i.e., Antifa) --- that do not like our findings for whatever reason --- come visiting us in our homes.

When I get answers to all these, then we can schedule a call with the DoJ investigator about what explicitly they want us to do. For that call, I would like someone from GT legal to be on the call, just in case the discussion goes down a path that could be potentially damaging for GT's reputation (i.e., the DoJ is borderline unethical or even illegal). It would not be fair for just me to be responsible for that.

Thanks,

—

Manos Antonakakis, Ph.D. | manos@gatech.edu
College of Engineering Dean's Professorship Chair and Associate Professor
Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS)
School of Electrical and Computer Engineering | Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Monday, June 15, 2020 1:13 PM
To: Dagon, David S; Antonakakis, Manos
Subject: Follow up from DOJ

Good afternoon, gentlemen. DARPA confirmed in a telephone call with us that you may speak to the DOJ and their investigator. Please let me know if you are willing to do so.

Kate Wasch
Chief Counsel
Employment & Litigation
Office of Legal Affairs
Georgia Institute of Technology
Atlanta, GA 30332-0495
(404)894-4812

Most communications to or from Georgia Tech employees are a public record and available to the public and the media upon request under Georgia's broad open records law. Therefore, this e-mail communication and any response may be subject to public disclosure.

From: Antonakakis, Manos <manos@gatech.edu>
Sent on: Friday, June 19, 2020 10:19:01 PM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>
CC: McLaughlin, Steven W <swm@coe.gatech.edu>; Dagon, David S <dd92@gatech.edu>
Subject: Re: Follow up from DOJ

Kate, many thanks for the update. I will let you know if anyone reaches out to me or a member of my research team about this topic.

Have a great weekend!

Manos Antonakakis, Ph.D. | manos@gatech.edu
College of Engineering Dean's Professorship Chair and Associate Professor
Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS)
School of Electrical and Computer Engineering | Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Friday, June 19, 2020 3:50 PM
To: Antonakakis, Manos
Cc: McLaughlin, Steven W; Dagon, David S
Subject: RE: Follow up from DOJ

Thanks for your response, Manos. I have informed the US Attorney that you and David are not willing to speak with him at this time, and that Georgia Tech will not require you to do so, since we have not received a subpoena or formal request.

Please let me now if you have questions, or if anything further develops.

Kate

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

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Monday, June 15, 2020 1:47 PM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>
Cc: McLaughlin, Steven W <swm@coe.gatech.edu>; Abdallah, Chaouki T <ctabdallah@gatech.edu>
Subject: Re: Follow up from DOJ

Hey Kate, thank you for your note.

I am very busy with EA for at least until the end of July. I was planning to take some time off after these major EA milestones ahead of us, and then I will be starting a new research project on 5G security with DARPA as the PI. This means I will have to handle contractual and other management issues around bootstrapping this new large DARPA research project. All these means that I will not be able to do potentially meaningful work (and this depends on what the actual ask from DoJ really is) until September for this investigator.

Now, neither member of my team nor me will talk to anyone *until* I get explicit direction from the Dean of COE and/or EVPR that GT wants my team to get involved in this investigation. Assuming we end up as GT helping out DoJ in this investigation, I would like to understand how GT (Steve and Chaouki) plans to protect me and my researchers when our attribution analysis become public and we have extreme people from either the far right (i.e., KKK) or the far left (i.e., Antifa) --- that do not like our findings for whatever reason --- come visiting us in our homes.

When I get answers to all these, then we can schedule a call with the DoJ investigator about what explicitly they want us

to do. For that call, I would like someone from GT legal to be on the call, just in case the discussion goes down a path that could be potentially damaging for GT's reputation (i.e., the DOJ is borderline unethical or even illegal). It would not be fair for just me to be responsible for that.

Thanks,

—

Manos Antonakakis, Ph.D. | manos@gatech.edu College of Engineering Dean's Professorship Chair and Associate Professor Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS) School of Electrical and Computer Engineering | Georgia Institute of Technology FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Wasch, Kate <kate.wasch@legal.gatech.edu>

Sent: Monday, June 15, 2020 1:13 PM

To: Dagon, David S; Antonakakis, Manos

Subject: Follow up from DOJ

Good afternoon, gentlemen. DARPA confirmed in a telephone call with us that you may speak to the DOJ and their investigator. Please let me know if you are willing to do so.

Kate Wasch
Chief Counsel
Employment & Litigation
Office of Legal Affairs
Georgia Institute of Technology
Atlanta, GA 30332-0495
(404)894-4812

Most communications to or from Georgia Tech employees are a public record and available to the public and the media upon request under Georgia's broad open records law. Therefore, this e-mail communication and any response may be subject to public disclosure.

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent on: Thursday, May 21, 2020 7:26:59 PM
To: Antonakakis, Manos <manos@gatech.edu>; [REDACTED]
CC: Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: RE: Follow up to conversation

Thanks, Manos. That's a very helpful explanation. I will let you know what we learn tomorrow.

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

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Thursday, May 21, 2020 11:51 AM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>; [REDACTED]
Cc: Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Re: Follow up to conversation

Kate, there are many issues here.

First and foremost for me is that I am not exactly sure what the US Attorney is looking for. If they told you that "they were interested in factual information (e.g., identifying people who discovered the back channel communications)", that is something that is outside the scope of our research program with DARPA and what I am willing to do as academic. Me and my team at GT are here to advance the science of attack attribution, not to find particular individuals. That is simply not what we do.

Now, as far as I am concerned, I need (as Primary investigator) to deliver the DARPA project to the USG in under a year. That means, I need to make sure that GT delivers the Statement of Work (SOW) for which we are liable for. If the US Attorney, DoJ or any other part of the USG wants me and my team to help them with a problem on the 11th hour of my DARPA project, at the very least the following three things needs to happen:

- DARPA not only needs to be OK with this, but they will have to send us something in writing where we are not under the gun to deliver the current SOW on time, and
- I would like to get paid (as a research lab in GT) for my effort, and
- The GT leadership will have to be OK with me doing something for the US Attorney, DoJ or any other part of the USG. I clearly cannot make that call.

So, the attitude "OK, just do this for us", from where I sit makes no sense at all. I cannot just do stuff for people. And actually, when it comes to the DARPA project I cannot say anything to anyone without DARPA's approval. More importantly, when I do something that would result in a presentation or a paper that would reach the public domain, GT has contractual obligations to go through the DISTAR inspection system where DARPA could flat out block or alter what I am about to say or publish.

Therefore, what the US Attorney is asking us to do with the current contractual obligations looks to me to be illegal. That is, if I (or my team) do or say anything about this issue (without DARPA's approval _at the very least_) we would be in clear violation of our DARPA contract.

Chief, you are CCed just as an FYI-

Thanks,

—

Manos Antonakakis | Associate Professor | manos@gatech.edu School of Electrical and Computer Engineering Georgia Institute of Technology FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Thursday, May 21, 2020 11:17 AM
To: Antonakakis, Manos; Dagon, David S

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Monday, June 29, 2020 5:37:54 PM

To: Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov>

CC: Robert Connolly <robert.connolly@police.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>

Subject: Re: Possible Interview

Attachments: signature.asc (201 Bytes)

Thank you for your email, Tim. At this time I am not interested in participating in this interview.

Best regards,

Manos

> On Jun 29, 2020, at 12:58 PM, Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov> wrote:

>

> Professor Antonakakis- I am forwarding an email I sent this morning to David Dagon regarding the matter we discussed several months ago. As it is possible that we may need to interview as part of our work, I wanted to also bring this matter to your attention. I would ask that you kindly contact me at one of the numbers listed in the attached email so that we may discuss arranging a possible interview of you also. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

>

>

> From: Fuhrman, Timothy J. (MO) (FBI)

> Sent: Monday, June 29, 2020 11:49 AM

> To: [REDACTED]

> Subject: Possible Interview

>

>

> Mr. Dagon- as you may recall, I contacted you several months ago on behalf of the US Department of Justice (DOJ). At that time you indicated that you did not believe either Georgia Tech or the Department of Defense (DOD) entity funding your research would authorize you to be interviewed about the matters that are of interest to us. After numerous discussions with the DOD entity and Georgia Tech's Office of General Counsel, we have been advised that neither organization objects to an interview of you as part of our work.

> As I mentioned to you previously, our investigation has found that you have knowledge relevant to it. To that end, we believe that you are a witness who can provide valuable information to advance our investigation.

> I would ask that you kindly contact me at 202-532-3557 (Cell); 202-6161470 (DC Office); or 251-415-3298 (Temporary office in Mobile, AL) so that we can schedule an interview with you. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

From: Manos Antonakakis <manos@gatech.edu>

Sent on: Monday, June 29, 2020 5:25:16 PM

To: Wasch, Kate <kate.wasch@legal.gatech.edu>

CC: Robert Connolly <robert.connolly@police.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>; McLaughlin, Steven W <swm@coe.gatech.edu>

BCC: Manos Antonakakis <manos@gatech.edu>

Subject: Re: Possible Interview/DOJ

Attachments: signature.asc (201 Bytes)

Thank you Kate.

My understanding was that we (as GT) would like to stay away from this. Not sure why he says that he got authorization from GT Office of General Counsel. That seems to be contradictory to what I thought we suppose to do (ask them for a formal request).

Thanks,

--

Manos Antonakakis, Ph.D. | manos@gatech.edu
College of Engineering Dean's Professorship Chair and Associate Professor
Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS)
School of Electrical and Computer Engineering | Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

> On Jun 29, 2020, at 1:15 PM, Wasch, Kate <kate.wasch@legal.gatech.edu> wrote:

>

> Let me confer with Ling-Ling and get back to you.

>

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

> From: Antonakakis, Manos <manos@gatech.edu>

> Sent: Monday, June 29, 2020 1:08 PM

> To: Wasch, Kate <kate.wasch@legal.gatech.edu>

> Cc: Connolly, Robert <robert.connolly@police.gatech.edu>

> Subject: Fw: Possible Interview

>

> Hey Kate,

>

> How should me and Dave handle this request?

>

> Thanks,

>

> -

> Manos Antonakakis, Ph.D. | manos@gatech.edu College of Engineering Dean's Professorship Chair and Associate Professor Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS) School of Electrical and Computer Engineering | Georgia Institute of Technology FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

>

>

> _____

> From: Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov>

> Sent: Monday, June 29, 2020 12:58 PM

> To: Antonakakis, Manos

> Subject: FW: Possible Interview

>

> Professor Antonakakis- I am forwarding an email I sent this morning to David Dagon regarding the matter we discussed several months ago. As it is possible that we may need to interview as part of our work, I wanted to also bring this matter to your attention. I would ask that you kindly contact me at one of the numbers listed in the attached email so that we

may discuss arranging a possible interview of you also. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

>

> _____

> From: Fuhrman, Timothy J. (MO) (FBI)

> Sent: Monday, June 29, 2020 11:49 AM

> To: [REDACTED]

> Subject: Possible Interview

>

>

> Mr. Dagon- as you may recall, I contacted you several months ago on behalf of the US Department of Justice (DOJ). At that time you indicated that you did not believe either Georgia Tech or the Department of Defense (DOD) entity funding your research would authorize you to be interviewed about the matters that are of interest to us. After numerous discussions with the DOD entity and Georgia Tech's Office of General Counsel, we have been advised that neither organization objects to an interview of you as part of our work.

> As I mentioned to you previously, our investigation has found that you have knowledge relevant to it. To that end, we believe that you are a witness who can provide valuable information to advance our investigation.

> I would ask that you kindly contact me at 202-532-3557 (Cell); 202-6161470 (DC Office); or 251-415-3298 (Temporary office in Mobile, AL) so that we can schedule an interview with you. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

>

From: Antonakakis, Manos<manos@gatech.edu>
Sent on: Thursday, May 14, 2020 10:42:24 PM
To: Wasch, Kate<kate.wasch@legal.gatech.edu>; Dave Dagon [REDACTED]
CC: Connolly, Robert<robert.connolly@police.gatech.edu>
Subject: Re: Request for DNS information from US Attorney

Sure thing Kate.

Dave, please reach out to Kate who works for GT Legal. Thanks!

Chief; this is just FYI.

Typos due to mobile device ...

On May 14, 2020, at 17:32, Wasch, Kate <kate.wasch@legal.gatech.edu> wrote:

Dear Prof. Antonakakis:

I hope you and yours are well during this extraordinary time.

I am reaching out to you in the hope that you can encourage Mr. Dagon to get in touch with me. I just have a few questions for him, so that I can appropriately respond to the US Attorney. I would be grateful if you can help.

Thanks.

Kate

From: Wasch, Kate

Sent: Tuesday, May 12, 2020 3:37 PM

To: Dagon, David S <dd92@gatech.edu>

Subject: Request for DNS information from US Attorney

Good afternoon, David. Ling-Ling Nie, the General Counsel, and I spoke with Tim Fuhrman. I wanted to see if we can find some time to talk for a bit about the request for information. Please let me know if and when you have some time to do that.

Kate Wasch

Chief Counsel

Employment & Litigation

Office of Legal Affairs

Georgia Institute of Technology

Atlanta, GA 30332-0495

(404)894-4812

Most communications to or from Georgia Tech employees are a public record and available to the public and the media upon request under Georgia's broad open records law. Therefore, this e-mail communication and any response may be subject to public disclosure.

From: Demar, Erica<erica.demar@gatech.edu>
Sent on: Thursday, October 14, 2021 12:36:55 AM
To: Kuligowski, Elaine E<elaine.kuligowski@police.gatech.edu>; Antonakakis, Manos<manos@gatech.edu>; Keromytis, Angelos D<angelos@gatech.edu>; Lever, Charles C<chazlever@gatech.edu>; Mitchell, Michael F<michael.mitchell@ece.gatech.edu>; Garrison, William R<wgarrison7@gatech.edu>; Alli, Alexander<aalli3@gatech.edu>; Alrawi, Omar S<alrawi@gatech.edu>; Avgetidis, Athanasios<avgetidis@gatech.edu>; Bou Eid, Anthony<anthonyboueid@gatech.edu>; Chen, Gong<gchen36@gatech.edu>; Dagon, David S<dd92@gatech.edu>; Driskell, Griffin<cdriskell7@gatech.edu>; Faulkenberry, Aaron D<afaulken@gatech.edu>; Karakatsanis, Konstantinos<karakatsanis@gatech.edu>; Karakolios, Kleanthis<kleanthis@gatech.edu>; Konstantinidis, Paris<pkonstan6@gatech.edu>; Kountouras, Athanasios<kountouras@gatech.edu>; Ma, Zane<zanema@gatech.edu>; Makransky, Eligio<emakransky3@gatech.edu>; Manning, Benjamin B<bmanning@gatech.edu>; Miranda, Alexander W<amiranda41@gatech.edu>; Moschos, Athanasios<amoschos@gatech.edu>; Neal, Alexander G<agneal7@gatech.edu>; Papastergiou, Thomas<tpapastergiou@gatech.edu>; Shah, Parth A<pshah365@gatech.edu>; Tharayil, Kevin Sam<kevinsam@gatech.edu>; Valakuzhy, Kevin E<kevinv@gatech.edu>; Yong Wong, Miuyin M<miuyinyong@gatech.edu>
CC: Connolly, Robert<robert.connolly@police.gatech.edu>
Subject: Team Meeting with Chief Connolly
Attachments: meeting.ics (4.8 KB)

From: [Keromytis, Angelos](#)
To: dacon@sudo.sh; [Michael Farrell](#)
Cc: manos@gatech.edu
Subject: Fwd: PDF IOC extraction
Date: Friday, April 14, 2017 9:47:29 PM

Fingers faster than brain.

Begin forwarded message:

From: "Keromytis, Angelos" <(b) (6)>
Subject: PDF IOC extraction
Date: April 14, 2017 at 9:46:59 PM EDT
To: Mike Frantzen <mikef@kududyn.com>
Cc: manos@gatech.edu, (b) (6)

Mike,
can you share the IOC extraction tool with Manos? Or, if you've already used it on all the APT reports, can you send him the extracted indicators?
Thanks,

Dr Angelos D. Keromytis
Program Manager, Information Innovation Office (I2O)
DARPA
675 N. Randolph Street
Arlington, VA 22203

(T) (b) (6)

(b) (6) (R)
(SIPR)
WICS)

[Redacted]

(b) (6)

(contr-sid)

From: Keromytis, Angelos
Sent: Tuesday, April 12, 2016 10:20 AM
To: David Dagon
Cc: Manos Antonakakis
Subject: Quick question

You mentioned a source for DNS traces that would cost "7 figures". Do you have further details?

From: [Keromytis, Angelos](#)
To: [dagon](#)
Cc: [Ann.Cox@HQ.DHS.GOV](#); [Manos Antonakakis](#)
Subject: Re: attribution note
Date: Friday, November 18, 2016 12:09:16 PM

Thanks David.

Ann, let me know if/when you want to talk.
-Angelos

> On Nov 18, 2016, at 8:49 AM, dagon <dagon@sudo.sh> wrote:
>
> Hi Ann,
>
> It was good to see you at the DINR DNS conference. As I mentioned,
> we're working on an Enhanced Attribution project under DARPA. Angelos
> Keromytis, copied above, is our PM.
>
> Angelos, Ann was our PM under a previous BAA, which created
> essential tools and data insights, many now being used in our EA
> effort. Ann is also looking at the attribution area, and even has an
> older, broader whitepaper Manos and I wrote (pre-EA) outlining major
> research problems in this space. Ann is also interested in any of our
> early EA insights. So I suggested I would connect you both.
>
> While it's hard to predict future policy directions, one path seems
> to hold an increased interest in cyber protections. So, you both
> might want to compare notes about attribution, and consider what open
> problems remain.
>
> Best,
>
> --
> David Dagon
> dagon@sudo.sh
> D970 6D9E E500 E877 B1E3 D3F8 5937 48DC 0FDC E717

From: [dagon](#)
To: [Keromytis, Angelos](#)
Cc: [Antonakakis, Manos](#); (b) (6) (contr-i2o)
Subject: Re: DARPA domains
Date: Monday, August 28, 2017 3:18:38 PM

On Mon, Aug 28, 2017 at 02:35:01PM +0000, Keromytis, Angelos wrote:
> Nice :)

There's a "TODO" item, to find some missing timestamps, needed for accurate traffic analysis. I should have those soon, and will send an update. However, there's enough in the report to get started. We think we've identified an actor (or the last hop in a compromised account), as well as a likely victim.

--

David Dagon
dagon@sudo.sh
D970 6D9E E500 E877 B1E3 D3F8 5937 48DC 0FDC E717



From: [Keromytis, Angelos](#)
To: [dagon](#)
Cc: [Manos Antonakakis](#)
Subject: Re: Quick question
Date: Tuesday, April 12, 2016 4:59:49 PM

Awesome, I'll hold off on any actions until I hear back on the new data set.
-Angelos

On Apr 12, 2016, at 4:51 PM, dagon <dagon@sudo.sh>
wrote:

> On Tue, Apr 12, 2016 at 08:03:07PM +0000, Keromytis, Angelos wrote:
>
>> Ah, I mis-heard what you said last week. My current question is very
>> specifically about DNS. Yes, I know about Kaminski's gig; is there
>> anything else out there?
>
> For passive DNS data, here are some data sources:
>
> -- Farsight passive DNS (which can be expensive, but has a robust
> API and bulk offering, along with good collector tools e.g.,
> DNSTap, now integrated into the major DNS source code trees
> (BIND, Unbound, etc.)). This is close to seven figures in cost,
> actually.
>
> -- Georgia Tech's "passive DNS data", collected from US ISPs. We
> don't yet have permission to share this, but hope to. We're
> starting with 4 geobalanced regions in the US and expanding.
> Passive DNS is always on our critical path, so we're building our
> own collection using ISP data as well as campus data.
>
> -- Georgia Tech's new "active DNS" (a substitute for passive DNS
> based on active queries.) This yields the same rdata as passive
> DNS, but without the organic user query rates. This is
> free/public, and designed to help academics who don't have budget
> or deep DNS industry connections. If you're not connected to the
> Usenix PC or reviewing, we'll even send you a paper.
>
> -- Georgia Tech's malware DNS feed (also now in DHS's PREDICT data,
> recently renamed as IMPACT). This offers DNS output from 100K
> daily malware executions. This is free to vetted users, and we
> use DHS as a clearing house, <https://www.impactcybertrust.org/>
>
> Note that these are not user-driven lookups, but automated
> executions, so query volumes are not useful. GTRI inside GT also
> has a larger feed.
>
> -- There are many other non-US offerings and smaller passive DNS
> datasets:
>
> BFK.de (the original passive DNS collection; small);
>
> VirusTotal (small passive DNS data set, but rich in malware

> lookups).
>
> CIRCL (small);
>
> PassiveDNS.cn (via Qihoo 360, this is CN CERT's passive DNS
> project for China. For research, I'd avoid this, since China
> conducts DNS poisoning, making the data unusable for most
> purposes. It's probably great for censorship studies, however,
> since it potentially offers a fairly complete collection of CN
> network censorship events!).
>
> Mnemonic;
>
> PassiveTotal (small);
>
> RiskIQ (commercial/ad oriented);
>
> TCPIPUtils (and various small related sites, e.g., domaintools
> even offers a passive DNS set, etc. Hurricane Electric has a
> small passive DNS offering, etc.)
>
> Some of the AV companies (e.g., AVG, Trend, etc.). These are not
> generally commercially available, but they might work with DARPA.
> Ask if you need introductions. Many of the "smaller" open
> recursives are exiting the market now or selling their recursives
> (and data feeds) to the security industry.
>
> I mention these other small projects because there's a useful long
> tail to passive DNS data, which collect from different network
> locations, user populations, etc. In some research, every passive DNS
> source may turn out to be useful. Chris Lee, formerly of GT and now
> in the Virginia area, offers a nice API for collecting these.
>
> And of course APT attacks result in DNS behavior on corporate
> recursives, often just a single packet, which are *never* shared with
> passive DNS collectors. There's a small community of researchers that
> share/trade these indicators. These APT data sources are not yet
> commodity/public, and are often silo'd unfortunately. There are a few
> very small "APT indicator feeds" that are public, but are essentially
> derivations of whitepapers and mailing lists/public knowledge.
>
> There's also another passive DNS data set, far larger than FarSight
> (and likely very affordable), but it's not yet public/commercially
> available. We're working to connect you with the owner, consistent
> with various NDAs that prevent us from sharing more details. IMHO,
> this new source would be your first go-to for passive DNS, if/when it
> becomes available.
>
> I will follow up more if we can connect you to the new DNS data
> source. Else, the list above is a good summary of public and
> commercial passive DNS data sources.
>
> Hope this helps,
>
> --
> David Dagon
> dagon@sudo.sh



From: Keromytis, Angelos
To: (b) (6) SA USAF AFOSI AFOSI/3 FIS/CI&O; Antonakakis, Manos; dagon@sudo.sh; Farrell, Michael D; (b) (6) Schneck, Christopher (contr-i2o); Demar, Jeremy
Cc: (b) (6) CIV USAF AFOSI AFOSI/3 FIS/CIO (b) (6) (contr-i2o)
Subject: RE: Visit and Talk?
Date: Thursday, June 28, 2018 11:36:58 AM

I can't do a call on the morning of July 13, but either (b) (6) or Chris should be able to,
Cheers,
-Angelos

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

From: (b) (6) SA USAF AFOSI AFOSI/3 FIS/CI&O (b) (6)
Sent: Thursday, June 28, 2018 10:22 AM
To: Antonakakis, Manos <manos@gatech.edu>; dagon@sudo.sh; Farrell, Michael D <Michael.Farrell@gtri.gatech.edu>; Keromytis, Angelos (b) (6); (b) (6) (b) (6); Schneck, Christopher (contr-i2o) <christopher.schneck.ctr@darpa.mil>; Demar, Jeremy <jdemar3@gatech.edu>
Cc: (b) (6) CIV USAF AFOSI AFOSI/3 FIS/CIO (b) (6)
Subject: RE: Visit and Talk?

Hey Manos,

Awesome! How about the 13th then? Maybe we can meet sometime in the morning/early afternoon so (b) (6) and I can get a flight home that afternoon/evening so our families so don't kill us for traveling so much :)

Like I said I don't think we want to do anything formal just have a talk about tactics and methods as best we all can (share) and then perhaps have a discussion on what things are helpful to our mission/operation and what other things we can use to take advantage of that maybe you all aren't aware of.

We have a great relationship with Angelos and his folks so obviously we welcome their involvement but if this is too short notice maybe they can even dial in?

(b) (6)

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

From: Antonakakis, Manos [<mailto:manos@gatech.edu>]
Sent: Tuesday, June 26, 2018 8:55 PM
To: (b) (6) SA USAF AFOSI AFOSI/3 FIS/CI&O (b) (6); dagon@sudo.sh; Farrell, Michael D <Michael.Farrell@gtri.gatech.edu>; Keromytis, Angelos D CIV DARPA (US) (b) (6) (contr-i2o) <christopher.schneck.ctr@darpa.mil>; Demar, Jeremy <jdemar3@gatech.edu>
Cc: (b) (6) CIV USAF AFOSI AFOSI/FIR 7/FIS 3 (b) (6)
Subject: [Non-DoD Source] Re: Visit and Talk?

Hey (b) (6)

Happy to host you in my lab. I will be in DC on the 9th and 10th of July for sure. The chances are that I will be able to get the first flight on the 11th and be at the lab by 9.30am or so. The 12th and 13th will work for sure.

DARPA PM team, I am CCing you just as an FYI. You are more than welcome to attend, if you wish.

Thanks,

[REDACTED]

Manos Antonakakis | manos@gatech.edu
Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: (b) (6) SA USAF AFOSI AFOSI/3 FIS/CI&O <(b) (6)>
Sent: Tuesday, June 26, 2018 4:20:05 PM
To: Antonakakis, Manos; dagon@sudo.sh; Farrell, Michael D
Cc: (b) (6) CIV USAF AFOSI AFOSI/FIR 7/FIS 3
Subject: Visit and Talk?

Gents,

Greetings from Texas! So you met a few associates of ours (Glenn) a few weeks back for your briefings. (b) (6) and I unfortunately could not attend due to late notice of the meetings and we were booked elsewhere! I finally got the slide deck and wanted to talk to you about a few things and have a bit of a brainstorming session. Some of the questions and scenarios you bring up I think I have some more fidelity on that would be worth talking about in person, if possible.

So (b) (6) and I are doing a little East Coast swing in a few weeks (9-13 July) would you all by chance be available to meet up and talk some cyberz for a bit?

(b) (6)

(b) (6)

Special Agent
Air Force Office of Special Investigations 3rd Field Investigations Squadron Cyber Investigations and Operations
Lackland AFB, TX

Office: (b) (6)
Cell: (b) (6)

[Redacted]

To: Dagon, David S; Antonakakis, Manos

Subject: Follow up from DOJ

Good afternoon, gentlemen. DARPA confirmed in a telephone call with us that you may speak to the DOJ and their investigator. Please let me know if you are willing to do so.

Kate Wasch

Chief Counsel

Employment & Litigation

Office of Legal Affairs

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From: Antonakakis, Manos <manos@gatech.edu>
Sent on: Monday, June 29, 2020 6:07:32 PM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>
CC: Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Fw: Possible Interview

Hey Kate,

How should me and Dave handle this request?

Thanks,

Manos Antonakakis, Ph.D. | manos@gatech.edu
College of Engineering Dean's Professorship Chair and Associate Professor
Co-Director Center for Cyber Operations Enquiry and Unconventional Sensing (COEUS)
School of Electrical and Computer Engineering | Georgia Institute of Technology
FF7D 4FDF 9115 8077 92D2 5B59 5120 5E89 BE1B 3668

From: Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov>
Sent: Monday, June 29, 2020 12:58 PM
To: Antonakakis, Manos
Subject: FW: Possible Interview

Professor Antonakakis- I am forwarding an email I sent this morning to David Dagon regarding the matter we discussed several months ago. As it is possible that we may need to interview as part of our work, I wanted to also bring this matter to your attention. I would ask that you kindly contact me at one of the numbers listed in the attached email so that we may discuss arranging a possible interview of you also. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

From: Fuhrman, Timothy J. (MO) (FBI)
Sent: Monday, June 29, 2020 11:49 AM
To: [REDACTED]
Subject: Possible Interview

Mr. Dagon- as you may recall, I contacted you several months ago on behalf of the US Department of Justice (DOJ). At that time you indicated that you did not believe either Georgia Tech or the Department of Defense (DOD) entity funding your research would authorize you to be interviewed about the matters that are of interest to us. After numerous discussions with the DOD entity and Georgia Tech's Office of General Counsel, we have been advised that neither organization objects to an interview of you as part of our work.

As I mentioned to you previously, our investigation has found that you have knowledge relevant to it. To that end, we believe that you are a witness who can provide valuable information to advance our investigation.

I would ask that you kindly contact me at 202-532-3557 (Cell); 202-6161470 (DC Office); or 251-415-3298 (Temporary office in Mobile, AL) so that we can schedule an interview with you. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

From: Antonakakis, Manos<manos@gatech.edu>
Sent on: Monday, June 29, 2020 7:57:57 PM
To: Wasch, Kate<kate.wasch@legal.gatech.edu>; Nie, Ling-Ling<linglingnie@gatech.edu>
CC: Connolly, Robert<robert.connolly@police.gatech.edu>
Subject: Fwd: Possible Interview

Just an FYI-

I have no idea what to make of this. This is bizarre.

Begin forwarded message:

From: "Fuhrman, Timothy J. (MO) (FBI)" <TJFUHRMAN@fbi.gov>
Subject: RE: Possible Interview
Date: June 29, 2020 at 2:24:55 PM EDT
To: "Antonakakis, Manos" <manos@gatech.edu>

I appreciate your prompt response, Professor.

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

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Monday, June 29, 2020 12:38 PM
To: Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov>
Cc: Connolly, Robert <robert.connolly@police.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>
Subject: Re: Possible Interview

Thank you for your email, Tim. At this time I am not interested in participating in this interview.

Best regards,

Manos

On Jun 29, 2020, at 12:58 PM, Fuhrman, Timothy J. (MO) (FBI) <TJFUHRMAN@fbi.gov> wrote:

Professor Antonakakis- I am forwarding an email I sent this morning to David Dagon regarding the matter we discussed several months ago. As it is possible that we may need to interview as part of our work, I wanted to also bring this matter to your attention. I would ask that you kindly contact me at one of the numbers listed in the attached email so that we may discuss arranging a possible interview of you also. Thank you in advance for your cooperation. Timothy Fuhrman, Investigator, DOJ

From: Fuhrman, Timothy J. (MO) (FBI)
Sent: Monday, June 29, 2020 11:49 AM
To: [REDACTED]
Subject: Possible Interview

Mr. Dagon- as you may recall, I contacted you several months ago on behalf of the US Department of Justice (DOJ). At that time you indicated that you did not believe either Georgia Tech or the Department of Defense (DOD) entity funding your research would authorize you to be interviewed about the matters that are of interest to us. After numerous discussions with the DOD entity and Georgia Tech's Office of General Counsel, we have been advised that neither organization objects to an interview of you as part of our work. As I mentioned to you previously, our investigation has found that you have knowledge relevant to it. To that end, we believe that you are a witness who can provide valuable information to advance our investigation.

I would ask that you kindly contact me at 202-532-3557 (Cell); 202-6161470 (DC Office); or 251-415-3298 (Temporary office in Mobile, AL) so that we can schedule an interview with you. Thank you in advance for your cooperation.

Timothy Fuhrman, Investigator, DOJ

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Friday, January 29, 2021 10:12 PM
To: Bryan Webb
Cc: Mark Rasch
Subject: Letter Regarding Legal Fees Not Gratuity
Attachments: DAGON - Letter to Bryan Webb 1-29-21 FINAL.pdf

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Dear Bryan,

Thanks so much for calling Mark back the other day. Attached is our response to the legal question you two discussed. We hope this is helpful but stand ready to provide additional information or clarification if needed. Just let us know. Thanks again for your attention to this matter.

Kind regards,
Jody and Mark

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

January 29, 2021

Bryan Webb, Esq,
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
State of Georgia
40 Capitol Square SW
Atlanta, GA 30334

Re: Reimbursement of Legal Expenses
Georgia Tech Employee David Dagon

Dear Bryan:

Thank you for taking my call on Wednesday. As you know, Jody Westby and I represent Georgia Institute of Technology (“Georgia Tech”) employee David Dagon in connection with an ongoing investigation being conducted by Connecticut United States Attorney and current Special Counsel John Durham into allegations made of a computer connection between the Trump Organization and entities in the Russian Republic in the lead up to the 2016 election. Part of the investigation focuses on the role various cybersecurity researchers may have had in collecting, analyzing, or disseminating information about the so-called “Trump-Russia” connection that was given to the Department of Justice. The researchers included David Dagon, a Research Scientist at Georgia Tech and Dr. L. Jean Camp, Professor of Informatics at the Indiana University School of Informatics and Computing (among others).

Global Cyber Legal has diligently represented Mr. Dagon in connection with this grand jury investigation, and have successfully protected his interests. We will continue to do so.

Payment of Legal Fees as Benefit or Gratuity

I understand that your office is currently looking at a question of whether, under the provision of Art. III, § VI, Para. V(a) of the Georgia Constitution, Georgia Tech would have the lawful authority to reimburse Mr. Dagon for the legal fees he has expended. The question is whether the payment of legal fees by Georgia Tech to or on behalf of its employee David Dagon, would constitute a “gift,” “gratuity,” or “additional compensation” under the Constitution¹ or whether such payment would serve as a benefit to Georgia Tech.

¹ As the Georgia Supreme Court noted more than 70 years ago in interpreting this provision in *McCook v. Long*, 193 Ga. 299, 303, 18 S.E.2d 488, 490, 1942 Ga. LEXIS 382, *9:

In interpreting the provisions of a constitution, it is to be presumed that the words therein used were employed in their natural and ordinary meaning. *Epping v. Columbus*, 117 Ga. 263 (43 S. E. 803). The Merriam edition of Webster's International Dictionary gives the

This “gratuities” clause provides that:

- a) Except as otherwise provided in the Constitution, (1) the General Assembly shall not have the power to grant any donation or gratuity or to forgive any debt or obligation owing to the public, and (2) the General Assembly shall not grant or authorize extra compensation to any public officer, agent, or contractor after the service has been rendered or the contract entered into.

Ga. Const. Art. III, § VI, Para. VI.

As we discussed, among the individuals who have been swept up in the Durham investigation is Indiana University Professor L. Jean Camp. When Professor Camp first received notice of the Durham investigation, Jacqueline Simmons, the Vice President and General Counsel of the University of Indiana agreed immediately to pay directly for Professor Camp’s outside legal counsel. She at once recognized the benefit to the University and to the State of Indiana of Professor Camp’s research that was the subject of the Durham investigation, and also that the successful defense of the charges would reflect well upon the University’s entire research community. If you have any questions about this, I highly recommend that you contact GC Simmons at (812) 855-3312 or by email to simmonja@iu.edu. As you know, the University of Indiana, like Georgia Tech, is a public university, with the same duties to protect the public fisc.

It is our position that the State of Georgia is not restricted from similarly paying Mr. Dagon’s legal fees. The activities at issue in the investigation were performed by Mr. Dagon within the scope of his employment by Georgia Tech. His research has been awarded and recognized by the Federal Bureau of Investigation and law enforcement around the globe, bringing significant recognition to Georgia Tech and helping to bolster its reputation as a world class institution for computer science and electrical engineering. Moreover, the specific research at hand involved a work performed under a \$20+ million Department of Defense contract that Mr. Dagon helped bring to the University and serves as co-principal investigator.

Thus, a successful defense of Mr. Dagon in the grand jury investigation has benefitted Georgia Tech and the State of Georgia by protecting the reputation of its educational institution and the Department and ensuring the continued accessibility of federal funding to the Program. Such representation was necessary and essential to these benefits. It is important to note that the entire cybersecurity research community, which is rather small, is watching this matter closely. The University of Indiana’s immediate backing of L. Jean Camp and payment of her legal fees has earned it praise in this community. If Mr. Dagon’s fees are not similarly paid, Georgia Tech will likely pay a price in recruitment of researchers and professors and its reputation will likely suffer.

following definitions of the word "gratuity," omitting those meanings classed by the authors as obsolete and rare: "2. Something given freely or without recompense; a gift. 3. Something voluntarily given in return for a favor or now esp. a service; hence, a bounty; a tip; a bribe." The later editions of Bouvier do not give a definition of the word gratuity, but in the earlier ones a gratuity is defined to be "a present, a recompense, a free gift." Compare *Davis v. Morgan*, 117 Ga. 504 (43 S. E. 732, 61 L. R. A. 148, 97 Am. St. R. 171).

Accord, *Garden Club of Ga. v. Shackelford*, 266 Ga. 24 (1) (463 SE2d 470) (1995); *DeKalb County v. Perdue*, 286 Ga. 793, 796, 692 S.E.2d 331, 334, 2010 Ga. LEXIS 267, *7, 2010 Fulton County D. Rep. 870.

The reimbursement of legal fees incurred in the ordinary course of an employee's work is not a "special reward" or "gift" to the employee whose legitimate and necessary expenses are reimbursed. By way of analogy, a private employer's reimbursement of an employee's legal expenses incurred in the course of employment is deductible to the employer as a business expense, but not includable as income to the employee, precisely because the employee has received no "benefit" from the business expense. This is true under circumstances, like those at hand, where legal expenses are incurred for actions which arose within the scope of employment that were directly related to Mr. Dagon's job function.

Moreover, such an interpretation is consistent with the provisions of O.C.G.A. 45-9-1 which provides:

(a) In addition to any other compensation which may be paid to an officer, official, or employee of any agency, board, bureau, commission, department, or authority of the executive, judicial, or legislative branch of government of this state, each such agency, board, bureau, commission, department, or authority is authorized, in its discretion, to purchase policies of liability insurance or contracts of indemnity or to formulate sound programs of self-insurance utilizing funds available to such agency, board, bureau, commission, department, or authority, insuring or indemnifying such officers, officials, or employees to the extent that they are not immune from liability against personal liability for damages arising out of the performance of their duties or in any way connected therewith. Such policies of liability insurance, contracts of indemnity, or programs of self-insurance may also provide for reimbursement to an officer, official, or employee of any agency, board, bureau, commission, department, or authority of this state for reasonable legal fees and other expenses incurred in the successful defense of any criminal proceeding, including, but not limited to, any criminal cause of action, suit, investigation, subpoena, warrant, request for documentation or property, or threat of such action whether formal or informal where such action arises out of the performance of his or her official duties. In addition, in the case of an officer, official, or employee who is required to maintain a professional license, such reimbursement may also be provided for legal fees and other expenses so incurred in the successful defense of a charge arising out of the performance of his or her official duties in proceedings before a professional licensing board, disciplinary board or commission, or other similar body. Legal fees and other expenses shall be subject to adjustment by and the approval of the Attorney General.

Ga. Code Ann. § 45-9-1 (West) (emphasis added).

In *Key v. Georgia Dep't of Admin. Servs.*, 340 Ga. App. 534, 539, 798 S.E.2d 37, 42 (2017), the Court noted that "the legislature's stated intent ... was to protect state employees against personal liability based on their conduct while performing their jobs." Whether that protection is provided through State paid insurance or by the State directly, the payments are clearly not a gift under the gratuities provision. If the State is authorized under the Constitution to incur an expense related to purchasing insurance or to self-insure to reimburse the expenses of an employee related to attorney's fees and expenses relating to the defense of criminal proceedings arising out of the performance of that employees' official duties, there is no reason to believe that the direct payment of these same expenses by the State should be considered any more of a "gift" or "gratuity" under the Constitution. The payment of legal fees and expenses - whether

paid by insurance or directly -- is simply not a gift or gratuity to the employee. Were this not the case, then O.C.G.A. 45-9-1 which, by statute authorizes such payments, would not survive constitutional scrutiny.

Our additional understanding of Georgia law is that, if the State (or its agency or subdivision) receives a “substantial benefit” from the proposed payment, the payment is not a gratuity. *Smith v. Board of Comm'rs*, 244 Ga. 133, 259 S.E.2d 74, 1979 Ga. LEXIS 1149; *McLucas v. State Bridge Bldg. Auth.*, 210 Ga. 1, 11 (77 SE2d 531) (1953) (quoting *Georgia v. Cincinnati So. Ry.*, 248 U. S. 26 [(39 SCt 14, 63 LE 104)] (1928)); cited in *Avery v. State of Ga.*, 295 Ga. 630, 633, 761 S.E.2d 56, 60, 2014 Ga. LEXIS 547, *8, 2014 WL 2925147; *Accord, Smith v. Fuller*, 135 Ga. 271 (69 S. E. 177, Ann. Cas. 1912A, 70). While Mr. Dagon’s legal expenses are not, technically speaking, an expense OF the State of Georgia, they are an expense incurred for the benefit of the State of Georgia, and, in our opinion, not a personal gratuity or gift.

Indeed, many states either require or permit reimbursement of employee criminal defense legal expenses for public sector employees if such expenses are incurred as a result of their employment. See KY. REV. STAT. ANN. §§ 63.070-63.075 (West 2006); LA. REV. STAT. ANN. § 13:5108.3(B) (2014); MISS. CODE ANN. § 25-1-47 (2010); N.J. STAT. ANN. §§ 18A:12-20, 18A:16-6.1, 40A:14-155 (West 2014); N.Y. PUB. OFF. LAW § 19(2)(a); PA. R.J.A. No. 1922; TENN. CODE ANN. § 8-46-205 (2014)(impeachment proceedings); UTAH CODE ANN. § 52-6-201(1); VA. CODE ANN. § 51.1-124.28 (2013). For example, the New York Public Officers Law provides in relevant part that:

... it shall be the duty of the state to pay reasonable attorneys’ fees and litigation expenses incurred by or on behalf of an employee in his or her defense of a criminal proceeding in a state or federal court arising out of any act which occurred while such employee was acting within the scope of his public employment or duties upon his acquittal or upon the dismissal of the criminal charges against him or reasonable attorneys’ fees incurred in connection with an appearance before a grand jury which returns no true bill against the employee where such appearance was required as a result of any act which occurred while such employee was acting within the scope of his public employment or duties unless such appearance occurs in the normal course of the public employment or duties of such employee.

NY CLS Pub O § 19 (emphasis added).

Similarly, UTAH CODE ANN. § 52-6-201(1). provides:

If a state grand jury indicts, or if an information is filed against, an officer or employee, in connection with or arising out of any act or omission of that officer or employee during the performance of the officer or employee’s duties, within the scope of the officer or employee’s employment, or under color of the officer or employee’s authority, and that indictment or information is quashed or dismissed or results in a judgment of acquittal, . . . that officer or employee shall be entitled to recover reasonable attorney fees and court costs necessarily incurred in the defense of that indictment or information from the public entity.

New Jersey has general statutes permitting reimbursement of government employees and a specific statute with respect to reimbursing the criminal legal expenses of employees of educational institutions. N.J. State Ann. § 18A:16-6.1 provides:

Should any criminal or quasi-criminal action be instituted against any [officer or employee of a board of education] for any such act or omission and should such proceeding be dismissed or result in a final disposition in favor of such person, the board of education shall reimburse him for the cost of defending such proceeding, including reasonable counsel fees and expenses of the original hearing or trial and all appeals. No employee shall be entitled to be held harmless or have his defense costs defrayed as a result of a criminal or quasi-criminal complaint filed against the employee by or on behalf of the board of education.

Georgia law expressly provides for the purchase of insurance, contracts of indemnity, or self-insurance programs to achieve these same purposes, and the New York and other statutes reflect the prevailing position that legal expenses incurred by virtue of a public employee's performance of their official duties are expenses of the sovereign, not of the employee, and that the payment or reimbursement of these expenses is not a "gift" or "special reward" to the employee.

These statutes have a few requirements -- that the investigation relate to activities that occurred within the scope of employment, and that the employee not be found criminally liable for the actions which were within the scope of employment. The Third Party Legal Services Payment Agreement that we have provided you contains similar provisions; Mr. Dagon would have to return any funds paid for legal fees if he is found is guilty of criminal conduct with respect to the grand jury investigation.

Mr. Dagon's Actions Were Within the Scope of His Employment

It is important to point out that the investigation -- by both the Special Counsel and the related grand jury -- relates directly to activities performed by various cybersecurity researchers (including Mr. Dagon) which were not only conducted within the scope of their employment and for the benefit of the State of Georgia, but also which were authorized and directed by agents of the State. This is not an example of an employee incurring legal expenses as a result of personal conduct (or misconduct), or indeed an employee engaging in misconduct at all.² If you desire,

² On Dec. 1, 202 former U.S. Attorney General William Barr announced that, on October 19, 2020 he had appointed John Durham, the U.S. attorney for the District of Connecticut, as a "special counsel" or "special assistant" to investigate the FBI's probe of Russian interference in the 2016 election pursuant to 28 U.S.C § 509, § 510 and § 515. The appointment letter (available at <https://int.nyt.com/data/documenttools/durham-special-counsel/7ff8599351b63336/full.pdf>) presumably continues US Attorney's Durham's prior investigative authority, and specifically notes that Durham "is authorized to investigate whether any federal official, employee, or any other person or entity violated the law in connection with the intelligence, counter-intelligence, or law enforcement activities directed at the 2016 presidential campaigns, Individual associated with those campaigns, and individuals associated with the administration of President Donald J. Trump, including but not limited to Crossfire Hurricane and the investigation of Special Counsel Robert S. Mueller, III." As it pertains to Georgia Tech employee David Dagon, the investigation focuses on his collection, analysis and possible dissemination of information from a database of DNS and other information security related records maintained by him and others at Georgia Tech which related to evidence of electronic connections between computer networks associated with the Trump Organization and other computer networks associated with the Russian Federation in the summer and fall of 2016.

we are prepared to provide detailed information as to why Mr. Dagon's activities which are the subject of the grand jury investigation are both within the scope of his employment, were authorized by his employer, and were for the benefit of the State of Georgia. Suffice it to say, through Mr. Dagon's efforts, Georgia Tech was able to attract and retain a multi-million-dollar research grant from the U.S. Department of Defense's Advanced Research Project Agency (DARPA), and to establish Georgia Tech as one of the leading research institutions with respect to information security and threats to national security.

We also want to reiterate that no one has done anything wrong or illegal. It may be a natural inclination for those who do not understand the collaborative role and interaction between government agencies and cybersecurity researchers to assume that any research into attacks on political parties or candidates would be outside the scope of employment, when in actuality looking at potential criminal conduct is very much what they do.

The Defense of the Durham Investigation Benefits the State of Georgia

While we represent Mr. Dagon and his interests, as we must under the applicable Canons of Ethics, our defense of the Mr. Dagon, an agent of the State of Georgia who was acting within the scope of his employment, necessarily and directly benefits the State of Georgia, and its preeminent research institution, the Georgia Institute of Technology. Without addressing the merits (or lack thereof) of the Durham investigation, the response to the grand jury investigation has been designed to protect the ability of Georgia Tech to continue to fulfill the goals and objectives of a highly sensitive DARPA contract, to expand funding for the work, and to continue to work with the federal government to disseminate critical national security information concerning cybersecurity threats to the nations' infrastructure. The defense of Mr. Dagon has served to protect the integrity and reputation of Georgia Tech, to enhance its ability to continue to attract high-quality information security researchers, professors, and others, and to maintain its well-earned reputation as a facility of higher education and research in the field of cybersecurity. Because the defense inures to the benefit of the State and Georgia Tech, it is similarly not a "gift" or "gratuity" to Mr. Dagon.

"Successful Defense"

The final issue is the fact that the Durham investigation is reportedly continuing, and therefore, as a technical matter, there has been no "acquittal" or final disposition of the case, and no final "no true bill" of Indictment issued with respect to Mr. Dagon.

A few observations here. First, we note that, pursuant to the Department of Justice Manual, Section 9-11.151, Mr. Dagon has been advised that he is NOT a target of the Durham investigation.³ He has been advised that his work with Georgia Tech is "within the scope of the grand jury's investigation," but that there is no evidence or accusation of criminal conduct by Mr. Dagon. The nature of the federal grand jury is such that it has broad investigative powers⁴

³ A "target" is a person as to whom the prosecutor or the grand jury has substantial evidence linking him or her to the commission of a crime and who, in the judgment of the prosecutor, is a putative defendant. Department of Justice Manual, Section 9-11.151

⁴ See, e.g., *Trump v. Vance*, 2020 U.S. Dist. LEXIS 150786, *35-36, __ F. Supp. 3d __, 2020 WL 4861980 ("the Supreme Court has stated that "[a] grand jury investigation is not fully carried out until every available clue has been run down and all witnesses examined in every proper way to find if a crime has been committed." *United States v. R. Enterprises, Inc.*, 498 U.S. 292, 297, 111 S. Ct. 722, 112 L. Ed. 2d 795 (1991) (quoting *Branzburg v. Hayes*, 408 U.S. 665, 701, 92 S. Ct. 2646, 33 L. Ed. 2d 626 (1972)). To this end, a grand jury can "investigate merely on

whether or not a crime has, in fact, been committed by anyone. Thus, the fact that there is a grand jury investigation does not imply that anyone -- much less Mr. Dagon -- committed any offense at all.

While a federal grand jury typically has a specified “term,” after which its authority expires, the prosecutor may convene a new grand jury to take over the investigative role. As such, the “investigation” does not “end,” and persons like Mr. Dagon are typically never notified of the results of the investigation, or indeed that the investigation has -- or has not -- ended. Federal Grand Jury secrecy rules, most notably Rule 6(e), F.R. Crim. P. may even restrict the ability of the prosecutor to tell someone that the case is over. As such, in a federal criminal investigation like that conducted by Mr. Durham, there is typically no “event” that triggers an “exoneration” or a successful completion of the case. While a prosecutor may notify a target of a grand jury investigation that their target status has ended (DOJ Manual, 9-11-155), nothing in the law or regulation contemplates having the Department of Justice, the special counsel, or the grand jury notify the public or witnesses that the investigation has been concluded without the bringing of charges.⁵

As a practical matter, there is no “exoneration.” The case simply concludes without anyone knowing it. Thus, in a very real sense, the case is “successful” for the person with information sought by a federal grand jury when nothing happens. Without disclosing information that is either privileged or covered by grand jury secrecy, it is our reasonable belief that, with respect to Mr. Dagon at least, the grand jury investigation has concluded.

Finally, I would again note that the Third-Party Legal Fees Payment obligates Mr. Dagon to repay any advanced or reimbursed fees if he is found guilty of criminal conduct with respect to the grand jury investigation. As a result, the State of Georgia would not be put in a position of having paid to Mr. Dagon any form of “gift” or “gratuity” in connection with the advancement or reimbursement of legitimate legal expenses incurred as a direct result of his actions within the

suspicion that the law is being violated, or even just because it wants assurance that it is not.” *Id.* at 297 (quoting *United States v. Morton Salt Co.*, 338 U.S. 632, 642-43, 70 S. Ct. 357, 94 L. Ed. 401, 46 F.T.C. 1436 (1950)); see also *People v. Doe*, 84 A.D.2d 182, 445 N.Y.S.2d 768, 777 (App. Div. 2d Dep't 1981). By conducting a “thorough and extensive investigation,” the grand jury advances society's interest in the fair enforcement of criminal laws. *Virag*, 430 N.E.2d at 1252 (quoting *Wood*, 370 U.S. at 392)”

⁵ Former A.G. Barr’s charge to Special Counsel Durham on October 19, 2020 did note that “In addition to the confidential report required by 28 C.F.R. 600.8(c) the Special Counsel, to the maximum extent possible and consistent with the law and the policies and practices of the Department of Justice, shall submit to the Attorney General a final report, and such interim reports as he deems appropriate, in a form that will permit public dissemination.” 28 CFR 600.8(c) provides that “At the conclusion of the Special Counsel’s work, he or she shall provide the Attorney General with a confidential report explaining the prosecution or declination decisions reached by the Special Counsel.” The rules of grand jury secrecy continue to apply to the contents of such a report. *U.S. House of Representative v. United States DOJ* (In re Committee on the Judiciary), 951 F.3d 589, 445 U.S. App. D.C. 372, 2020 U.S. App. LEXIS 7471 (grand jury secrecy rules permit disclosure of special counsel report and notes to the House Judiciary committee as being a “judicial proceeding” under the meaning of the rule); *In re Application of Reporters Comm. for Freedom of the Press*, 2019 U.S. Dist. LEXIS 165910, 2019 WL 4707242 (no right of the public or of reporters to access to grand jury materials of special counsel). Indeed, federal rules may actually preclude the government from making known to the public even those portions of a special counsel report which do not rely on grand jury information. *United States v. Concord Mgmt. & Consulting LLC*, 2019 U.S. Dist. LEXIS 225949, *15, 2019 WL 7758635 (“government violated [D.C. Local Crim.] Rule 57.7 by making or authorizing the release of public statements that linked the defendants' alleged activities to the Russian government and provided an opinion about the defendants' guilt and the evidence against them”)

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Saturday, February 12, 2022 9:42 AM
To: Bryan Webb
Subject: RE: Dagon Matter Offer of Settlement

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.

Bryan, see below for a partial response.

In *Wood v. Georgia*, 450 U.S. 261, 268-269 (1981) the U.S. Supreme Court “recognized the inherent dangers that arise when a criminal defendant is represented by a lawyer hired and paid by a third party...” The Court cited the ABA Model Code of Professional Responsibility EC 5-23 (1980) which states:

"A person or organization that pays or furnishes lawyers to represent others possesses a potential power to exert strong pressures against the independent judgment of those lawyers. Some employers may be interested in furthering their own economic, political, or social goals without regard to the professional responsibility of the lawyer to his individual client. Others may be far more concerned with establishment or extension of legal principles than in the immediate protection of the rights of the lawyer's individual client . . . Since a lawyer must always be free to exercise his professional judgment without regard to the interests or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom."

Id. at fn. 17, p. 287. To be clear, even if counsel selected by the University is fully independent, does not represent the University in any other matter, and has no direct conflict of interest, the mere fact that the counsel is not only reimbursed through a third party payer agreement, but is in fact retained by the University (or selected by the University even if the retainer agreement is with Mr. Dagon) creates in a criminal case the kind of dual loyalty that cannot be waived. See, e.g., *United States v. Luchko*, 2006 U.S. Dist. LEXIS 82569, *13-14, (E.D. Pa., 2006); 2006 WL 3313946 (“ the conflict *may not be cured* by client consent.” § 81.4 (Rule 1.10, cmt. 6). Rule 1.8(f))” Accord, *In re State Grand Jury Investigation*, 200 N.J. 481, 983 A.2d 1097, 2009 N.J. LEXIS 1155 (N.J. Supreme Court -- inherent conflict for attorneys selected by third parties).

We have insulated GT from precisely such an allegation of conflict of interest by making it clear in our third party payer agreement that we represent Professor Dagon alone, and that our duty of loyal representation is to him, and that the University, by reimbursing his reasonable attorney’s fees, has no authority to direct the way in which we represent Dagon. This is compelled by the ethics rules.

It is apparent that GT wishes to retain other counsel for Professor Dagon precisely because the University wishes to direct the manner in which counsel will conduct the representation. This would be criminally unethical, and would open both GT and whatever counsel is selected to liability under the applicable ethics rules. As the New Jersey court observed, “One risk is that the lawyer will prevent his client from obtaining leniency by preventing the client from offering testimony against his former employer or from taking other actions contrary to the employer's interest” (footnotes omitted)); *State v. Norman*, 151 N.J. 5, 34, 697 A.2d 511 (1997). In *In re State Grand Jury Investigation*, 200 N.J. 481, 492, 983 A.2d 1097, 1104, 2009 N.J. LEXIS 1155, *24 noted above, the court noted that It is not the mere payment by a third party of the employees legal fees that create a conflict of interest. *Tolbert v. State*, 298 Ga. 147, 780 S.E.2d 298, 2015 Ga. LEXIS 908 Rather it is the fact that the employer seeks to direct who represents the employee for its own interests rather than for the interests of the employee. ^[1] This appears to be precisely what GT seeks to do.

We also rely on Georgia Ethics Rule 1.7, which precludes a representation where the lawyer has a duty of loyalty that precludes their independent judgment., noting in particular that “A lawyer shall not represent or continue to represent a client if there is a *significant risk that* the lawyer's own interests or *the lawyer's duties* to another client, a former client, or a third person will materially and adversely affect the representation of the client, except [if the client can waive the conflict.] The comments to the ethics opinion note that “Loyalty to a client is impaired when a lawyer cannot consider, recommend or carry out an appropriate course of action for the client because of the lawyer's other competing responsibilities or interests. The critical questions are the likelihood that a conflict will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client. Consideration should be given to whether the client wishes to accommodate the other interest involved.”

It should be noted that GT not only wants to select the counsel that would represent Dagon (in the middle of the ongoing criminal case) but to direct their actions for the benefit of GT, and NOT pursuant to the lawyer's duty of independent judgement on behalf of Dagon, the client. Moreover, if the lawyer is BOTH selected and paid by GT, without an appropriate third party payer agreement that makes it clear that the lawyer's sole and exclusive duty is to zealously represent the client, this would violate the rule and would subject the lawyer to BOTH discipline and removal from representation. As the commentary to the Georgia ethics rule notes, “[t]he lawyer's personal or economic interests should not be permitted to have an adverse effect on representation of a client. See Rules 1.1 and 1.5.” The GA ethics rule also notes that “ If the propriety of a lawyer's own conduct in a transaction is in serious question, it may be difficult or impossible for the lawyer to give a client objective advice. A lawyer may not allow related business interests to affect representation...”

ABA Model Rule of Professional Responsibility (MPR) 1.8(f) provides:

A lawyer shall not accept compensation for representing a client from one other than the client unless:(1) the client gives informed consent;(2) there is no interference with the lawyer's independence of professional judgment or with the client-lawyer relationship; and(3) information relating to representation of a client is protected as required by Rule 1.6 [confidentiality].

In the case of Georgia Tech, the problem appears to be number 2 – that GT wishes to directly interfere with the independence of the lawyer they select. <https://www.americanbar.org/groups/litigation/committees/commercial-business/practice/2019/when-a-third-party-pays-legal-fees/>.

According to the letter sent from Michael Sussman's lawyer Michael Bosworth at Latham & Watkins dated January 21, 2022 and sent to SAUSA Andrew DiFillipis and filed with the U.S. District Court for the District of Columbia, the government has indicated that it intends to produce "tens of thousands of documents" six weeks before the proposed trial date, and that this does not include materials which are classified for national security purposes. The government's pleading of the same date indicates that, to date, the government has produced approximately 133,000 pages of materials and expects to produce an additional 492,285 additional pages in the last week of January. Included in this "discovery dump" by the prosecutor is what they describe as notes and other materials related to **"four current and former employees of the university referred to in the Indictment as "University-1."** See, Government's Discovery Update and Request for Additional Time to Produce Residual Discovery Materials, United States v. Sussman, Dkt 1:21-cr-00582-CRC, Document #33, filed January 25, 2022, page 3, par. 5 and page 5 par xi. This discovery does not include the results of electronic surveillance, information relating to the FBI Domestic Investigations and Operations Guide (DIOG) and what the OSC described as an additional 17000 documents. (Id. p. 9) and an additional 79,000 items related to the FBI files. (Id., p. 10). It also does not include documents in the possession of the Department of Justice's Office of Inspector General, or the FBI Inspection Division.

It is presumed that some of these documents are documents sought by Dagon's counsel that GT gave third parties but not their own employee per open record requests.

Noting GT pays other counsel higher hourly fees, potentially less experienced than Dagon's counsel in these types of cases, it is hard to view the continuing harassment and delays as other than bad faith, subjecting Dagon and the other university employees to potential perjury or worse during the future trial and future indictments.

GT needs to stop treating this as a car wreck injury case and treat their employees with the respect and representation they deserve.

Thank you.

Sam

 Samuel S. Olens

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samuel.olens@dentons.com

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From: Bryan Webb <bwebb@law.ga.gov>
Sent: Thursday, February 10, 2022 10:07 AM
To: Olens, Samuel S. <samuel.olens@dentons.com>
Subject: RE: Dagon Matter Offer of Settlement

[WARNING: EXTERNAL SENDER]

Thanks.

I will direct this to Tech.

Please let me know what bar rule that I may be violating and I will look into it and remedy.

bkw



Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, February 10, 2022 9:27 AM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: RE: Dagon Matter Offer of Settlement

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Good morning Bryan.

In a last attempt to avoid a suit and accompanying media attention, I once again respectfully request 1) the hourly rate of other retained counsel for this federal investigation, 2) all records previously given to third parties and not shared with the Professor's counsel despite open records requests and 3) a meeting with President Cabrera.

The most recent offer again violates Bar rules regarding representation of a client.

Thank you.

Sam

 **Samuel S. Olens**

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samuel.olens@dentons.com
Bio | Website

Dentons US LLP

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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, February 08, 2022 1:35 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Re: Dagon Matter Offer of Settlement

Bryan, I am not in to formality. And frankly, such formality would not be helpful.

Thanks.

Sam Olens

Sent from my iPhone

On Feb 8, 2022, at 1:32 PM, Bryan Webb <bwebb@law.ga.gov> wrote:

[WARNING: EXTERNAL SENDER]

Thanks.

Do you mind if I forward them your response below or wait for a more formal one?

Hope all is well.

bkw

Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3542
<mailto:bwebb@law.ga.gov>
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Olens, Samuel S. <samuel.olens@dentons.com>

Sent: Tuesday, February 8, 2022 1:17 PM

To: Bryan Webb <bwebb@law.ga.gov>

Subject: Re: Dagon Matter Offer of Settlement

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Bryan, very disappointing.

They are paying other counsel much more who have done much less.

I expect suit will be filed.

Thank you.

Sam Olens

Sent from my iPhone

[http://logo.dentons.com/dentons_logo.png]

Samuel S. Olens

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samuel.olens@dentons.com<<mailto:samuel.olens@dentons.com>>

Bio<<http://www.dentons.com/ch.aspx?email=samuel.olens@dentons.com&action=biolink>> |

Website<<http://www.dentons.com>>

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On Feb 8, 2022, at 12:44 PM, Bryan Webb <bwebb@law.ga.gov> wrote:

[WARNING: EXTERNAL SENDER]

Please accept this offer for settlement of this issue from my client, Georgia Tech.

Tech will agree to pay \$83,573.00 for past services. For future services on behalf of Mr. Dagon, Tech will agree to pay the rate of \$350.00/hour with a monthly billable cap of 25 hours. This would be a maximum of \$8,750.00 billed each month as the matter goes forward. This would continue until the combined total for past services and any future services reaches the amount of \$150,000.00.

I look forward to hearing back from you.

bkw

[<cid:image001.jpg@01D81CE9.8DF63430>] <<http://law.ga.gov>>

[Facebook] <<http://www.facebook.com/GeorgiaAttorneyGeneral>>

[Twitter] <http://www.twitter.com/georgia_ag>

Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, November 5, 2020 9:20 PM
To: Bryan Webb
Cc: Mark Rasch
Subject: Thank you & Docs Promised
Attachments: DAGON - THIRD PARTY LEGAL SERVICES PAYMENT AGREEMENT v2.docx; DAGON - Letter to Kate re Scope of Employment v6.pdf

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Dear Bryan,

Thank you for taking time at the end of a long day to speak with Mark and me. We enjoyed the conversation. As promised, I have attached the first letter we provided to Ling-Ling and the Third Party Payor Agreement we provided. Please let us know if you have any questions or need further information. Thanks again.

Kind regards,

Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

THIRD PARTY LEGAL SERVICES PAYMENT AGREEMENT

This Third Party Legal Services Payment Agreement (“Agreement”) is made by and between Global Cyber Legal LLC (“COUNSEL”), a Delaware limited liability company, and Georgia Institute of Technology (“THIRD PARTY”), a Georgia _____, and David Dagon (“CLIENT”), effective _____. THIRD PARTY, COUNSEL, and CLIENT shall be collectively referred herein as “the Parties.” The Parties agree as follows:

1. Premises

1.1 COUNSEL is Global Cyber Legal LLC, a law firm providing legal services on civil, criminal, and administrative matters.

1.2 CLIENT is David Dagon, a cybersecurity researcher who is, and at all applicable times has been, an employee of Third Party.

1.3 THIRD PARTY is Georgia Institute of Technology, a public research university and institute of technology in Atlanta, Georgia.

1.4 COUNSEL has been engaged by CLIENT to provide legal assistance with respect to a criminal grand jury investigation and a subpoena for documents and request that CLIENT provide voluntary cooperation to the investigation (“Services”).

1.5 COUNSEL is required to inform and obtain consent from CLIENT regarding any Third Party agreements impacting the scope of representation by applicable ethics rules, ABA Model Rule of Professional Responsibility 1.8(f).

2. THIRD PARTY Payment Liability and Agreement to Pay

THIRD PARTY hereby agrees to pay fees and costs incurred by COUNSEL in performing Services subject to the terms of this Agreement. THIRD PARTY’s agreement to pay for Services under this Agreement is limited to (a) COUNSEL’s representation of CLIENT with respect to the District of Columbia grand jury convened by Connecticut U.S. Attorney John Durham (also known as the “Durham investigation”), and (b) any subpoena served on CLIENT or claim against him filed in the civil litigation filed by Alfa Bank pending in Florida and Pennsylvania. Fees and costs shall not exceed \$200,000 without written authorization by THIRD PARTY.

3. THIRD PARTY Indemnification and Right to Refuse Payment.

THIRD PARTY’s liability and obligation to pay fees and costs for Services pursuant to this Agreement shall be null and void and it shall have right to indemnification from CLIENT for all fees and costs already paid in connection with Services if it is determined by a court of competent jurisdiction that CLIENT is guilty of criminal conduct with respect to the grand jury investigation.

4. Duties Owed to Client.

THIRD PARTY acknowledges and agrees that COUNSEL owes ethical duties to the CLIENT. All decisions regarding the legal strategy and status of the matter shall be discussed only with the CLIENT, unless the CLIENT gives COUNSEL express written permission to discuss with THIRD PARTY or Joint Defense Agreement permits such communications and disclosures.

Each Party executing this Agreement on behalf of an entity or another person warrants that they have the power and authority to execute this Agreement on behalf of such entity or other person.

GLOBAL CYBER LEGAL LLC

By: _____

Jody R. Westby
Managing Principal

GEORGIA INSTITUTE OF TECHNOLOGY

By: _____

Ling-Ling Nie
General Counsel and Vice President for
Ethics and Compliance

DAVID DAGON

By: _____

David Dagon
Research Scientist for Georgia Institute of
Technology

September 28, 2020

Kate Wasch, Esq.
Chief Counsel, Employment & Litigation
Office of Legal Affairs
Georgia Institute of Technology
760 Spring Street NW, Suite 324
Atlanta, Georgia 30332-0495

Dear Kate:

Thank you for your response to our inquiry whether Georgia Tech would agree to pay for David Dagon's legal fees with respect to the investigation being conducted by a D.C. grand jury on behalf of Connecticut United States Attorney John Durham ("the Durham investigation"). You state in your reply that:

It is not clear to me that the work David did was undertaken in his role as a GT employee. He may have used data to which he had access by virtue of his employment at GT, but the work was not part of his GT duties."

We hope, via this letter, to clarify any confusion regarding Georgia Tech's and Mr. Dagon's role and whether Mr. Dagon's actions were undertaken within the scope of Mr. Dagon's employment for Georgia Tech.

Background

At the outset, we note that Mr. Dagon was, at all relevant times, employed as a Research Scientist by Georgia Tech, specifically to conduct research and obtain funding in the areas of Internet attribution, IoT devices, and DNS research. Your own policies indicate that research faculty's "primary job responsibility involves leading, developing, and delivering the research, extension, and technology transfer programs of the Institute."

<http://policylibrary.gatech.edu/faculty-handbook/2.3.1-members-0>

This is precisely what Mr. Dagon has done in his job performance during his employment at Georgia Tech.

Mr. Dagon's work for Georgia Tech included the attribution work he did on the Mariposa botnet, for which Mr. Dagon received an award and commendation from then FBI Director Mueller, and for which the University released several press releases. In addition, Georgia Tech presented Mr. Dagon with an exceptional award for "Outstanding achievement in research program development, for initiating team research to create a new thought leadership platform during the period of January 2012 to December 2014." The award was accompanied by a generous cash

payment. Georgia Tech presented Mr. Dagon with yet another of these rarely bestowed awards for “Initiating team research to create a new thought leadership platform during the period January 1, 2015 to December 31, 2017” – *the exact period of time that is being examined by the Durham investigation.*

Work Performed by Mr. Dagon for Georgia Tech That is Subject to the Investigation

The work that Mr. Dagon did on attribution analysis of communications traffic, which relates to the current legal matter, involved research on the Democratic National Convention hack, the Advanced Persistent Threat-28 (APT-28) malware, analysis of potential attack traffic related to the 2016 election (including traffic between the Trump Organization, Spectrum Health, and Alfa Bank), and analysis of Yota phone communications traffic. This work is no less within the scope of Mr. Dagon’s employment than the work he did on the Mariposa botnet.

Indeed, much of this work was done in preparation for and in fulfillment of the obligations of the multi-million-dollar DARPA contract he helped bring to Georgia Tech (and about which the University similarly issued a press release). To suddenly decide that this attribution work was “not within the scope of Mr. Dagon’s employment” would, of course, put this funding at risk, and would similarly implicate any remedies or defenses the University may have under O.C.G.A. 50-21-25, not only with respect to the Durham investigation, but generally. In short, Mr. Dagon’s attribution research was not a frivolous pursuit, but was integral to the research he secured for Georgia Tech. Any assertion to the contrary is disingenuous.

As we noted in our previous call, when Mr. Dagon undertook a thorough review of work related to the investigation, which was performed from the end of 2016 forward, *he discovered that almost all of the initial work performed by him was on behalf of Georgia Tech under the DARPA contract: the work related to queries submitted by the U.S. Department of Justice (DOJ) through DARPA regarding Russian communications between Alfa Bank and the Trump organization and Mr. Trump’s use of a Russian Yota phone — the exact subject matter of the criminal Grand Jury subpoena that Mr. Dagon received from the Durham investigation.* The requests were sufficient to require Mr. Dagon and Prof. Antonakakis (“Manos”) to set up a file within the DARPA project called “DOJ” and a sub file called “Mueller” because they knew that these requests were coming from DOJ and being sent back (via DARPA) to DOJ and the Mueller investigation.

This is precisely what the Durham investigators are looking at – the work Mr. Dagon did under the DARPA contract on behalf of Georgia Tech. In particular, the research that Mr. Dagon conducted on DNS records starting in late 2016 and continuing through early 2017, and the research he conducted related to the Yota phone were always conducted as part of Mr. Dagon’s duties as a security researcher employed by Georgia Tech.

This work was in furtherance of his duties and obligations at Georgia Tech; it was for the benefit of Georgia Tech; and it was within the scope of his employment at Georgia Tech. In addition, his response to first the FBI/DOJ inquiries that were made through DARPA, and his later response to the grand jury subpoena and other investigative queries have always been within the scope of his employment and meticulously coordinated with his employer.

All of the initial meetings and discussions that Mr. Dagon held among security researchers and Internet service providers (ISPs) about the data that Georgia Tech would need to create a database for the analysis of DNS records and the methods that Mr. Dagon would use to analyze DNS records (not just related to the Trump Organization and Alfa Bank, but in general) were conducted on behalf of Georgia Tech. Indeed, Mr. Dagon's trip to the 2016 Messaging, Malware and Mobile Anti-Abuse Working Group (M3AAWG) meeting in Philadelphia, at which the initial discussions among researchers and ISPs took place regarding the DNC hack and analysis of traffic data, was a trip that was authorized and funded by Georgia Tech and was clearly within the scope of Mr. Dagon's employment.

Additionally, the queries against the database created under or in furtherance of the DARPA contract, including the specific queries made for or on behalf of the Department of Justice and/or its component agencies (including the FBI), as well as those made on behalf of the Department of Defense, were done as part of Mr. Dagon's work for Georgia Tech, and were within the scope of his employment. Mr. Dagon's work with respect to the Yota phones may also implicate grants that Mr. Dagon was instrumental in obtaining for Georgia Tech from other entities like the National Institutes of Standards and Technology (NIST), which related to the analysis of signatures and behavior of certain Internet of Things (IoT) devices. This was research for which Mr. Dagon was responsible for bringing in funds for Georgia Tech, and his associated research was conducted within the scope of Mr. Dagon's employment.

While Georgia Tech did not direct any specific inquiry or report, Mr. Dagon's DNS research in general – and the specific inquiries and analysis which are the subject of the Durham grand jury probe – are, and have always been, part of Mr. Dagon's work on behalf of Georgia Tech. Indeed, Georgia Tech benefits from – and has always benefited from – Mr. Dagon's work, as well as from the tremendous prestige, capabilities, and funding that Mr. Dagon has brought to Georgia Tech as a result of his world renown expertise and research, which are reflected in the award of the DARPA contract and the research which is the subject of the grand jury investigation.

This research is not something that Mr. Dagon undertook as a “frolic and detour” or for private commercial advantage. Indeed, as we discussed, even Mr. Dagon's use of the commercial entity “Glomar Research” was to conveniently purchase certain hardware for Georgia Tech research on behalf of the DARPA contract and his employer. Importantly, Mr. Dagon kept Manos and other officials at Georgia Tech apprised of his work, his research plans, and findings. There were ample opportunities for Georgia Tech to advise him during these months that this work was not something they wanted him to do or considered within the scope of employment. No one ever advised him of such. To the contrary, the insights gained from this work allowed Georgia Tech to select and price datasets for the DARPA project, making it all the more successful.

We have reviewed the DARPA contract that you provided (which was not the contract applicable to the DARPA work referenced in this letter), which lists Glomar Research as a subcontractor. This reinforces that Mr. Dagon's use of Glomar Research was not unrelated to his work for Georgia Tech and was done for the benefit of Georgia Tech.

Mr. Dagon has always treated his actions, both in conducting the research at issue and responding to the Durham investigation as being part of his responsibility as an employee of Georgia Tech. For example, on April 30, 2020, in an email to DOJ investigator Tim Fuhrman, following a conversation between Mr. Dagon and Fuhrman, Mr. Dagon stated:

“As we discussed, we’re required to work through the school’s liaison process. Prof. Manos Antonakakis, addressed above, is my co-PI on research projects and supervises my work in the lab....So can you briefly relay to Prof. Antonakakis the nature of your inquiry? He can then engage our university and federal liaison staff. You noted this concerns the general type of DNS information discussed in this public report:

https://justthenews.com/sites/default/files/2020-04/Ankura_AlfaBank_Res=earchAnalysis_Apr2020dh.pdf.pdf.pdf

....I suspect that your inquiry may be relevant to Georgia Tech, and our sponsored research projects.”

Clearly, in responding to the Durham investigation – the precise matter for which Mr. Dagon seeks reimbursement of legal fees – Mr. Dagon was acting as an employee of Georgia Tech and was deferring to his employer. A subsequent email from Manos to Mr. Dagon on June 16, 2020, stated:

“Just talked to the Dean and the consensus at GT is that we will not be doing anything to help DoJ unless legal documents are presented to us. GT legal will handle any subpoenas arriving to my or your mail boxes on this topic because they consider it a work-related issue. Both the GT lawyers and/or the local FBI folks are under the impression that subpoenas will not arrive to us because if DoJ wanted to reach that point they would have already.... We are under very strict communication guidelines when it comes to this issue. You do not talk to the DoJ investigator without the presence of a GT lawyer on the line. You forward to me and the Chief of Police any new communication requests from DoJ in this subject and you do not correspond with them unless GT legal asks you to.”

On July 6, 2020, Manos sent an email to you and Ling-Ling and stated:

“Hey Kate and Ling-Ling, Dave is looking for some advice. Can we please provide some guidance to our researcher on how he should reply back to the DoJ investigator?”

In sum, Mr. Dagon’s entire response to the Durham investigation has been coordinated with your office, and has been as an agent and representative of Georgia Tech. His seeking and obtaining private counsel were within his personal right and with the intention to minimize unwanted publicity or attention to Georgia Tech. The fact that the issues being investigated by the Durham prosecutors are wholly without merit – both factually and legally – enhance the argument that Mr. Dagon’s lawful research was within the scope of his employment, and his response to the investigation is similarly within that scope.

Indeed, it was for this reason that we both agreed that a representative of your office should be present if Mr. Dagon decided to present evidence to the Durham investigators, and that any statements he made would be as a representative of his employer. Thus, Mr. Dagon's work which is the subject of the Durham investigation, his response to subpoenas, and his response to the Durham investigation in its entirety is work performed within the scope of Mr. Dagon's employment at Georgia Tech.

Mr. Dagon's Request for Legal Fees

Mr. Dagon's request for the university to pay his legal fees associated with this matter is not out of the ordinary. Prof. L. Jean Camp of Indiana University, for example, who has received a subpoena for the criminal grand jury investigation and the pending civil litigation filed by Alfa Bank, is being represented by counsel paid for by the university. Similar action is not without precedent in Georgia.

O.C.G.A. § 45-9-21(c) provides an example of a statute which permits a public entity to reimburse a government employee the costs and expenses associated with responding to criminal investigations that arise within the scope of their employment. *Bd. of Comm'rs v. Saba*, 278 Ga. 176, 598 S.E.2d 437 (2004)

In other cases, Georgia Courts have held that government agencies either had the authority to, or the legal requirement to, reimburse employees' legal expenses if those expenses were incurred in connection with their duties as government employees. Accord, *Gwinnett Cty. v. Blaney*, 275 Ga. 696, 572 S.E.2d 553 (2002) (espousing the general rule that the legal expenses of a government employee should be reimbursed if the employee was acting within the scope of their employment).

As the Court noted in *Heiskell v. Roberts*, 342 Ga. App. 109, 109, 802 S.E.2d 385, 387 (2017) "when "an official, acting in his official capacity, is required to hire outside counsel to assert a legal position the local government attorney ... will not assert, and the official is successful in asserting his or her position, the local government must pay the official's attorney fees." *Gwinnett County v. Yates*, 265 Ga. 504, 508 (2) (458 SE2d 791) (1995). "This is not because of any bad faith or improper conduct on the part of the local government, in this case, the county. Rather, attorney fees in this instance are simply an expense of government operation." *Gwinnett Cty. v. Yates*, 265 Ga. 504, 508-09, 458 S.E.2d 791, 795 (1995)

In this instance, it is doubtful that either Georgia Tech counsel or the Georgia Attorney General would be capable of representing Mr. Dagon in connection with the Durham investigation due to issues of privilege, waiver, and information sharing inherent in the nature of the Durham investigation. The Attorney General would be put in the untenable position, as a law enforcement entity, of having to assert Mr. Dagon's right not to testify before a federal grand jury – the assertion of which right could rightly serve the interests of Georgia Tech. Thus, it serves the interests of Georgia Tech and the State to have Mr. Dagon represented by private counsel with the concomitant authority to assert certain privileges which might be waived with representation provided by the Attorney General.

It is also important to note that should Georgia Tech assert that Mr. Dagon's work within the scope of the investigation was not within the scope of his employment, there might be serious,

adverse consequences in the event that Georgia Tech is civilly sued by entities like Alfa Bank, which has already filed two civil “John Doe” lawsuits in Florida and Pennsylvania. Alfa Bank has issued dozens of subpoenas to individuals (including to numerous cybersecurity researchers) and institutions in an effort to attach institutions and names to the various “John Doe’s” in the complaint. A position that Mr. Dagon was not acting as an employee of the State might be used to vitiate any immunity that Georgia Tech could otherwise assert in a civil case, and such a position is inconsistent with the facts. Mr. Dagon was and is an employee of Georgia Tech with the responsibility of researching precisely the kind of activities he had undertaken.

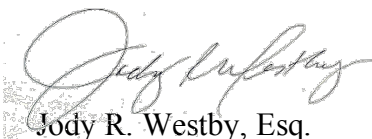
We are happy to address any concerns that you may have in this regard, but it seems clear to us that a person employed as a security researcher who conducts security research for his employer, and also brings millions of dollars in research grants to the school from this research, is acting within the scope of his employment in doing so. We hope this information clarifies the issue and that Georgia Tech will agree to assume responsibility for his legal fees.

Per our earlier discussion, we have attached a draft Third Party Payor Agreement, which is commonly used when an employer assumes responsibility for legal fees of one of its employees. Thank you for your attention to this matter. We look forward to your response.

Yours truly,



Mark D. Rasch, Esq.
Admitted in NY MA MD



Jody R. Westby, Esq.
Admitted in DC, PA, CO

From: Kinney, Angela D. <angela.kinney@dentons.com>
Sent: Wednesday, December 15, 2021 3:09 PM
To: 'linglingnie@gatech.edu'; 'christian.fuller@legal.gatech.edu'; 'bwebb@law.ga.gov'; 'rebecca.sullivan@doas.ga.gov'; 'susan.setterstrom@doas.ga.gov'
Subject: David Dagon Letter
Attachments: Dagon Letter with all Exhibits.pdf

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Good afternoon

At the request of Sam Olens, please find attached a letter in regards to David Dagon with Exhibits.

Kind regards,
Angie



Angela D. Kinney

Legal Secretary

Assistant To: Eric J. Tanenblatt, Ashley D. Bell, Chan Creswell, Samuel S. Olens

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angela.kinney@dentons.com

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December 15, 2021

Ling-Ling Nie
General Counsel
Office of Legal Affairs
Georgia Institute of Technology
760 Spring Street NW, Suite 324
Atlanta, GA 30332-0495

Christian Fuller
Senior Counsel, Employment & Litigation
Office of Legal Affairs
Georgia Institute of Technology
760 Spring Street NW, Suite 324
Atlanta, GA 30332-0495

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
State of Georgia
40 Capitol Square SW
Atlanta, GA 30334

Rebecca Sullivan, General Counsel and Assistant Commissioner of Government Affairs
Susan Setterstrom, Assistant Director
Georgia Department of Administrative Services
200 Piedmont Avenue, Suite 1220, West Tower
Atlanta, Georgia 30334

RE: David Dagon and Global Cyber Legal LLC

I represent Global Cyber Legal LLC (“GCL”) and their client, David Dagon (“Clients”). I have been retained to represent both Clients with regard to past and future legal fees associated with the United States Department of Justice (“DOJ”) Special Counsel investigation and a related civil lawsuit. I write this letter to provide some background about these legal matters, clarify some issues that have been of concern to various entities, and to finalize an agreement for one or all of the recipients of this letter to assume responsibilities for Mr. Dagon’s legal fees incurred as a result of his employment at Georgia Tech.

Background

Mr. Dagon is a Term Research Engineer II at the Georgia Institute of Technology (“Georgia Tech”). He retained GCL to represent him in connection with the criminal investigations being conducted by the DOJ Office of Special Counsel and associated grand juries regarding the 2016 FBI and DOJ investigations into Russian interference in the 2016 Presidential election and the Trump campaign. Specifically, Mr. Dagon retained well-known and respected cybersecurity and white collar criminal attorneys Mark D. Rasch and Jody R. Westby.

Part of the DOJ investigations discussed above focus on what role various cybersecurity researchers had in collecting, analyzing, or disseminating findings about the purported “Trump-Russia” covert communications that were given to DOJ and other Government agencies. The Special Counsel’s investigation involved some of the top cybersecurity researchers in America, including Dr. Manos Antonakakis (PhD’12), Associate Professor in the School of Electrical and Computer Engineering (ECE) and an adjunct faculty member in the College of Computing (CoC) at Georgia Tech; Dr. Angelos Keromytis, Professor, John H. Weitenauer Jr. Chair, and Georgia Research Alliance (GRA) Eminent Scholar at the Georgia Institute of Technology; David Dagon, Term Research Engineer II, School of Electrical and Computer Engineering at Georgia Tech; Dr. L. Jean Camp, Professor of Informatics at Indiana University; and others.

In April 2020, FBI agent Tim Fuhman contacted David Dagon regarding the Special Counsel’s investigation. Mr. Dagon emailed Mr. Fuhman and requested that he contact his supervisor, Manos Antonakakis (“Manos”). By May 2020, Georgia Tech’s legal office had a request from Special Agent Fuhman to interview David Dagon. Mr. Dagon talked to Kate Wasch, Lead Employment & Litigation Counsel for Georgia Tech, and asked about obtaining counsel; he was told to “wait and see” what happens. On July 6, 2020, Manos wrote to Georgia Tech’s General Counsel, Ling-Ling Nie, and Kate Wasch, and asked, “Hey Kate and Ling-Ling, Dave is looking for some advice. Can we please provide guidance to our researcher on how he should reply back to the DOJ investigator?”

In August, Mr. Dagon received a grand jury subpoena from the Special Counsel to Glomar Research, a small LLC Mr. Dagon set up and used for small, fast equipment purchases he needed for Georgia Tech projects. Mr. Dagon retained GCL within days of receiving the subpoena, noting to GCL that he wanted them to protect (a) his interests, (b) the interests of his research, (c) the integrity of the U.S. Government contracts he was instrumental in bringing to Georgia Tech, (d) the continued funding of this research, and (e) the reputation of Georgia Tech as the nation’s top university in cybersecurity research.

GCL promptly reached out to Georgia Tech’s legal office on August 11, 2020 and had a call with Kate Wasch on August 17, 2020. On September 16, 2020, GCL raised the issue of Georgia Tech paying Mr. Dagon’s legal fees with Kate Wasch and on October 7, 2020, sent her a Third Party Payor Agreement. From this point forward, GCL has continually reached out to Georgia Tech and the Office of the Attorney General seeking payment of legal fees.

Since the initial subpoena was issued, Mr. Dagon received another subpoena from the Special Counsel for testimony, which culminated in several days of meetings with the Special Counsel's team and several days of grand jury testimony. The Special Counsel's investigation continues to this date; two indictments have been issued. The Special Counsel has advised Mr. Dagon that he will need to testify in at least one of these trials, which is currently expected to begin in July 2022.

Around the same time as the indictments, the identities of Messrs. Antonakakis and Dagon were revealed to the attorneys in the civil litigation filed by Alfa Bank, Russia's largest private bank, which is owned by oligarchs. Importantly, on September 23, 2021, GCL advised Georgia Tech that Mr. Dagon had received subpoenas for testimony and document production in this "John Doe" Florida Litigation, *Alfa Bank v. Doe*. This civil lawsuit presents many similar issues to the DOJ investigation discussed above.

GCL notified Mr. Christian Fuller, Senior Employment and Litigation Counsel at Georgia Tech, of the subpoenas and indicated that Mr. Dagon desired for GCL to also represent him in the civil matter. GCL was agreeable to doing so. Significantly, Mr. Fuller also indicated that his office preferred that GCL continue representing Mr. Fuller in connection with the civil subpoenas. *See* Exhibit 1.

After further correspondence between Mr. Fuller and GCL, Mr. Fuller informed GCL that it should reach out to the Georgia Department of Administrative Services ("DOAS") regarding payment for past and future payments associated with the DOJ investigation and the civil matter.

Clients have now retained the undersigned to ensure that they are equitably compensated and protected. Our Clients are fully entitled to reimbursement for reasonable past representation and future occurrences. I have reviewed all of the written correspondence between GCL and interested parties and write to clarify a few main points.

Mr. Dagon was acting within the scope of his employment

Initially, I understand that there was some question about whether Mr. Dagon was acting within the scope of his employment with Georgia Tech when he conducted the research at issue in these matters. Mr. Dagon was a Term Research Engineer II at all relevant points. Both the DOJ investigation and the civil lawsuit relate directly to activities performed by Mr. Dagon during the scope of his employment.

On September 28, 2020, GCL provided a detailed Memorandum to Georgia Tech outlining how these activities were also authorized *and directed* by other State agents. *See* Exhibit 2. Briefly, this Memorandum highlights how Mr. Dagon performed much of his work in preparation for and in fulfillment of the DARPA contract Mr. Dagon helped secure for Georgia Tech. Indeed, Mr. Dagon was presented with an award from Georgia Tech for "initiating team research to create a new thought leadership during the period of January 1, 2015 to December 31,

2017.” Not coincidentally, this period of time coincides with the time period that is being looked at by the DOJ investigation.

After review of this Memorandum, the General Counsel of Georgia Tech, Ling-Ling Nie, acknowledged our Clients’ position that this was within the scope of Mr. Dagon’s employment. *See Exhibit 3.* Given that GCL’s information about the scope of employment “impact[s] other decisions going forward, particularly attorney representation for David” Dagon, Ms. Nie directed GCL to contact Mr. Webb regarding payment.

We trust from all of this correspondence that the initial threshold question of scope of employment has been resolved. However, I am happy to speak with you in more detail if you have any additional questions.

Mr. Dagon is not under federal investigation

Second, Mr. Dagon is not and has never been subject to indictment and was never a target of the grand jury investigation. I understand that, at various points, the DOAS General Liability Agreement has been cited as stating that reimbursement will occur for “reasonable legal fees and other expenses incurred in the successful defense of a criminal action directly related to the performance” of the employees’ duties. CGL-401-14-21.

To ensure that all of his interests were fully protected, Ms. Westby and Mr. Rasch sought—and were granted—*full statutory immunity* for Mr. Dagon by the federal District Court in connection with the Special Counsel investigation. This constitutes a successful defense of the criminal matter. This case is simply not one where CGL-401-14-21 would apply to bar any sort of payment before an “exoneration.” Given the nature of the investigations, exoneration in the normal sense of being found not guilty at a trial in the matter, or having the charges dismissed, simply will not occur in a grand jury situation. Indeed, Mr. Dagon has full statutory immunity, which ensures he will not face criminal charges. And, as described below, pursuant to the Third Party Payor Agreement, Mr. Dagon has agreed he would return all reimbursed legal fees if he were convicted of any crimes related to these matters.

There has been extensive correspondence amongst the interested parties regarding this point. Because I do not seek to simply rehash what has already been said, I will just offer to speak with anyone with additional questions about this opinion. But the wording of the DOAS policy certainly does not preclude reimbursement of Mr. Dagon’s legal fees.

Payment of fees does not violate the Georgia Constitution

Finally, I understand that the Attorney General’s Office has looked into the question of whether the payment of these legal fees would violate the gratuities clause of the Georgia Constitution, Art. III, § VI, Para. V(a). On January 29, 2021, GCL sent Mr. Webb a detailed Memorandum explaining how the payment of the attorneys’ fees is legal and does not violate the gratuities clause. *See Exhibit 4.* Briefly, the reimbursement of legal fees incurred in the ordinary

course of an employee's work is not a "special reward" or "gift" to the employee whose legitimate and necessary expenses are reimbursed. And although Mr. Dagon has been granted full immunity, the third-party payer agreement expressly provided that Mr. Dagon would return any legal fees paid if he is found guilty of any criminal conduct with respect to the grand jury investigation.

On February 23, 2021, GCL notified Ms. Nie that it understood Mr. Webb had determined there was no issue with the gratuities clause and Georgia Tech's payment of GCL legal fees. Three days later, Ms. Wasch wrote GCL and offered to pay \$46,462.50 of GCL's fees, which she calculated to be at about \$150/hour, based on an earlier hours report.

The fees of Mr. Dagon's counsel are reasonable

GCL has rightly rejected this offer as insufficient. GCL's fees for representation of Mr. Dagon are \$350/hour, providing a nice discount to the State, as their regular rate is \$595/hour, and the retainer agreement with Mr. Dagon was discounted to \$395/hour. These fees are imminently reasonable as to both rate and number of hours, especially considering the complexity of this matter and the duration of representation -- nearly 18 months of legal services have been provided to Mr. Dagon.

Special Counsel investigations are fundamentally different from other criminal investigations, involve multiple agencies and departments, and present highly political and complex legal and factual issues. Indeed, they are more complex than other federal criminal investigations conducted by DOJ. As one commentator noted with respect to fees in Independent Counsel ("IC") investigations:

There are several reasons why these legal fees are so high. First, officials often face multiple investigations regarding the same allegations....Second, in responding to investigations that are so easily politicized, government officials naturally want to retain white collar criminal defense lawyers who have expertise in dealing with politics. These lawyers are generally able to command high fees. ... A former IC has stated that "lawyers must be hired, even by the most insignificant witnesses. The dire consequences of merely misspeaking, which could result in a false-statement charge, are high, given the [IC's] vast powers." Many others have noted that IC investigations often become politically charged. In such an atmosphere, it is not surprising that even "mere witnesses" feel the need for someone to look out for their best interests.¹

The Special Counsel investigation has run longer than the Mueller investigation. It has been multifaceted and involved not only Mr. Dagon and other cybersecurity researchers, but also swept in the entities from which Georgia Tech acquired the data used in their research. The hours

¹ Kathleen Clark, "Paying the Price for Heightened Ethics Scrutiny: Legal Defense Funds and Other Ways That Government Officials Pay Their Lawyers," 50 Stan. L. Rev. 65, 1997 (emphasis added), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=110533.

expended and rates charged are not only commensurate with the complexity and difficulty of the investigation, but also with the sensitivity and political nature of the Special Counsel investigation, the number of moving parts, and the need to protect the integrity not only of Mr. Dagon, but of the research and Georgia Tech from allegations, among others, that data was altered, manipulated or falsified and that it was unlawful for this research to be presented to the U.S. Government – allegations which were wholly fictitious.

Indeed, with respect to the indictment resulting from the Special Counsel investigation (*United States v. Sussmann*, Dkt. No. 1:12-CR-00582-CRC, D. D.C.), the prosecutor advised the court on December 7, 2021, that “the Government has produced to date more than 91,000 pages in unclassified discovery and more than 5,000 pages in classified discovery.” The Special Counsel has told Mr. Dagon that he expects to call him to testify at this trial. Suffice it to say, this investigation is no “run of the mill” case.

This is not a “favor” that Mr. Dagon asks of his employer. It is clearly in the interest of the State of Georgia for persons interviewed in the Special Counsel investigation concerning information acquired in the course of performing their State duties to have their attorney’s fees reimbursed.

As I believe all agree, GCL is well-qualified to represent Mr. Dagon’s interests, a point that I do not believe any on this letter have disputed. Further, I do not believe the Georgia Attorney General has proffered an individual that it believes could handle this representation as efficiently and effectively. And there are issues of, *inter alia*, privilege and waiver that would likely prevent the Georgia Attorney General from representing Mr. Dagon.

I am also troubled by the precedent that Georgia’s reticence to stand behind its personnel will set if this matter becomes public. The payment of Mr. Dagon’s past and future fees would be consistent with how other states have treated similar cases. The University of Indiana retained outside counsel to quash a similar civil subpoena on behalf of Professor L. Jean Camp. That representation was successful. *See Alfa-Bank v. Doe*, 171 N.E.3d 1018 (2021). The University of Indiana similarly retained separate outside counsel to represent Prof. Camp in connection with the Special Counsel investigation and both teams are still engaged and being paid by the University of Indiana.

I struggle to distinguish the almost factually-identical situation involving Ms. Camp with the State’s treatment of Mr. Dagon. I do not believe it would behoove anyone for this situation to be made public, but I also do not believe that the State’s unequal treatment of its professors compared to other states would be a good look for this State. At the very least, I worry about this having a chilling effect on recruitment and retention across all public institutions of higher learning in this state. At a minimum, it is inconsistent with principles of academic freedom and would likely result in less rigorous cybersecurity research out of fear that more aggressive research may lead to personal liability or financial ruin. Indeed, we are aware of some cybersecurity students at Georgia Tech who have wondered whether they should “pull back” on their searches of data for fear it might be deemed political or controversial. In the current threat

environment, where the U.S. Government, every state government, and American industry is under attack from nation states or state-sponsored actors, discouraging students from learning about these events will likely cause them to turn to other academic institutions.

Conclusion

Our Clients have provided timely request for payment and have been diligent in those requests. GCL has provided a Third Party Payor Agreement to Mr. Webb. My understanding is that Mr. Webb proposed some limited changes, which were incorporated into the most recent version of this Agreement. *See Exhibit 5.* Our Clients have submitted reasonable hours and fees for both the civil and criminal matters, for which they should be paid, with agreement to similarly cover ongoing fees in both matters.

I trust that we can discuss any additional questions so that we can reach an amicable solution that works for all parties involved and serves to protect the interests of your organizations, Mr. Dagon, GCL, and the State of Georgia as a whole. Please reach out directly with any questions or concerns.

Sincerely,



Sam Olens

SSO/mas

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, December 23, 2021 12:19 PM
To: bwebb@law.ga.gov
Subject: Global Cyber and Professor Dagon
Attachments: Dagon Letter with all Exhibits.pdf

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Good afternoon Bryan.

Any idea when I might hear back from you?

Have a great Christmas holiday.

Thank you.

Sam

 Samuel S. Olens

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samuel.olens@dentons.com
Bio | Website

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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Friday, February 25, 2022 2:19 PM
To: bwebb@law.ga.gov
Subject: Thoughts post-letter
Attachments: DAGON - Letter to GaTech Re Legal Fees 10-11-21.pdf; DAGON - TIME LOG Start - 10-21 v1.pdf

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Good afternoon Bryan.

I presume you have seen the above 2 documents several times. It simply blows away Tech's argument. In further response to your recent letter, no counter was made as Tech's offer was another insult that demonstrated Tech's total lack of knowledge in high level prosecutions.

I am putting the Professor and counsel in touch with a great Firm in Atlanta that is fully able to bring the necessary action. Unfortunately, the way the Professor's counsel have been treated sends a terrible message to their outstanding faculty.

And to be clear, none of these criticisms relate to you or the AG's office.

Thank you.

Sam

 Samuel S. Olens

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Jody R. Westby, Esq.

Phone: 202.255.2700

Fax: 202.337.0063

October 11, 2021

Christian Fuller, Esq.
Senior Counsel, Employment & Litigation
Georgia Institute of Technology
760 Spring Street NW, Suite 324
Atlanta, Georgia 30332-0495

Dear Christian:

We were retained by Mr. Dagon on August 5, 2020, after he had received a subpoena for documents from the Grand Jury involved in the Durham investigation. My colleague, Mark Rasch, and I reached out to Ms. Wasch on August 11, 2020, and were finally able to have a call with her on August 17, 2020; she asked that we keep her informed. On a September 16 call, we also discussed Georgia Tech paying Mr. Dagon's legal fees, and we agreed to send Ms. Wasch an "undertaking agreement," which is another name for the Third Party Payor Agreement.

In an email from me to Ms. Wasch on September 22, 2020, regarding a draft letter from Global Cyber Legal to the prosecutor, I mentioned that I would be sending her the undertaking agreement later that day. In an email from Ms. Wasch to my colleague Mark Rasch and me on September 23, 2020 – the very next day – Ms. Wasch stated conclusively, "It is not clear to me that the work David did was undertaken in his role as a GT employee. He may have used data to which he had access by virtue of his employment at GT, but the work was not part of his GT duties. Therefore, we cannot agree to contribute to or pay his attorneys' fees."

We followed up with our letter of September 28, 2020, explaining why his work was, indeed, within the scope of employment and explained the legal jeopardy facing Georgia Tech. Ms. Wasch replied on September 30, stating, "I apologize; this is not how we understood the situation. We have talked with some others internally, and would like to discuss this further." She asked to have a call with us, which we did on October 1, 2020.

On October 7, 2020, we sent the Third Party Payor Agreement to Ms. Wasch and advised her of the amount of our fees at that time (\$60k), explained what they were for, and said our hourly rate was discounted to \$350/hour. On October 13, Ms. Wasch wrote to me and said, "It would be helpful if you can provide documentation that the work in question was requested by DARPA or was otherwise performed in the course of Mr. Dagon's employment with Georgia Tech."

In a note on October 21, 2020, I stated, "We have been working hard today on a document that will hopefully provide useful information to help support a change of position within the Attorney General's office." We sent this detailed letter on October 22, 2020, which included the chronology of events. The letter also detailed an email from Manos Antonakakis to Mr. Dagon

on June 16, 2020, regarding their work at issue, stating that “the Dean and the consensus at GT is that...they consider it a work-related issue.”

In an email to Ling-Ling on October 30, 2020, I asked whether “you or the Attorney General had made a determination whether Mr. Dagon’s security research relevant to the grand jury investigation was within the scope of his employment and whether there is an agreement to reimburse Mr. Dagon’s reasonable attorney fees and costs upon the successful completion of the matter.” In this same note, I advised her that if Georgia Tech would not agree to reimbursement of his legal fees that we would seek funding from third parties in the academic freedom and civil liberties communities. On November 4, 2020, she replied to me stating:

After further review, we more clearly understand now the work performed by David Dagon that is at issue here and your position that it was performed within the scope of his employment. Given that this would impact other considerations going forward, particularly attorney representation for David, I am copying Bryan Webb, Deputy Attorney General, on this e-mail so that you can connect with him for further discussion on that point.

We connected with DAG Bryan Webb that day, and on December 23, I wrote to Ling-Ling and noted that it was our understanding that the Attorney General’s Office had authorized Georgia Tech to pay legal fees for Mr. Dagon, and I offered to provide any further documentation needed. On January, 7, 2021, Ms. Wasch advised us, “We are still working through some issues with DOAS, but hope to have a final decision [re the legal fees] next week.” Since the beneficiary of any insurance agreement with DOAS is Mr. Dagon, and not Georgia Tech, we frankly are confused about what issues Georgia Tech might have had to work through with DOAS. Until Mr. Dagon actually files a claim with DOAS, we do not believe DOAS has any role in the process.

We learned that after Mr. Webb had authorized Georgia Tech to pay our fees (he did not authorize any particular amount, nor did he state that the Institute was required to pay our fees), Ms. Wasch raised another issue in the Attorney General’s office, questioning whether a payment of Mr. Dagon’s legal fees by Georgia Tech would violate the gratuities clause in the Georgia state Constitution. It is our understanding that DAG Webb advised your office that such a payment would not be a violation of the gratuities clause. On February 26, 2021, Ms. Wasch wrote me to offer a payment on his legal fees of \$46,462.50, which she calculated to be 50% of the fees incurred (although she had never asked for a current accounting) at a rate of \$150/hour. We rejected that offer.

The Durham investigation involves one of the nation’s highest profile criminal matters, and the other parties involved have engaged some of the top civil and criminal attorneys in the country. This includes high-level former Department of Justice prosecutors, experienced civil and criminal litigators, and senior partners at some of the most prestigious law firms in the country. We understand that the hourly rate for several of the top lawyers involved in this matter runs between \$2000 - \$1100 per hour, and other defense attorneys’ rates are in the \$500 - \$700 per hour range. Mr. Rasch and I generally charge \$595 per hour for this work. When we accepted the engagement, we offered Mr. Dagon a discounted rate of \$350 per hour for each of us.

In other attorney fee award cases (in civil cases where the law permits the payment of attorney's fees), federal and Georgia courts have adopted the so-called "lodestar" test for determining whether fees are "reasonable." This test takes into account, not only the customary fee for similar work, but the sophisticated nature of the case, whether the case is one of "first impression" or is a routine matter, the level of skill and sophistication of counsel (on both sides), the difficulty of the case, and the level of knowledge necessary for a successful outcome.

This matter is one of the most complex investigations in history, pulling from investigations conducted by the FBI, Robert Mueller (the "Mueller investigation") and the House and Senate intelligence committees. It most certainly is not a routine matter and has drawn on our combined expertise regarding (a) the domain name system and legal issues regarding the use of that data, and (b) criminal prosecution and defense cases. This combination of experience is rare, and it is has been invaluable in Mr. Dagon's defense.

Under Georgia's lodestar test, we believe our fees are entirely reasonable in light of the sensitive and sophisticated nature of this investigation, as well as the potential harm, not only to Mr. Dagon, but also to Georgia Tech, DARPA, the millions of dollars in government contracts Georgia Tech may receive for this and similar research, and, finally, to the information security community at large. Our fees are substantially lower than rates charged by other counsel involved in this investigation and, indeed, those typically charged for complex white-collar cases like this, irrespective of jurisdiction.

In her May 10 letter, Ms. Wasch scolded me for providing "zealous representation without first consulting with OCG [sic]." The ethics rules not only require counsel to "act with commitment and dedication to the interests of the client and with zeal in advocacy upon the client's behalf" (see, e.g., Georgia Bar Rule 1.3), but they also preclude communications which would constitute a waiver of applicable privileges (e.g., Georgia Bar Rule 1.6). She then goes on to lecture me about DOAS and the successful defense requirement, nothing that "Otherwise, gratuitously reimbursing expenses for undefined justifications is an inappropriate use of public dollars." (There is her gratuities argument again, even though it has been rejected by the AG's Office.)

Ms. Wasch goes on to some extent in her May 10 letter regarding DOAS and her understanding of their requirements, even stating, "neither the Institute, the AG's Office, nor DOAS has received any evidence that Mr. Dagon was charged or indicted with any criminal offense." How does she know what DOAS has received? Again, no claim has been filed with DOAS, and the Institute is not a beneficiary of the DOAS policy. Moreover, being charged or indicted is not a requirement for DOAS reimbursement.

Ms. Wasch also incorrectly states, "To be eligible for DOAS reimbursement, the state employee's criminal matter must have been successfully defended; meaning the employee was acquitted or the matter dismissed *and* the action has been concluded." This is incorrect. The formation of a Grand Jury is not formally announced and neither is its dissolution. Neither the public nor counsel are informed of when a grand jury has concluded its work. Moreover, Mr. Dagon is entitled to legal representation before a grand jury even if he is not the target of a grand jury and is never indicted. Put simply, a federal grand jury investigation is a "criminal

proceeding” whether any charges are ever levied against anyone. *United States v. Awadallah*, 349 F.3d 42, 52 (2d Cir. 2003).

We have spoken to DOAS and are fully aware of their requirements. Indictment or the bringing of charges (and ultimate dismissal or acquittal on those charges) is not a prerequisite for DOAS reimbursement. Indeed, a “successful defense” in a criminal matter includes convincing the prosecutor and the grand jury that the person and the institution they represent have done nothing unlawful, and therefore no charges are ultimately brought against either party. As you know, we were able to obtain full statutory immunity for Mr. Dagon with respect to the Grand Jury proceedings. This also is a “successful defense.”

Because of her repeated interactions with DOAS and her emphatic statements stressing their policy, we hope that Ms. Wasch has not done anything to prejudice DAOS against a potential claim Mr. Dagon may file with DOAS.

Ms. Wasch further accused Mr. Dagon of not following “our internal processes for requesting representation” and said “he did not engage with our legal team or ask for Georgia Tech’s consent when engaging your firm.” We have asked her for a copy of whatever policy or processes he should have followed, but she has not provided this information. Then, she states in her May 10, 2021 letter that his “failure to provide complete information...hampered OCG’s [sic] ability to determine whether...Mr. Dagon...was eligible for representation by the Georgia Attorney General’s office.” This is false. The Attorney General’s office already advised us that they could not represent Mr. Dagon; they do not represent individuals. Moreover, a State law enforcement agency could not ethically represent an individual in a federal criminal investigation.

Lack of Professional Respect

Third, Ms. Wasch’s remarks in her May 10 letter shows a lack of respect for my firm’s legal capabilities, especially those of Mark Rasch, who spent ten years prosecuting criminal cases at the Department of Justice. Mr. Rasch initiated the Department of Justice’s computer crime unit, investigated and prosecuted electronic espionage cases during the height of the cold war, prosecuted a U.S. Presidential candidate, prosecuted *la cosa nostra* in New York, drafted the federal computer crime statute, prosecuted the first case under that statute, worked intimately with (then) Senator Sam Nunn on establishing a federal/private information sharing center to protect the financial industry against cyber-crimes (the FS/ISAC), has tried more than 40 criminal cases, handled dozens of federal appeals, filed amicus briefs before the United States Supreme Court, and has taught evidence law, computer law, white collar criminal law (and grand jury practice) at a dozen academic institutions, as well as the Federal Law Enforcement Training Center, the FBI National Academy, the Attorney General’s Advocacy Institute at the Department of Justice, and the U.S. Army War College.

In attacking my credentials, Ms. Wasch also states that “you only point to articles you published in an ABA cybersecurity publication.” Wrong. My experience includes practicing law in two top tier New York law firms, and providing legal advice to the U.S. Department of Homeland Security for eight years on the types of communications traffic data – including DNS data – that are legal for use by cybersecurity researchers. In addition to my advice, this work also resulted

in two books authored by me and published by the American Bar Association: the *Legal Guide to Cybersecurity Research* and the *Legal Guide to Botnet Research*. These books are intended to be used by Institutional Review Boards, attorneys, cybersecurity researchers, and personnel responsible for overseeing cybersecurity research. This latter publication includes the following acknowledgement:

This publication was developed as a component of a technical research project led by Georgia Institute of Technology on “Countering Botnets: Anomaly-Based Detection, Comprehensive Analysis, and Efficient Mitigation.” Wenke Lee served as Principal Investigator (PI), with Nick Feamster and Jon Giffin serving as co-PIs....The author gratefully acknowledges the assistance and the technical expertise provided by Wenke Lee and David Dagon during the development of this publication.

Ms. Wasch insinuates that this “experience” is insufficient to justify our representation of Mr. Dagon. Indeed, it is this exact experience that has proven invaluable in defending Mr. Dagon and getting the Special Counsel to back off allegations that Georgia Tech’s use of the data was improper or illegal. Ms. Wasch also mistakenly concludes that we imply the Georgia Attorney General’s Office would be “inferior counsel.” No, we do not. We are implying that any private sector criminal counsel that you might retain to represent Mr. Dagon in this matter at the rate of \$150/hour would likely have experience inferior to ours.

I hope this background is helpful to you. I have attached a complete time log for our work on behalf of Mr. Dagon. We are willing to have a call to discuss any questions or concerns you may have. Thank you for your consideration. I look forward to your response and hope we can work together to quickly resolve this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Jody R. Westby".

Jody R. Westby, Esq.
Admitted in DC, PA, CO

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 8/5/2020 | Westby | T/c w/ D. Dagon re GJ subpoena & representation; t/c w/ M. Rasch re same. | 1.7 |
| 8/6/2020 | Westby | Review email from D. Dagon & docs; reply | 1.5 |
| 8/7/2020 | Westby | Email to D. Dagon re info needed; t/c w/ D. Dagon; t/c w/ M. Rasch; review doc from D. Dagon | 2.5 |
| 8/9/2020 | Rasch | T/c w/ Common Counsel review white papers; Review Just Security article; revise letter to AUSA; identify expert witnesses; | 3.3 |
| 8/10/2020 | Westby | Review email from M. Rasch & draft response to subpoena; t/c w/ D. Dagon & M. Rasch | 2.0 |
| 8/11/2020 | Westby | Review notes from D. Dagon & docs | 2.0 |
| 8/12/2020 | Westby | T/c w/ D. Dagon; review docs from D. Dagon; review email from M. Rasch to K. Wasch | 2.5 |
| 8/13/2020 | Rasch | Revise letter to AUSA; call to T. Fuhrman | 3.5 |
| 8/16/2020 | Westby | T/c w/ D. Dagon | 1.0 |
| 8/17/2020 | Rasch | Response to K. Wasch; t/c w/ J. Westby | 2.8 |
| 8/17/2020 | Westby | T/c w/ D. Dagon; t/c w/ K. Wasch | 2.0 |
| 8/18/2020 | Rasch | Draft subpoena; review docs/articles | 1.7 |
| 8/19/2020 | Rasch | Eft subpoena response; review documents, legal research re joint defense | 4.4 |
| 8/19/2020 | Westby | T/c w/ D. Dagon; review doc from D. Dagon; edit response to subpoena | 2.5 |
| 8/23/2020 | Rasch | Refine letter; review Senate Intel rpt; review Ankura and Mandiant rpts; | 3.6 |
| 8/24/2020 | Rasch | T/c w/ AUSA; review docs; research | 1.8 |
| 8/24/2020 | Westby | Review note from D. Dagon & doc; t/c w/ AUSA | 2.0 |
| 8/25/2020 | Rasch | Call w/ Common counsel t/c w/ D. Dagon; review documents & online research | 3.3 |
| 8/25/2020 | Westby | Review note from D. Dagon & article at link; email joint defense counsel & respond to reply; email K. Wasch | 1.0 |
| 8/26/2020 | Rasch | T/c w/ Common counsel; review GT policies; draft response re scope of investigation; prepare response to AUSA | 4.7 |
| 8/26/2020 | Westby | Review note from D. Dagon & reply; t/c w/ joint defense counsel (2); email joint defense counsel | 3.5 |
| 8/27/2020 | Rasch | F/up w/ Common counsel (2); review Alfa Bank docs; review Senate Intel rpt; review Dagon info; t/c w/ K. Wasch | 4.1 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 8/27/2020 | Westby | T/c w/ D. Dagon; review articles from links from D. Dagon; review email from K. Wasch; t/c w/ K. Wasch & M. Rasch; review reply from joint defense counsel; emails w/ joint defense counsel | 3.5 |
| 8/28/2020 | Rasch | T/c w/ joint defense; review civil subpoena demands; review strategy; revise response; t/c w/ D. Dagon | 6.8 |
| 8/28/2020 | Westby | Review notes and doc from D. Dagon; t/c w/ joint defense attys; t/c w/ D. Dagon | 3.0 |
| 8/29/2020 | Rasch | Review articles; review draft white paper; t/c w/ D. Dagon; develop strategy re DNS records | 4.9 |
| 8/31/2020 | Westby | Review docs from D. Dagon; t/c w/ D. Dagon | 2.5 |
| 9/1/2020 | Westby | Call Common Counsel; review email from joint defense counsel & reply | 0.5 |
| 9/2/2020 | Westby | Review note from D. Dagon; review articles; email joint defense counsel re sharing response to AUSA; email joint counsel re draft letter; emails w/ joint defense counsel; t/c w/ joint defense counsel | 2.5 |
| 9/3/2020 | Westby | Review email from joint defense counsel; review PA & FL civil cases; email D. Dagon & joint defense counsel re same | 1.5 |
| 9/4/2020 | Westby | Review note from D. Dagon; t/c w/ D. Dagon; edit response to letter to AUSA; send letter to K. Wasch for GT review; reply note to D. Dagon; t/c w/ joint defense counsel | 3.5 |
| 9/5/2020 | Westby | Send note to D. Dagon; review email from joint defense counsel & white papers; review white papers; share draft letter to AUSA w/ joint defense counsel | 1.5 |
| 9/7/2020 | Westby | Review note from D. Dagon; reply; review email from joint defense counsel & reply | 0.6 |
| 9/8/2020 | Westby | Review third white paper from joint defense counsel; send note to D. Dagon; t/c w/ D. Dagon; t/c w/ joint defense counsel | 2.5 |
| 9/10/2020 | Westby | Review email from joint defense counsel and anonymous email; t/c w/ joint defense counsel; t/c w/ M. Rasch; email K. Wasch | 2.0 |
| 9/11/2020 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel | 2.0 |
| 9/12/2020 | Westby | T/c w/ M. Rasch; t/c to Common Counsel; email joint defense counsel & respond to reply | 0.8 |
| 9/14/2020 | Rasch | Review letter from joint counsel; t/c w/ D. Dagon | 1.0 |
| 9/14/2020 | Westby | T/c w/ D. Dagon; review email from joint defense counsel & reply; t/c w/ joint defense counsel (2); review anonymous vmail; | 3.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 9/15/2020 | Rasch | T/c w/ D. Dagon | 0.8 |
| 9/15/2020 | Westby | T/c w/ D. Dagon; research articles; email D. Dagon re anonymous vmail; review email from joint defense counsel & civil subpoenas; t/c w/ joint defense counsel | 4.0 |
| 9/16/2020 | Rasch | T/c w/ joint counsel; review subpoena compliance; t/c w/ J. Westby re K. Wasch reply | 2.7 |
| 9/16/2020 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel; review email from K. Wasch & reply | 1.5 |
| 9/22/2020 | Rasch | Research scope of employment, sovereign immunity duty to reimburse; draft letter to GT; | 4.7 |
| 9/22/2020 | Westby | T/c w/ D. Dagon; review email from M. Rasch; email joint defense counsel | 2.3 |
| 9/23/2020 | Rasch | T/c w/ joint counsel; research third party payment; draft letter to GT | 1.0 |
| 9/23/2020 | Westby | T/c w/ D. Dagon; review email from K. Wasch; draft letter to K. Wasch re Dagon employment & legal fees; review docs from D. Dagon; email joint defense counsel | 3.5 |
| 9/24/2020 | Rasch | Draft letter to GT re scope of employment; t/c w/ D.Dagon; t/c w/ joint counsel; review LW letter to AUSA; research DOJ policies & practices; | 6.3 |
| 9/24/2020 | Westby | T/c w/ D. Dagon; review notes from D. Dagon; emails w/ joint defense counsel | 3.0 |
| 9/25/2020 | Rasch | T/c w/ N. McQuaid | 0.7 |
| 9/25/2020 | Westby | Notes to/from D. Dagon; t/c w/ D. Dagon; t/c w/ joint defense counsel (2) | 3.5 |
| 9/27/2020 | Westby | Review notes from D. Dagon; review note from joint defense counsel & review draft letter; reply to joint defense counsel | 0.8 |
| 9/28/2020 | Rasch | Draft memo to GT on scope of employment; research DOJ policies/ t/c w/ D. Dagon | 2.8 |
| 9/28/2020 | Westby | T/c w/ D. Dagon; send draft letter to K. Wasch to D. Dagon for review; t/c w/ joint defense counsel re draft letter | 2.5 |
| 9/29/2020 | Westby | Review notes from D. Dagon; t/c w/ D. Dagon; review civil subpoenas; email joint defense counsel; email joint defense counsel; t/c w/ joint defense counsel; review email from joint defense counsel & reply | 4.0 |
| 9/30/2020 | Rasch | T/c w/ D. Dagon re Ankura rpt; review civil allegations, Senate Intel rpt, Mandiant rpt; | 2.9 |
| 9/30/2020 | Westby | T/c w/ D. Dagon & M. Rasch; review email from K. Wasch & reply | 2.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 10/1/2020 | Rasch | Tel call D. Dagon/J Westby Re expert witness and scope of employment; call w P Vixie Re: Data Availability and analysis | 2.7 |
| 10/1/2020 | Westby | T/c/ w/ D. Dagon; review notes and doc from D. Dagon; t/c w/ K. Wasch & L. Nie; email joint defense counsel re expert witnesses | 5.0 |
| 10/2/2020 | Rasch | Review Pastebin postings, public posting, articles; draft third party payor agreement | 1.8 |
| 10/2/2020 | Westby | T/c w/ D. Dagon; review notes & doc from D. Dagon; t/c w/ researcher; email joint defense counsel | 6.0 |
| 10/4/2020 | Westby | Review notes from D. Dagon | 0.5 |
| 10/6/2020 | Rasch | Zoom Meeting w J Westby Re Third Party Payor/Indemnification Agreement, scope of employment; tel cal w/ joint defense | 6.8 |
| 10/6/2020 | Westby | Review notes from D. Dagon; mtg w/ M. Rasch; draft Third Party Payor agreement; t/c w/ D. Dagon; review email from joint defense counsel & reply; email joint defense counsel | 3.5 |
| 10/7/2020 | Rasch | Draft Letter to Ling Ling/GT & K Walsh Re Joint Defense and Scope of Employment; review Filkins article; tel calls w/ joint counsel; tel cal w J. Westby | 10.3 |
| 10/7/2020 | Westby | T/c w/ D. Dagon re status; review new Filkins article; article on DOJ changing policy on election interference; emails to joint defense counsel; email L. Nie & K. Wasch; | 3.5 |
| 10/8/2020 | Rasch | Tel Call D Dagon, Review Alfa Bank documents, Review D Dagon Analysis, Draft response to Alfa Bank theories, Cendyne Claims, map claims to DNS records and D Dagon presentation; edit response to subpoena; tel cal w J. Westby | 7.2 |
| 10/8/2020 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon re status; prepare summary doc of claims/issues, utility of report; t/c w/ D. Dagon re same; email joint defense counsel re summary doc; | 5.0 |
| 10/9/2020 | Rasch | Tel Cal Common Counsel, J Westby - | 1.6 |
| 10/9/2020 | Westby | Arrange call w/ joint defense to discuss summary paper & strategy | 0.5 |
| 10/10/2020 | Rasch | Tel Cal Common counsel, J Westby | 1.9 |
| 10/11/2020 | Rasch | Review Mark Bradmy article, tel call w J Westby, Review online postings re Alfa Bank litigation | 3.9 |
| 10/12/2020 | Westby | T/c w/ joint defense counsel (2); t/c w/ D. Dagon; review online postings | 2.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 10/13/2020 | Rasch | Tel Call J Westby, call we Common counsel; tel cal w D. Dagon | 4.0 |
| 10/13/2020 | Westby | T/c w/ joint defense counsel; T/c w/ D. Dagon; review email from K. Wasch; t/c w/ D. Dagon & M. Rasch re same; T/c w/ joint defense counsel; t/c w/ D. Dagon re anonymous writer; | 4.0 |
| 10/14/2020 | Rasch | Review Epoch Times posting, expert witness reports, Alfa Bank defenses; tel cal D. Dagon J. Westby | 3.2 |
| 10/14/2020 | Westby | T/c w/ D. Dagon re anonymous docs; draft response to K. Wasch; email D. Dagon & M. Rasch re same | 4.5 |
| 10/15/2020 | Rasch | Research - scope of employment, GA state regulations, reimbursement policies, AG policies | 3.8 |
| 10/15/2020 | Rasch | Draft talking points memo - Tel Call J Westby | 2.7 |
| 10/15/2020 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon & M. Rasch re response to GT; review memo from D. Dagon; email K. Wasch requesting t/c; research faculty handbook and GT research policies; develop talking points for call w/ GT; email to D. Dagon & M. Rasch for review; | 6.5 |
| 10/15/2020 | Rasch | Review GT Faculty Manual, GT Lawsuits and settlements, AG litigation, Restatement Agency, LOAS policies | 2.9 |
| 10/16/2020 | Rasch | Tel Call A. McReedy re IU reimbursement policy; Tel Call Re Alfa Bank Lawsuit J Westby- Review Alfa Complaint, Amicus briefs; tel cal w common counsel; legal research – privilege issues, foreign prosecution | 6.8 |
| 10/16/2020 | Westby | Review email from AUSA & subpoena; forward to D. Dagon; t/cs w/ joint defense counsel; review reply from K. Wasch & reply; t/c w/ D. Dagon; review amicus filing by EFF | 4.5 |
| 10/17/2020 | Westby | Review email from joint defense counsel & reply; email joint defense counsel | 0.2 |
| 10/18/2020 | Westby | Review report from joint defense counsel; t/c w/ D. Dagon; t/c w/ J. Levine; prepare Kovel agreement & email to J. Levine; review news articles & email to D. Dagon & M. Rasch | 6.0 |
| 10/19/2020 | Westby | T/c w/ K. Wasch & LL Nie; t/c w/ D. Dagon; t/c w/ M. Rasch; | 2.5 |
| 10/20/2020 | Westby | Draft letter to LL Nie; revise notes from M. Rasch | 3.0 |
| 10/21/2020 | Westby | Revise letter to LL Nie; t/c w/ M. Rasch re edits to draft; t/c w/ D. Dagon; email LL Nie; | 6.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 10/22/2020 | Westby | Review edits from D. Dagon; edit letter to LL Nie; review edits from M. Rasch; review legal research; finalize letter to LL Nie; email letter to LL Nie | 5.5 |
| 10/23/2020 | Westby | T/c w/ M. Rasch to prepare for call w/ AUSA; t/c w/ A. DeFilippis; t/c w/ M. Rasch & D. Dagon; t/c w/ joint defense counsel; review email re deadline for civil case ID of Jane/John Does | 4.5 |
| 10/24/2020 | Westby | Review email from A. DeFilippis & reply; t/c w/ M. Rasch; t/c w/ D. Dagon | 2.0 |
| 10/27/2020 | Westby | Email joint defense counsel re call; review docs in file | 1.0 |
| 10/28/2020 | Westby | T/c w/ joint defense counsel; review Alfa civil suits (Bean & Fridman); t/c w/ M. Rasch | 2.7 |
| 10/30/2020 | Westby | Email LL Nie re response to letter | 0.3 |
| 11/4/2020 | Rasch | Tel Call Common counsel J Westby | 0.2 |
| 11/4/2020 | Westby | Review email from LL Nie; Email B. Webb; review reply from B. Webb to schedule call; t/c w/ D. Dagon; review email from joint defense counsel & reply | 2.8 |
| 11/5/2020 | Rasch | Review expert witness documents. Jones Report, tel cal D Dagon, J Westby, tel cal common counsel, tel cal B Webb, tel cal former GA State AG, revise scope of employment memo | 10.8 |
| 11/5/2020 | Westby | T/c w/ M. Rasch; t/c w/ B. Webb; t/c w/ D. Dagon; email B. Webb w/ 1st ltr and 3rd party payor agreement | 2.3 |
| 11/9/2020 | Rasch | T/c w/Common Counsel review media reports; review draft letter from Common Counsel; tel cal former GA AG, draft letter to DeFilippis, tel cal w J. Westby | 8.4 |
| 11/9/2020 | Westby | Joint defense counsel call; review draft letter to AUSA; edit letter; email letter to AUSA; review response & discuss w/ M. Rasch; emails to joint defense counsel | 2.5 |
| 11/10/2020 | Rasch | Tel Call Common Counsel J Westby, tel cal D. Dagon | 2.4 |
| 11/10/2020 | Westby | Review emails from AUSA re letter; emails to joint defense counsel; t/cs w/ joint defense counsel; email D. Dagon re same; draft reply letter to AUSA; t/c w/ M. Rasch re same; email AUSA w/ response | 5.5 |
| 11/11/2020 | Rasch | Tel Call A Fillipis, J Westby.Fuhrman, et al - re privilege and grand jury, draft letter to DeFilippis re privilege, tel calls common counsel J Westby | 5.5 |
| 11/11/2020 | Westby | T/c w/ AUSA; emails w/ joint defense counsel; t/cs w/ joint defense counsel; email to D. Dagon re signing document for AUSA; | 4.0 |
| 11/12/2020 | Rasch | Review DeFilippis letters to counsel; tel cal J Westby | 2.2 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 11/12/2020 | Westby | Email executed docs to AUSA; review email from AUSA re response to letter & FBI interviews; t/c w/ M. Rasch | 2.0 |
| 11/15/2020 | Westby | Email response to AUSA re FBI interviews | 0.2 |
| 11/18/2020 | Rasch | Tel Call common counsel Westby | 1.0 |
| 11/18/2020 | Westby | Email B. Webb re fee issue; t/c w/ joint defense counsel; | 1.2 |
| 11/20/2020 | Rasch | Tel Call common counsel Westby | 0.9 |
| 11/24/2020 | Westby | Email B. Webb re fee issue; arrange for t/c; | 0.2 |
| 11/25/2020 | Rasch | Redraft Third Party Payor Agreement/Tel Call B Webb J Westby | 3.2 |
| 11/25/2020 | Westby | T/c w/ B. Webb; revise third party payor agreement per t/c w/ B. Webb; email to B. Webb | 1.0 |
| 11/26/2020 | Rasch | Meeting with J Westby | 0.5 |
| 12/7/2020 | Rasch | Meeting w J Westby RE Status, call w B. Webb, Draft letter to B. Webb | 2.0 |
| 12/7/2020 | Westby | T/c w/ D. Dagon; email B. Webb re status; | 0.6 |
| 12/8/2020 | Rasch | Call to K. Wasch; draft response to AUSA; call to J. Westby, redraft letter to B. Webb, mtg w J Westby | 5.9 |
| 12/8/2020 | Westby | T/c w/ joint defense counsel; review email from B. Webb & reply | 0.7 |
| 12/20/2020 | Rasch | Review Forbes Article Re Investigation, research Georgia constitution, gratuities clause | 1.8 |
| 12/29/2020 | Rasch | Tel Call w Common Counsel Re Investigation | 1.0 |
| 12/29/2020 | Westby | T/c w/ joint defense counsel re subpoenas to GJ | 1.0 |
| 1/25/2021 | Rasch | Tel cal w Common Defense, research BAA and joint defense issues, | 1.0 |
| 1/25/2021 | Westby | Email to B. Webb re legal fees; review BAA; forward to joint defense counsel; draft letter to B. Webb | 2.7 |
| 1/26/2021 | Westby | T/c w/ joint defense counsel re subpoena to GJ & documents produced; research reimbursement of legal fees by DOAS; draft letter to B. Webb | 3.5 |
| 1/27/2021 | Rasch | Draft Letter to Ling Ling Re: Scope of Independent Counsel Investigation, letter to B. Webb, DOAS policy and DARPA, Tel Call former GA AG Re: Indemnification | 4.2 |
| 1/28/2021 | Rasch | Research - scope of immunity, 18 USC 6001, act of production, agency | 3.0 |
| 1/28/2021 | Westby | Email joint defense counsel re 5th A & review replies; draft letter to B. Webb | 4.5 |
| 1/29/2021 | Rasch | Draft Letter to AG Webb RE Scope of Employment, | 4.2 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 1/29/2021 | Westby | Research gratuities clause; finalize letter to B. Webb; email B. Webb w/ letter | 3.5 |
| 1/30/2021 | Rasch | Research - Trump Russia Cyberattack reports, news articles | 3.3 |
| 2/3/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 2/22/2021 | Westby | Review emails from joint defense counsel re Alfa; request for joint defense call | 0.5 |
| 2/23/2021 | Westby | Email Ling-Ling re legal fees | 0.2 |
| 2/26/2021 | Rasch | Tel Call S. Common Defense Counsel, Email re legal fees, Joint defense call w J. Westby | 1.2 |
| 2/26/2021 | Westby | Review email from K. Wasch re legal fee payment; discuss w/ M. Rasch; joint defense call; t/c w/ D. Dagon | 3.3 |
| 2/28/2021 | Westby | Review email from joint defense counsel; reply | 0.2 |
| 3/1/2021 | Rasch | Revise Letter to G Tech re legal fees, tel cal w J. Westby and common counsel | 1.8 |
| 3/1/2021 | Westby | T/c w/ joint defense counsel; send docs to joint defense | 0.8 |
| 3/2/2021 | Westby | T/c w/ joint defense counsel; review file; send docs; draft letter to GT re legal fees | 1.6 |
| 3/3/2021 | Westby | Conduct research re applicability of DNS data to wiretap, PR/TT, Stored Comm Act; draft note re findings; email M. Rasch re prep for call w/ B. Webb; Review email from B. Webb re legal fees | 2.5 |
| 3/4/2021 | Rasch | Research DOAS policies/ Reimbursement, research SCA, trap and trace, tel cal w J. Westby; draft letter to AG re reimbursement, draft letter to LL, tel cal D Dagon | 6.5 |
| 3/4/2021 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel; review letter to GT re legal fees; email D. Dagon re letter to GT re legal fees | 3.0 |
| 3/5/2021 | Westby | T/c w/ joint defense counsel (2); revise letter to GT to include DOAS reimbursement | 2.5 |
| 3/6/2021 | Westby | Research applicability of DNS data to pen register/trap trace & stored comm act; email joint defense counsel re same | 1.3 |
| 3/7/2021 | Westby | Email joint defense counsel re Alfa litigation | 0.3 |
| 3/8/2021 | Westby | Email to DOAS re reimbursement; view reply; schedule call; review email from joint defense re Alfa litigation | 0.6 |
| 3/9/2021 | Rasch | T/c w/ joint defense counsel; t/c w/ DOAS, review Alfa Bank subpoena; research DNS record availability; | 3.9 |
| 3/9/2021 | Westby | T/c w/ DOAS re legal fee reimbursement | 0.5 |
| 3/10/2021 | Westby | Review email from joint defense re docs from Alice; email K. Wasch & Ling-Ling re letter re legal fee offer | 1.5 |
| 3/11/2021 | Rasch | Tel call to D Dagon, | 2.2 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 3/14/2021 | Westby | Review emails from joint defense re 5th A & reply | 0.6 |
| 3/17/2021 | Rasch | Research GT Policies, review docs from K Wasch and Ling Ling, fee research | 1.9 |
| 3/19/2021 | Rasch | Review DARPA contract and policies, tel cal w consulting counsel re DARPA reimbursement policies, duty to defend contract | 4.2 |
| 3/19/2021 | Westby | Review research on FAR & payment of legal fees | 0.5 |
| 3/20/2021 | Rasch | Research FAR requirements reimbursement of attorney fees | 3.8 |
| 3/22/2021 | Rasch | Research - GA AG Policies - Conflict of Interest and dual representation, | 2.7 |
| 3/23/2021 | Westby | Email K. Wasch re call to discuss fees; | 0.2 |
| 3/26/2021 | Westby | Email Ling-Ling & K. Wasch re legal fees; review reply | 0.2 |
| 3/29/2021 | Rasch | Tel Call w Common Defense Counsel, tel cal w J. Westby, follow up research | 1.0 |
| 3/29/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 3/30/2021 | Westby | Email joint counsel; T/c w/ joint defense counsel; research BAA | 1.3 |
| 3/31/2021 | Westby | Review email from joint counsel; research response; reply | 0.8 |
| 4/1/2021 | Westby | Email K. Wasch & Ling-Ling re legal fees; review email from D. Lunon re legal fees | 0.9 |
| 4/2/2021 | Westby | Email to D. Lunon; email joint defense counsel | 0.3 |
| 4/5/2021 | Westby | Review email from D. Lunon re legal fee status | 0.1 |
| 4/9/2021 | Rasch | Draft letter to GT counsel re scope of employment; t/c | 1.3 |
| 4/15/2021 | Westby | Review draft letter to DOAS | 0.3 |
| 4/21/2021 | Westby | Review email from joint defense counsel; reply | 0.2 |
| 4/21/2021 | Rasch | Letter to DOAS, common counsel email | 0.5 |
| 4/22/2021 | Westby | Email D. Dagon re DOAS letter | 0.2 |
| 4/26/2021 | Westby | Email D. Lunon re legal fee issue | 0.3 |
| 4/28/2021 | Westby | Review email from D. Lunon re fees & reply | 0.5 |
| 5/6/2021 | Westby | Emails to joint defense counsel ; t/c w/ joint defense counsel | 1.0 |
| 5/6/2021 | Rasch | Tel Call w Common Defense Counsel re joint defense | 1.4 |
| 5/7/2021 | Westby | T/c w/ joint defense counsel; review emails from joint defense counsel & reply | 1.0 |
| 5/8/2021 | Rasch | Call w/ J. Westby re subpoena; review subpoena; call w/ D. Dagon re same | 2.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 5/9/2021 | Rasch | T/c w/ Common Counsel review white paper; review Tea Pain reports; draft response to AUSA; review DNS availability | 5.5 |
| 5/10/2021 | Westby | Review letter from K. Wasch re legal fees; t/c w/ joint defense counsel; emails w/ joint defense counsel | 1.4 |
| 5/11/2021 | Westby | T/c w/ joint defense counsel; draft response to GT letter re fees | 3.5 |
| 5/12/2021 | Westby | T/c w/ joint defense counsel; draft response to GT letter re fees; email D. Dagon | 2.5 |
| 5/12/2021 | Rasch | Tel Cal Common Counsel - letter to Wasch/Ling Ling | 1.9 |
| 5/14/2021 | Westby | Edit GT letter re fees; email D. Dagon | 2.5 |
| 5/17/2021 | Westby | Edit GT letter; email D. Dagon; | 2.0 |
| 5/19/2021 | Westby | Review email from D. Dagon; t/c w/ D. Dagon | 1.6 |
| 5/20/2021 | Rasch | Revise letter to Kate re legal fees | 1.0 |
| 5/20/2021 | Westby | Review edits to GT letter from M. Rasch; email M. Rasch re same | 1.5 |
| 5/21/2021 | Westby | Review edits to GT letter; | 1.0 |
| 6/8/2021 | Rasch | Research GJ & special counsel, review subpoena, prepare draft response | 1.2 |
| 6/23/2021 | Rasch | Common Interest Call w Common Counsel, research re scope of privilege, Klein issues | 1.2 |
| 6/23/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 6/24/2021 | Westby | Review docs from joint defense counsel; email joint defense counsel | 0.5 |
| 6/29/2021 | Westby | T/c w/ joint defense counsel; email M. Rasch re same; email joint defense counsel | 1.2 |
| 6/29/2021 | Rasch | Research - Articles on Investigation, tel call J. Westby | 2.7 |
| 6/30/2021 | Westby | T/c w/ D. Dagon; review email from joint defense counsel re Alfa activity; t/c w/ joint defense counsel | 2.6 |
| 6/30/2021 | Rasch | Tel Call D. Dagon J. Westby | 2.0 |
| 7/1/2021 | Westby | T/c w/ joint defense counsel (3) | 1.5 |
| 7/1/2021 | Rasch | Tel Call w Common counsel - research caselaw | 1.2 |
| 7/2/2021 | Rasch | Tel Call w Common Defense Counsel | 1.2 |
| 7/2/2021 | Westby | T/c w/ joint defense counsel; review letter from joint defense counsel | 0.8 |
| 7/5/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 7/6/2021 | Rasch | Call w joint defense counsel | 1.0 |
| 7/6/2021 | Westby | Review email from DeFilippis & reply; t/c w/ De F; t/c w/ joint defense counsel (3); email to D. Dagon | 2.8 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 7/7/2021 | Westby | T/c w/ joint defense counsel; review email from DeF & proffer agreement; reply to DeF re same | 1.2 |
| 7/7/2021 | Rasch | Tel Cal Common Counsel - DeFilippis, J. Westby, proffer session | 1.0 |
| 7/8/2021 | Rasch | T/c w/ J. Westby; review subpoena response; draft response to subpoena | 1.0 |
| 7/8/2021 | Westby | T/c w/ joint counsel; Review emails from DeF & reply | 0.7 |
| 7/9/2021 | Rasch | Tel Call w D. Dagon; tel call common interest | 3.9 |
| 7/9/2021 | Westby | T/c w/ DeF; t/c w D. Dagon; review docs from D. Dagon; | 3.0 |
| 7/10/2021 | Rasch | Research on Prosecutorial Misconduct | 4.0 |
| 7/10/2021 | Westby | Draft letter to DeF; review email from DeF; | 1.0 |
| 7/12/2021 | Rasch | Tel call w A DeF - legal ethics, threats of prosecution | 1.0 |
| 7/12/2021 | Westby | T/c w/ S. Saltzburg; review doc from D. Dagon; edit letter to DeF; T/c w/ joint counsel | 2.4 |
| 7/13/2021 | Rasch | Common Interest Call w Counsel; tel cal D Dagon | 4.8 |
| 7/13/2021 | Westby | Review email from DeF & subpoena; t/c w/ D. Dagon; t/c w/ joint counsel(2); email S. Saltzburg; finalize letter to DeF & send; review email from DeF & reply; emails to D. Dagon; emails to joint defense counsel | 4.7 |
| 7/14/2021 | Rasch | Common Interest calls; tel cal D Dagon J Westby | 5.3 |
| 7/14/2021 | Westby | T/c w/ joint defense counsel (6); review email from DeF; t/c w/ DeF; review doc from D. Dagon | 5.7 |
| 7/15/2021 | Rasch | Letter to DeF; tel cal common interest; tel cal Christian F re fees | 4.0 |
| 7/15/2021 | Westby | T/c w/ C. Fuller re legal fees, Dagon status; review doc from D. Dagon; review draft letter to DeF; emails to S. Saltzburg; review emails from joint defense counsel; t/c w/ joint defense counsel; t/c w/ D. Dagon; email letter to DeF | 4.5 |
| 7/16/2021 | Rasch | Call w D Dagon | 2.0 |
| 7/16/2021 | Westby | Review email from DeF & reply; discuss dates for testimony; t/c w/ D. Dagon; t/c w/ DeF; send D. Dagon draft letter re immunity | 3.5 |
| 7/17/2021 | Rasch | Common Interest Call | 1.0 |
| 7/17/2021 | Westby | Review email from DeF re testimony; t/c w/ D. Dagon; t/c w/ joint defense counsel | 2.4 |
| 7/19/2021 | Rasch | Grand Jury Prep | 2.0 |
| 7/19/2021 | Westby | T/c w/ joint defense counsel; email D. Dagon re DOJ reimbursement; emails w/ joint defense counsel | 0.8 |
| 7/20/2021 | Rasch | Subpoena duces tecum review; tel cal J Westby | 4.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 7/20/2021 | Westby | Review email from C. Fuller re note from DARPA GC & document production & reply; email DeF re testimony & documents; review email from DeF & reply; t/c w/ D. Dagon | 4.8 |
| 7/21/2021 | Rasch | FRCrim P 6 research; tel call common counsel, tel cal w GA AG Beth Young, tel cal w J Westby | 5.3 |
| 7/21/2021 | Westby | Review emails from DOJ; review emails from joint defense counsel; review email from E. Young & reply; t/c w/ E. Young; review email from DeF & reply; t/c w/ M. Rasch; t/c w/ D. Dagon; t/c w/ DeF; review email from E. Young & GT subpoena; draft email to DeF re document production | 4.8 |
| 7/22/2021 | Westby | Review doc from D. Dagon; review emails from joint defense counsel; t/c w/ D. Dagon | 1.4 |
| 7/23/2021 | Rasch | Draft letter to DeFilippis re DARPA; tel cal common counsel; tel cal J Westby | 5.0 |
| 7/23/2021 | Westby | Review emails from E. Young & reply; email De F re document production; email E. Young re responsive documents; email D. Dagon | 1.2 |
| 7/24/2021 | Rasch | Review document production; tel call common counsel | 4.7 |
| 7/24/2021 | Westby | Review email from DeF & reply; t/c w/ joint defense counsel; t/c w/ D. Dagon | 4.0 |
| 7/25/2021 | Westby | Email DeF; | 0.2 |
| 7/26/2021 | Rasch | Review documents; research, tel cal w D Dagon, J Westby to prep for mtg w DeF and GJ | 8.0 |
| 7/26/2021 | Westby | Review email from E. Young re doc production & reply; review doc from D. Dagon; Review email from DeF re immunity & reply; review file; mtg w/ D. Dagon | 7.0 |
| 7/27/2021 | Rasch | Tel Call D Dagon to prep; letter to GA AG re document production, review documents | 7.0 |
| 7/27/2021 | Westby | Mtg w/ D. Dagon re DeF meeting & testimony; review emails from E. Young re docs & reply | 8.0 |
| 7/28/2021 | Rasch | Mtg w DeFilippis, mtg w D Dagon, tel calls joint counsel | 10.0 |
| 7/28/2021 | Westby | Mtg w/ DeF; mtg w/ Dagon; review email from joint counsel; joint counsel calls | 12.0 |
| 7/29/2021 | Rasch | Mtg w DeFilippis, mtg w D Dagon, GJ testimony, review docs, tel calls common interest; review Rhamnousia logs | 11.2 |
| 7/29/2021 | Westby | Mtg w/ DeF; GJ testimony; mtg w/ Dagon; review immunity order; review emails from E. Young re Rhamnousia chat logs & reply; t/c w/ joint defense counsel | 11.8 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 7/30/2021 | Rasch | Tel calls joint counsel, review documents, tel cal D Dagon | 4.0 |
| 7/30/2021 | Westby | T/c w/ joint counsel; review docs from D. Dagon; review email from DeF & reply; t/c w/ D. Dagon | 4.3 |
| 8/1/2021 | Westby | Review email from DeF; t/c w/ DeF; t/c w/ Dagon; | 1.7 |
| 8/2/2021 | Rasch | Joint Defense call, tel cal D Dagon J Westby, review docs | 4.0 |
| 8/2/2021 | Westby | Review docs from D. Dagon; review emails from DeF; review emails from E. Young; t/c w/ D. Dagon; review emails from joint defense counsel; email joint defense counsel re docs needed | 4.5 |
| 8/3/2021 | Rasch | Witness preparation, review documents | 4.0 |
| 8/3/2021 | Westby | T/c w/ joint defense counsel (2); review docs from joint defense counsel; review email from DeF and docs; emails w/ DeF re mtgs & testimony; mtg w/ D. Dagon | 8.8 |
| 8/4/2021 | Westby | Mtg w/ D. Dagon; mtg w/ DeF; | 11.0 |
| 8/4/2021 | Rasch | Tel cal w D Dagon, tel cal w DeF & team | 5.5 |
| 8/5/2021 | Rasch | Tel call J Westby, D Dagon | 1.7 |
| 8/5/2021 | Westby | Review emails from joint defense counsel; mtg w/ D. Dagon; GJ testimony; t/c w/ joint defense counsel; review email from DoJ re reimbursement & reply | 6.5 |
| 8/6/2021 | Westby | Review emails from joint defense counsel & reply t/c w/ joint defense counsel (2); | 2.0 |
| 8/9/2021 | Rasch | Common Defense Call, document review | 3.2 |
| 8/9/2021 | Westby | Email DeF documents; t/c w/ joint defense counsel; email docs to joint defense counsel; review docs & file from GJ; review doc from D. Dagon | 7.5 |
| 8/10/2021 | Rasch | Tel cal w J Westby | 1.0 |
| 8/10/2021 | Westby | Review email from joint defense counsel; | 0.5 |
| 8/11/2021 | Rasch | Common Defense comms, tel cal D Dagon | 1.5 |
| 8/11/2021 | Westby | Review doc from D. Dagon; review email from joint defense counsel & reply; | 1.0 |
| 8/12/2021 | Westby | T/c & emails w/ joint defense counsel; t/c w/ D. Dagon | 3.5 |
| 8/13/2021 | Rasch | Review Grand Jury process; OSINT legal review | 3.0 |
| 8/13/2021 | Westby | Email joint defense counsel; | 0.5 |
| 8/14/2021 | Westby | Review email from joint defense counsel; draft letter to DeF; t/c w/ D. Dagon; email joint defense counsel | 1.5 |
| 8/15/2021 | Rasch | Draft letter DeFilippis, tel cal J Westby D Dagon | 4.0 |
| 8/15/2021 | Westby | Review doc from D. Dagon; t/c w/ M. Rasch; draft letter to DeF; review email from DeF w/ Qs to answer; t/c w/ | 6.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| | | D. Dagon; review emails from joint defense counsel; emails to joint defense counsel | |
| 8/16/2021 | Rasch | Tel cal w common counsel, tel cal D Dagon | 3.5 |
| 8/16/2021 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon; draft answers to DeF Qs; | 7.5 |
| 8/17/2021 | Rasch | Witness prep Dagon, research - 1001 caselaw, special counsel, tel cal common counsel | 5.0 |
| 8/17/2021 | Westby | Review doc from D. Dagon; t/c w/ joint defense counsel; edit answers to DeF Qs; email DeF with answers to Q; email joint defense counsel | 5.0 |
| 8/18/2021 | Rasch | Witness prep Dagon, draft responses to DOJ questions | 6.5 |
| 8/18/2021 | Westby | Review email from DeF; review email from M. Rasch re same; email DeF w/ answers; review email from DeF; t/c w/ D. Dagon; reply to DeF | 4.8 |
| 8/19/2021 | Rasch | Mtg w D Dagon, tel cal J Westby, Grand Jury testimony | 6.5 |
| 8/19/2021 | Westby | Review email from DeF; review email from M. Rasch; email DeF; t/c w/ M. Rasch; t/c w/ D. Dagon; review email from J. Eckenrode; t/c w/ M. Rasch; review doc from D. Dagon | 4.3 |
| 8/20/2021 | Rasch | Common Interest Call, tel cal D Dagon | 2.0 |
| 8/21/2021 | Westby | Joint defense counsel call; | 0.5 |
| 8/23/2021 | Rasch | Common Interest call, review docs from D Dagon | 2.4 |
| 8/23/2021 | Westby | Joint defense counsel calls (4); review file docs from D. Dagon; | 3.5 |
| 8/24/2021 | Rasch | Common Interest Call w Common Counsel | 1.5 |
| 8/24/2021 | Westby | Review docs from D. Dagon; t/c w/ joint defense counsel (2); email docs to joint defense counsel; draft letter to DeF | 5.5 |
| 8/25/2021 | Westby | Review doc from D. Dagon; t/c w/ D. Dagon; edit letter to DeF; email joint defense counsel; | 5.4 |
| 8/26/2021 | Rasch | Research Alfa Bank litigation | 2.0 |
| 8/26/2021 | Westby | Draft & finalize letter to DeF; emails to joint defense counsel; email letter to DeF | 6.5 |
| 8/27/2021 | Rasch | Research scope of investigation, DOJ policies, draft letter to DeFilippis, Garland, Durham | 5.0 |
| 8/27/2021 | Westby | Send emails to joint defense counsel; t/c w/ joint defense counsel; review doc from D. Dagon | 2.0 |
| 8/28/2021 | Westby | Review doc from D. Dagon; emails to joint defense counsel & review replies | 2.0 |
| 8/30/2021 | Westby | T/c w/ joint defense counsel (2); emails to joint defense counsel; | 2.8 |
| 8/31/2021 | Westby | Email letter to AG Garland & Durham | 0.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 9/1/2021 | Rasch | Research draft letter to DeF re scope of investigation, tel cal joint counsel, review D. Jones litigation - report | 6.2 |
| 9/3/2021 | Rasch | Tel cal D Dagon J Westby, review docs from D Dagon | 2.3 |
| 9/3/2021 | Westby | Review docs in file; t/c w/ M. Rasch; t/c w/ D. Dagon | 2.5 |
| 9/5/2021 | Rasch | Review documents, emails re press reports | 1.2 |
| 9/16/2021 | Rasch | Common Interest Calls, review indictment, review D. Jones suit, tel cal D Dagon J Westby | 5.5 |
| 9/16/2021 | Westby | Review D. Jones suit against Alfa; review indictment; t/c w/ DeF; emails & t/c w/ joint defense counsel; t/c w/ D. Dagon; review email from J. Durham | 4.5 |
| 9/17/2021 | Rasch | Review Durham response & draft reply; tel call common counsel | 3.7 |
| 9/17/2021 | Westby | T/c w/ joint defense counsel; emails w/ joint defense counsel; review draft response to J. Durham; | 3.0 |
| 9/19/2021 | Westby | Emails w/ joint defense counsel; | 0.5 |
| 9/20/2021 | Rasch | Common Interest Call | 1.2 |
| 9/20/2021 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon; review emails from joint defense counsel & reply | 1.9 |
| 9/21/2021 | Rasch | DOAS research | 1.9 |
| 9/21/2021 | Rasch | Alfa Bank subpoena research | 3.3 |
| 9/21/2021 | Westby | T/c w/ joint defense counsel (2); review Alfa subpoenas; review docs from joint defense counsel; t/c w/ D. Dagon & M. Rasch; review doc from D. Dagon | 4.7 |
| 9/22/2021 | Rasch | Research Alfa Bank litigation, draft letter to GT | 3,4 |
| 9/22/2021 | Westby | T/c w/ joint defense counsel; review file; review Alfa activity & docs; discuss response to Alfa; review draft email to K. Wasch; t/c w/ D. Dagon | 5.5 |
| 9/23/2021 | Westby | Review docs from D. Dagon; review emails from joint defense counsel; t/c w/ joint defense counsel; | 3.5 |
| 9/24/2021 | Rasch | Research motion to quash | 3.4 |
| 9/24/2021 | Westby | Review doc from D. Dagon; t/c w/ joint defense counsel; review file; email C. Fuller re t/c & Alfa; | 3.0 |
| 9/25/2021 | Rasch | Research independent counsel statute | 2.0 |
| 9/28/2021 | Westby | T/c w/ C. Fuller & E. Young; review doc from D. Dagon; | 1.5 |
| 9/28/2021 | Rasch | Tel cal w Christian F & Beth Young, tel cal J Westby | 1.5 |
| 9/29/2021 | Rasch | Research Alfa subpoena - GA law, protective order, tel cal J Westby | 5.7 |
| 9/29/2021 | Westby | Review draft motion to Quash and letter re 5th A re Alfa subpoenas; t/c /w M. Rasch re same; | 2.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|--------------|------------------|---|--------------|
| 9/30/2021 | Rasch | Draft motion to quash, review filings from common counsel, research GA Anti SLAPP | 6.7 |
| 9/30/2021 | Westby | T/c w/ joint defense counsel; review docs; discuss Alfa response; t/c w/ D. Dagon; review doc from D. Dagon | 3.3 |
| 10/1/2021 | Rasch | OSC investigation research; tel call common counsel | 3.3 |
| 10/1/2021 | Westby | Review email from joint defense counsel & Alfa motions; t/c w/ joint defense counsel; review motions from joint defense counsel; email D. Dagon | 4.5 |
| 10/2/2021 | Rasch | Draft letter to Alfa counsel re 5 th A | 2.0 |
| 10/4/2021 | Westby | Review letter re 5 th to Alfa counsel; finalize | 1.5 |
| 10/5/2021 | Westby | Email letter to Alfa Counsel re 5 th , t/c w/ joint defense counsel | 1.4 |
| 10/7/21 | Westby | Review email from C. Fuller & reply; send certified letters to Alfa Counsel re 5 th A | 1.2 |
| TOTAL | | | 938.0 |

TOTAL FEES: 938 hours @ \$350/HOUR = \$328,300.00

On Nov 4, 2020, at 5:33 PM, Nie, Ling-Ling <linglingnie@gatech.edu> wrote:

Hi Jody and Mark:

I apologize for the delay in getting back to you on this, and appreciate your patience as we worked through it on our end. Thank you for providing your chronology of events and additional details, which were very helpful and informative.

After further review, we more clearly understand now the work performed by David Dagon that is at issue here and your position that it was performed within the scope of his employment. Given that this would impact other considerations going forward, particularly attorney representation for David, I am copying Bryan Webb, Deputy Attorney General, on this e-mail so that you can connect with him for further discussion on that point.

With kind regards,
Ling-Ling

From: Nie, Ling-Ling <linglingnie@gatech.edu>
Sent: Wednesday, November 4, 2020 5:34 PM
To: Jody R Westby; Mark Rasch
Cc: Wasch, Kate; Bryan Webb
Subject: Georgia Tech

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.

Hi Jody and Mark:

I apologize for the delay in getting back to you on this, and appreciate your patience as we worked through it on our end. Thank you for providing your chronology of events and additional details, which were very helpful and informative.

After further review, we more clearly understand now the work performed by David Dagon that is at issue here and your position that it was performed within the scope of his employment. Given that this would impact other considerations going forward, particularly attorney representation for David, I am copying Bryan Webb, Deputy Attorney General, on this e-mail so that you can connect with him for further discussion on that point.

With kind regards,
Ling-Ling

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Wednesday, November 18, 2020 8:32 AM
To: Bryan Webb
Cc: Mark Rasch
Subject: Re: Georgia Tech

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.

Dear Bryan,

Thanks again for your time on Nov 5 to discuss David Dagon's legal matter and the payment of his legal fees. We know what a crazy time this is for you, but we wondered if you had been able to make some progress on this. We look forward to hearing from you.

Kind regards,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Nov 5, 2020, at 9:11 AM, Bryan Webb <bwebb@law.ga.gov> wrote:

I can be around at 5:30.

bkw

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
Tel: 404-458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

To: Nie, Ling-Ling <linglingnie@gatech.edu>

Cc: Mark Rasch <rasch@globalcyberlegal.com>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Bryan Webb <bwebb@law.ga.gov>

Subject: Re: Georgia Tech

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.

Dear Ling-Ling and Bryan,

Ling-Ling, thank you for your note. Bryan, are you available for a call at 3:30 pm. tomorrow, Thursday, Nov. 5? If not, what is your availability on Friday? We are facing some external time pressures so sooner is better.

Thank you very much,

Jody

Jody R Westby, Esq.

Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

www.globalcyberlegal.com

On Nov 4, 2020, at 5:33 PM, Nie, Ling-Ling <linglingnie@gatech.edu> wrote:

Hi Jody and Mark:

I apologize for the delay in getting back to you on this, and appreciate your patience as we worked through it on our end. Thank you for providing your chronology of events and additional details, which were very helpful and informative.

After further review, we more clearly understand now the work performed by David Dagon that is at issue here and your position that it was performed within the scope of his employment. Given that this would impact other considerations going forward, particularly attorney representation for David, I am copying Bryan Webb, Deputy Attorney General, on this e-mail so that you can connect with him for further discussion on that point.

With kind regards,

Ling-Ling

> Global Cyber Legal LLC
> +1.202.255.2700
> westby@globalcyberlegal.com
> www.globalcyberlegal.com

>
>
>

> On Nov 18, 2020, at 8:31 AM, Jody R Westby <westby@globalcyberlegal.com> wrote:

>

> Dear Bryan,

> Thanks again for your time on Nov 5 to discuss David Dagon's legal matter and the payment of his legal fees. We know what a crazy time this is for you, but we wondered if you had been able to make some progress on this. We look forward to hearing from you.

> Kind regards,

> Jody

>

> Jody R Westby, Esq.

> Managing Principal

> Global Cyber Legal LLC

> +1.202.255.2700

> westby@globalcyberlegal.com

> www.globalcyberlegal.com

>

>

>

> On Nov 5, 2020, at 9:11 AM, Bryan Webb <bwebb@law.ga.gov> wrote:

>

> I can be around at 5:30.

>

> bkw

>

>

>

>

>

> Bryan Webb

> Deputy Attorney General

> Office of Attorney General Chris Carr

> Government Services & Employment

> Tel: 404-458-3542

> bwebb@law.ga.gov

> Georgia Department of Law

> 40 Capitol Square SW

> Atlanta, Georgia 30334

>

>

>

>

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

> From: Jody R Westby <westby@globalcyberlegal.com>

> Sent: Thursday, November 5, 2020 9:09 AM

> To: Bryan Webb <bwebb@law.ga.gov>

> Cc: Mark Rasch <rasch@globalcyberlegal.com>

> 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.

>

>

> Dear Ling-Ling and Bryan,

> Ling-Ling, thank you for your note. Bryan, are you available for a call at 3:30 pm. tomorrow, Thursday, Nov. 5? If not, what is your availability on Friday? We are facing some external time pressures so sooner is better.

> Thank you very much,

> Jody

>

>

> Jody R Westby, Esq.

> Managing Principal

> Global Cyber Legal LLC

> +1.202.255.2700

> westby@globalcyberlegal.com

> www.globalcyberlegal.com

>

>

>

> On Nov 4, 2020, at 5:33 PM, Nie, Ling-Ling <linglingnie@gatech.edu> wrote:

>

> Hi Jody and Mark:

>

> I apologize for the delay in getting back to you on this, and appreciate your patience as we worked through it on our end. Thank you for providing your chronology of events and additional details, which were very helpful and informative.

>

> After further review, we more clearly understand now the work performed by David Dagon that is at issue here and your position that it was performed within the scope of his employment. Given that this would impact other considerations going forward, particularly attorney representation for David, I am copying Bryan Webb, Deputy Attorney General, on this e-mail so that you can connect with him for further discussion on that point.

>

> With kind regards,

> Ling-Ling

>

>

>

>

>

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Wednesday, November 25, 2020 4:14 PM
To: Bryan Webb
Cc: Mark Rasch
Subject: Third Party Payor Agreement & Civil Matters
Attachments: camp indiana order on motion to quash alfabank.pdf; alfa v center for public integrity complaint.pdf; fridman v bean amended complaint.pdf; DAGON - THIRD PARTY LEGAL SERVICES PAYMENT AGREEMENT v4.docx

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.

Dear Bryan,

Thank you very much for taking time to talk this morning to resolve this matter. Per our discussion, I have attached the Third Party Payor Agreement with language indicating that GCL is representing Mr. Dagon as an individual and is not representing Georgia Tech. Also, that our interests are currently aligned with Georgia Tech, but if those interests diverge, we will be representing Mr. Dagon. We included references to the civil cases, which I have also attached. Please let me know if you need anything further.

Lastly, Mark and I wish you a very Happy Thanksgiving and hope you get a little rest over the holiday!

Best regards,

Jody

Jody R Westby, Esq.

Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

www.globalcyberlegal.com

THIRD PARTY LEGAL SERVICES PAYMENT AGREEMENT

This Third Party Legal Services Payment Agreement (“Agreement”) is made by and between Global Cyber Legal LLC (“COUNSEL”), a Delaware limited liability company, and Georgia Institute of Technology (“THIRD PARTY”), a Georgia public corporation and David Dagon (“CLIENT”), effective _____. THIRD PARTY, COUNSEL, and CLIENT shall be collectively referred herein as “the Parties.” The Parties agree as follows:

1. Premises.

1.1 COUNSEL is Global Cyber Legal LLC, a law firm providing legal services on civil, criminal, and administrative matters.

1.2 CLIENT is David Dagon, a cybersecurity researcher who is, and at all applicable times has been, an employee of Third Party.

1.3 THIRD PARTY is Georgia Institute of Technology, a public research university and institute of technology in Atlanta, Georgia.

1.4 COUNSEL has been engaged by CLIENT to provide legal assistance (“Services”) with respect to (a) a criminal grand jury investigation (“Investigation”) and subpoenas for documents and testimony, (b) a request from the Assistant United States Attorney that CLIENT provide voluntary cooperation to the Investigation, and (c) expected subpoenas for documents and/or testimony in three civil actions filed by Russian entity AO Alfa Bank and its affiliates and subsidiaries (“Alfa Bank Civil Cases”) involving the research performed by cybersecurity researchers, including CLIENT. The Investigation includes, but is not limited to the investigation conducted by the United States Department of Justice, under the supervision of United States Attorney for the District of Connecticut, John Durham, into the circumstances surrounding the FBI/DOJ and U.S. Government investigation of the relationship between Donald J. Trump, the Trump Organization, the 2016 Trump Campaign, Alfa Bank, and other entities associated with the Russian Federation. The Alfa Bank Civil Cases involve actions and subpoena enforcement actions in the United States, specifically *AO Alfa-Bank v. John Doe, et al.*, 15th Judicial Circuit of Florida, Civ. Action No. 50-2020-CA-006304-XXXX-MB; *AO Alfa-Bank v. John Doe*, Civil Action CI-20-04003, Court of Common Pleas, Lancaster County, Pennsylvania; *Mikhail Fridman v. Bean, LLC*, Dkt. No. 1:17-cv-02041-RJL, U.S.D.C., District of Columbia; and subpoena enforcement action against cybersecurity researcher L. Jean Camp, Monroe County (Indiana) Circuit Court IV, Cause No. 53C04-2009-MI-001613, and similar subpoenas have been issued to various cybersecurity researchers whose research, like that of CLIENT, may have touched upon Alfa Bank.

1.5 CLIENT has retained COUNSEL to represent him personally in connection with these matters which have arisen within the scope of CLIENT’s employment with THIRD PARTY. COUNSEL does not represent THIRD PARTY. Although COUNSEL and THIRD PARTY are presently aligned in their interests, should their respective interests diverge, COUNSEL will represent CLIENT.

1.6 COUNSEL is required to inform and obtain consent from CLIENT regarding any Third Party agreements impacting the scope of representation by applicable ethics rules, ABA Model Rule of Professional Responsibility 1.8(f).

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, December 8, 2020 6:01 PM
To: Bryan Webb
Cc: Mark Rasch
Subject: Re: Follow up from Call re Dagon Fee Matter

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.

Dear Bryan,

To date, Mark has logged 188.3 hours and I have logged 183.4 hours, for a total of 371.7 hours at \$350/hour = \$130,095. Please let me know if you need anything further.

Cheers,

Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Dec 8, 2020, at 1:31 PM, Bryan Webb <bwebb@law.ga.gov> wrote:

Thank you.

bkw

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
Tel: 404-458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, December 8, 2020 1:31 PM
To: Bryan Webb <bwebb@law.ga.gov>
Cc: Mark Rasch <rasch@globalcyberlegal.com>
Subject: Re: Follow up from Call re Dagon Fee Matter

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Yes, will get that to you today. Thanks, Bryan!

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Dec 8, 2020, at 1:27 PM, Bryan Webb <bwebb@law.ga.gov> wrote:

One thing that would be helpful for me:

Could you all give me any idea of the amount of time (hours) that you all have spent on this matter thus far?

bkw

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
Tel: 404-458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby <westby@globalcyberlegal.com>

Sent: Monday, December 7, 2020 11:29 PM

To: Bryan Webb <bwebb@law.ga.gov>

Cc: Mark Rasch <rasch@globalcyberlegal.com>

Subject: Follow up from Call re Dagon Fee Matter

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.

Dear Bryan,

Thanks so much for taking time to bring us up-to-date just before the Thanksgiving holiday. We hope you had a nice time with your family. We wanted to check in to see if the changes we made to the Third Party Payor Agreement were satisfactory and find out the current status. Can you fill us in or would it be easier to have a short call? Just let us know what is most convenient for you. Thanks so much!

Cheers,

Jody

Jody R Westby, Esq.

Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

www.globalcyberlegal.com

From: Bryan Webb <bwebb@law.ga.gov>
Sent: Tuesday, December 8, 2020 1:26 PM
To: 'Jody R Westby'
Cc: Mark Rasch
Subject: RE: Follow up from Call re Dagon Fee Matter

Sure.

I got an email back from the folks at Tech yesterday and I am going over a few more things with them. My hope is that I can get you more information by end of this week and I will endeavor to do so.

Thanks

bkw

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
Tel: 404-458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Monday, December 7, 2020 11:29 PM
To: Bryan Webb <bwebb@law.ga.gov>
Cc: Mark Rasch <rasch@globalcyberlegal.com>
Subject: Follow up from Call re Dagon Fee Matter

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.

Dear Bryan,

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, December 17, 2020 10:40 AM
To: Bryan Webb
Cc: Mark Rasch
Subject: Status?

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.

Hi, Bryan! Mark and I just wanted to check in to see if there has been any advancement re Dagon fee matter. Is there anything else you need from us?

Thanks so much for your assistance with this.

Cheers,

Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

From: Mark Rasch <rasch@globalcyberlegal.com>
Sent: Tuesday, December 22, 2020 2:48 PM
To: Jody R Westby; Bryan Webb
Subject: RE: Status?

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.

Bryan

Just called you (I think it was forwarded to your cell) and left a message. I would like to follow up with you today on the phone to see what the status of this is. Jody and I are really looking forward to resolving this before the end of the year. Let me know when it's a good time to talk, or just call me at the number below.

Merry Christmas and Happy Holidays. I'm sure nothing interesting is happening in Georgia these days.

Mark

Mark D. Rasch, Esq.
Global CyberLegal
rasch@globalcyberlegal.com
Tel: (301) 547-6925
* Admitted NY, MA, MD

>>> NOTICE: This message (including any attachments) may constitute an attorney-client communication and may contain information that is PRIVILEGED and CONFIDENTIAL and/or ATTORNEY WORK PRODUCT. If you are not an intended recipient, you are hereby notified that any dissemination of this message is strictly prohibited. If you have received this message in error, please do not read, copy or forward this message. Please permanently delete all copies and any attachments and notify the sender immediately by sending an e-mail to rasch@globalcyberlegal.com Thank you

From: [Jody R Westby](#)
Sent: Thursday, December 17, 2020 10:39 AM
To: [Bryan Webb](#)
Cc: [Mark Rasch](#)
Subject: Status?

Hi, Bryan! Mark and I just wanted to check in to see if there has been any advancement re Dagon fee matter. Is there anything else you need from us?

Thanks so much for your assistance with this.

Cheers,
Jody

Jody R Westby, Esq.
Managing Principal

From: "Mark D. Rasch, Esq." <rasch@globalcyberlegal.com>
Sent: Tuesday, March 2, 2021 12:26 PM
To: bwebb@law.ga.gov
Subject: RE: Follow up from Call re Dagon Fee Matter

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.

Bryan

Do you have a few minutes to chat today on this never-ending matter? Just want to clarify a few things with respect to Georgia Tech.

Let me know your schedule.. should only take a few minutes...

Mark

On Tue, 8 Dec 2020 18:31:01 +0000, Bryan Webb wrote:

Thank you.

bkw

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
Tel: 404-458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby
Sent: Tuesday, December 8, 2020 1:31 PM
To: Bryan Webb

Cc: Mark Rasch
Subject: Re: Follow up from Call re Dagon Fee Matter

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.

Yes, will get that to you today. Thanks, Bryan!

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Dec 8, 2020, at 1:27 PM, Bryan Webb wrote:

One thing that would be helpful for me:

Could you all give me any idea of the amount of time (hours) that you all have spent on this matter thus far?

bkw

Bryan Webb
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
Tel: 404-458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby
Sent: Monday, December 7, 2020 11:29 PM
To: Bryan Webb

Cc: Mark Rasch
Subject: Follow up from Call re Dagon Fee Matter

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.

Dear Bryan,

Thanks so much for taking time to bring us up-to-date just before the Thanksgiving holiday. We hope you had a nice time with your family. We wanted to check in to see if the changes we made to the Third Party Payor Agreement were satisfactory and find out the current status. Can you fill us in or would it be easier to have a short call? Just let us know what is most convenient for you. Thanks so much!

Cheers,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

From: "Mark D. Rasch, Esq." <rasch@globalcyberlegal.com>
Sent: Tuesday, March 2, 2021 6:38 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: [SUSPECTED SPAM] Fwd: RE: Payment Issue

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.

Bryan

The attached is what I wanted to discuss with you. Knowing your schedule, I know that evenings are best, but I don't want to intrude on your personal time (remember personal time??) What time is best for us to talk?

Mark Rasch

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

Subject: RE: Payment Issue

Date: Fri, 26 Feb 2021 20:29:31 +0000

From: "Wasch, Kate" <kate.wasch@legal.gatech.edu>

To: Jody R Westby <westby@globalcyberlegal.com>, "Nie, Ling-Ling" <linglingnie@gatech.edu>

Cc: Mark Rasch <rasch@globalcyberlegal.com>

Dear Jody:

Thanks for your patience, and our apologies for the delay in getting back to you. We have reviewed your request for attorney fees incurred in representing Mr. Dagon in the DOJ investigation. Georgia Tech is willing to pay \$46,462.50, which is 50% of the fees incurred. While your rates may be fair for the market in DC, our normal SAAG rates are closer to \$150 per hour, and that lower rate is what we would have required had Mr. Dagon followed our internal processes for requesting representation. As we noted in previous discussions, he did not engage with our legal team or ask for Georgia Tech's consent when engaging your firm. Under the circumstances, we believe this is a reasonable and fair contribution.

I hope you have a pleasant weekend.

Kate

Kate Wasch
Chief Counsel
Employment & Litigation
Office of Legal Affairs
Georgia Institute of Technology
Office (404) 894-4812

Cell (404) 242-4587

Most communications to or from Georgia Tech employees are a public record and available to the public and the media upon request under Georgia's broad open records law. Therefore, this e-mail communication and any response may be subject to public disclosure.

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

From: Jody R Westby
Sent: Tuesday, February 23, 2021 10:27 PM
To: Nie, Ling-Ling ; Wasch, Kate
Cc: Mark Rasch
Subject: Payment Issue

Dear Ling-Ling and Kate,

We are wondering about the status of payment for the legal fees in the David Dagon matter. We understand that the Attorney General's office has no objection to your making this payment. We have served your employee well regarding matters within the scope of his employment and would really like to resolve the payment issue. Can you kindly advise of status?

Thank you.

Best regards,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700

westby@globalcyberlegal.com

<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.globalcyberlegal.com%2F&data=04%7C01%7Ckate.wasch%40legal.gatech.edu%7C9816af26608840191a1708d8d87409d6%7C482198bbae7b4b258b7a6d7f32faa083%7C0%7C0%7C637497340809515359%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=8gVx2uQJQUf0GMRd67c5dZXtXZJm4L83JIKqNvDYRcU%3D&reserved=0>

Thank you,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700

westby@globalcyberlegal.com

<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.globalcyberlegal.com%2F&data=04%7C01%7Ckate.wasch%40legal.gatech.edu%7Cdfeedb05101c4a37a20c08d8f06ced2e%7C482198bbae7b4b258b7a6d7f32faa083%7C0%7C0%7C637523697915596757%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCI6Mn0%3D%7C1000&msdata=NOeTLAO1LFiBYLagku7tW93qSR3xuA5qLFR3Qh7jm4%3D∓reserved=0>

On Mar 10, 2021, at 8:43 PM, Jody R Westby <westby@globalcyberlegal.com> wrote:

Dear Ling-Ling and Kate:

Please see attached letter in response to your email below. Perhaps we should have a call to discuss after you have had time to review it. Thank you.

Cheers,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700

westby@globalcyberlegal.com

<https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.globalcyberlegal.com%2F&data=04%7C01%7Ckate.wasch%40legal.gatech.edu%7Cdfeedb05101c4a37a20c08d8f06ced2e%7C482198bbae7b4b258b7a6d7f32faa083%7C0%7C0%7C637523697915596757%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCI6Mn0%3D%7C1000&msdata=NOeTLAO1LFiBYLagku7tW93qSR3xuA5qLFR3Qh7jm4%3D∓reserved=0>

<DAGON - Letter to GaTech Re Legal Fee Offer v5.docx> On Feb 26, 2021, at 3:29 PM, Wasch, Kate <kate.wasch@legal.gatech.edu> wrote:

Dear Jody:

Thanks for your patience, and our apologies for the delay in getting back to you. We have reviewed your request for attorney fees incurred in representing Mr. Dagon in the DOJ investigation. Georgia Tech is willing to pay \$46,462.50, which is 50% of the fees incurred. While your rates may be fair for the market in DC, our normal SAAG rates are closer to \$150 per hour, and that lower rate is what we would have required had Mr. Dagon followed our internal processes for requesting representation. As we noted in previous discussions, he did not engage with our legal team or ask for Georgia Tech's consent when engaging your firm. Under the circumstances, we believe this is a reasonable and fair contribution.

I hope you have a pleasant weekend.

Kate

Kate Wasch
Chief Counsel
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Georgia Institute of Technology
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Cell (404) 242-4587

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, February 23, 2021 10:27 PM
To: Nie, Ling-Ling <linglingnie@gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>
Cc: Mark Rasch <rasch@globalcyberlegal.com>
Subject: Payment Issue

Dear Ling-Ling and Kate,

We are wondering about the status of payment for the legal fees in the David Dagon matter. We understand that the Attorney General's office has no objection to your making this payment. We have served your employee well regarding matters within the scope of his employment and would really like to resolve the payment issue. Can you kindly advise of status?

Thank you.

Best regards,
Jody

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Managing Principal
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westby@globalcyberlegal.com

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To: Bryan Webb <bwebb@law.ga.gov>
Subject: [SUSPECTED SPAM] Fwd: RE: Payment Issue

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Bryan

The attached is what I wanted to discuss with you. Knowing your schedule, I know that evenings are best, but I don't want to intrude on your personal time (remember personal time??) What time is best for us to talk?

Mark Rasch

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

Subject: RE: Payment Issue

Date: Fri, 26 Feb 2021 20:29:31 +0000

From: "Wasch, Kate" <kate.wasch@legal.gatech.edu>

To: Jody R Westby <westby@globalcyberlegal.com>, "Nie, Ling-Ling" <linglingnie@gatech.edu>

Cc: Mark Rasch <rasch@globalcyberlegal.com>

Dear Jody:

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Kate

Kate Wasch
Chief Counsel
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-----Original Message-----

From: Jody R Westby
Sent: Tuesday, February 23, 2021 10:27 PM
To: Nie, Ling-Ling ; Wasch, Kate
Cc: Mark Rasch
Subject: Payment Issue

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Thank you.
Best regards,
Jody

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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Monday, January 10, 2022 10:32 AM
To: Bryan Webb
Subject: RE: Global Cyber and Professor Dagon

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.

Good morning Bryan. Happy new year.

I am just checking in for a status.

Special counsel has contacted counsel in D.C. There is a May trial date.

Thanks.

Sam

 Samuel S. Olens

What's Next? The answer is Talent. With more than 20,000 people, 12,000 lawyers and 200 locations, Dentons has the talent for what you need, where you need it.

D +1 404 527 4108 | US Internal 74108
samuel.olens@dentons.com
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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, December 28, 2021 9:02 AM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Re: Global Cyber and Professor Dagon

Thanks Bryan.

I hope you and your family had a great Christmas.

Enjoy some time off.

Sam

Sam Olens

Sent from my iPhone

On Dec 28, 2021, at 8:59 AM, Bryan Webb <bwebb@law.ga.gov> wrote:

[WARNING: EXTERNAL SENDER]

Good morning!

I apologize. This came in when I was out for a bit and I meant to send you a message yesterday but catching up with the emails got me behind a little.

I am discussing this internally this week here at the Law Department and I will need to get with the folks at Tech. My guess is most of them are out for the holiday until next week, but after I get a chance to discuss with them and internally and determine who will be the point person on this matter, I will get back to you.

Even if it is in the context of a representation letter it is always good to hear from you Mr. Olens. I hope that you and your family had a nice holiday and that you are all well in the New Year!

Give me a little time and I will be back in touch. Thanks.

bkw



Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>

Sent: Thursday, December 23, 2021 12:19 PM

To: Bryan Webb <bwebb@law.ga.gov>

Subject: Global Cyber and Professor Dagon

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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, January 11, 2022 4:52 PM
To: Bryan Webb
Subject: RE: Global Cyber and Professor Dagon

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Thanks Bryan. I'm good from 11-1 and 4-6 on Thursday.

Thanks.

Sam

 Samuel S. Olens

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From: Bryan Webb <bwebb@law.ga.gov>
Sent: Tuesday, January 11, 2022 1:03 PM
To: Olens, Samuel S. <samuel.olens@dentons.com>
Subject: RE: Global Cyber and Professor Dagon

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Good afternoon,

I was out at a hearing yesterday. I have spoken to the folks at Tech about the letter and I am waiting on some information from Division 2 over here.

Do you want to set up a time to talk maybe tomorrow or Thursday afternoon? I have scheduled meetings all day tomorrow and in the morning on Thursday. But I want to go ahead and have a call with you prior to sending out a formal letter response.

Thanks

bkw



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40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Monday, January 10, 2022 10:32 AM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: RE: Global Cyber and Professor Dagon

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Good morning Bryan. Happy new year.

I am just checking in for a status.

Special counsel has contacted counsel in D.C. There is a May trial date.

Thanks.

Sam

 **Samuel S. Olens**

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Sent from my iPhone

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bkw



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bwebb@law.ga.gov
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From: Olens, Samuel S. <samuel.olens@dentons.com>

Sent: Thursday, December 23, 2021 12:19 PM

To: Bryan Webb <bwebb@law.ga.gov>

Subject: Global Cyber and Professor Dagon

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Good afternoon Bryan.

Any idea when I might hear back from you?

Have a great Christmas holiday.

Thank you.

Sam



Samuel S. Olens

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From: bwebb@law.ga.gov
Sent: Thursday, January 13, 2022 12:56 PM
To: samuel.olens@dentons.com
Subject: RE: Global Cyber and Professor Dagon

My hope is to give you a call here a little after 2:30.

I am in intern interviews up until around 2:00 and based on your email from the other day, I was thinking that would be a good time.

Thanks

bkw

Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3542
mailto:bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, January 13, 2022 12:34 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Re: Global Cyber and Professor Dagon

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Bryan, I never heard back from you.

When should we touch base?

Thanks.

Sam Olens

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Friday, January 21, 2022 4:21 PM
To: Bryan Webb
Subject: RE: Global Cyber and Professor Dagon

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.

Hi Bryan.

I am just checking if you are closer for us to talk?

Thank you!

Sam

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From: Bryan Webb <bwebb@law.ga.gov>
Sent: Tuesday, January 11, 2022 1:03 PM
To: Olens, Samuel S. <samuel.olens@dentons.com>
Subject: RE: Global Cyber and Professor Dagon

[WARNING: EXTERNAL SENDER]

Good afternoon,

I was out at a hearing yesterday. I have spoken to the folks at Tech about the letter and I am waiting on some information from Division 2 over here.

Do you want to set up a time to talk maybe tomorrow or Thursday afternoon? I have scheduled meetings all day tomorrow and in the morning on Thursday. But I want to go ahead and have a call with you prior to sending out a formal letter response.

Thanks

bkw



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bwebb@law.ga.gov
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40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Monday, January 10, 2022 10:32 AM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: RE: Global Cyber and Professor Dagon

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Good morning Bryan. Happy new year.

I am just checking in for a status.

Special counsel has contacted counsel in D.C. There is a May trial date.

Thanks.

Sam

 **Samuel S. Olens**

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From: Olens, Samuel S. <samuel.olens@dentons.com>

Sent: Tuesday, December 28, 2021 9:02 AM

To: Bryan Webb <bwebb@law.ga.gov>

Subject: Re: Global Cyber and Professor Dagon

Thanks Bryan.

I hope you and your family had a great Christmas.

Enjoy some time off.

Sam

Sam Olens

Sent from my iPhone

On Dec 28, 2021, at 8:59 AM, Bryan Webb <bwebb@law.ga.gov> wrote:

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I apologize. This came in when I was out for a bit and I meant to send you a message yesterday but catching up with the emails got me behind a little.

I am discussing this internally this week here at the Law Department and I will need to get with the folks at Tech. My guess is most of them are out for the holiday until next week, but after I get a chance to discuss with them and internally and determine who will be the point person on this matter, I will get back to you.

Even if it is in the context of a representation letter it is always good to hear from you Mr. Olens. I hope that you and your family had a nice holiday and that you are all well in the New Year!

Give me a little time and I will be back in touch. Thanks.

bkw



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Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, December 23, 2021 12:19 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Global Cyber and Professor Dagon

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Good afternoon Bryan.

Any idea when I might hear back from you?

Have a great Christmas holiday.

Thank you.

Sam

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From: bwebb@law.ga.gov
Sent: Tuesday, February 8, 2022 12:44 PM
To: samuel.olens@dentons.com
Subject: Dagon Matter Offer of Settlement

Please accept this offer for settlement of this issue from my client, Georgia Tech.

Tech will agree to pay \$83,573.00 for past services. For future services on behalf of Mr. Dagon, Tech will agree to pay the rate of \$350.00/hour with a monthly billable cap of 25 hours. This would be a maximum of \$8,750.00 billed each month as the matter goes forward. This would continue until the combined total for past services and any future services reaches the amount of \$150,000.00.

I look forward to hearing back from you.

bkw



Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: bwebb@law.ga.gov
Sent: Thursday, February 10, 2022 10:07 AM
To: samuel.olens@dentons.com
Subject: RE: Dagon Matter Offer of Settlement

Thanks.

I will direct this to Tech.

Please let me know what bar rule that I may be violating and I will look into it and remedy.

bkw



Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, February 10, 2022 9:27 AM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: RE: Dagon Matter Offer of Settlement

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.

Good morning Bryan.

In a last attempt to avoid a suit and accompanying media attention, I once again respectfully request 1) the hourly rate of other retained counsel for this federal investigation, 2) all records previously given to third parties and not shared with the Professor's counsel despite open records requests and 3) a meeting with President Cabrera.

The most recent offer again violates Bar rules regarding representation of a client.

Thank you.

Sam

 **Samuel S. Olens**

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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, February 08, 2022 1:35 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Re: Dagon Matter Offer of Settlement

Bryan, I am not in to formality. And frankly, such formality would not be helpful.

Thanks.

Sam Olens

Sent from my iPhone

On Feb 8, 2022, at 1:32 PM, Bryan Webb <bwebb@law.ga.gov> wrote:

[WARNING: EXTERNAL SENDER]

Thanks.

Do you mind if I forward them your response below or wait for a more formal one?

Hope all is well.

bkw

Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
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(404) 458-3542
mailto:bwebb@law.ga.gov

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Atlanta, Georgia 30334

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

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, February 8, 2022 1:17 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Re: Dagon Matter Offer of Settlement

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.

Bryan, very disappointing.

They are paying other counsel much more who have done much less.

I expect suit will be filed.

Thank you.

Sam Olens

Sent from my iPhone

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Samuel S. Olens

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samuel.olens@dentons.com<<mailto:samuel.olens@dentons.com>>

Bio<<http://www.dentons.com/ch.aspx?email=samuel.olens@dentons.com&action=biolink>> |

Website<<http://www.dentons.com>>

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I look forward to hearing back from you.

bkw

[cid:image001.jpg@01D81CE9.8DF63430]<<http://law.ga.gov>>

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Deputy Attorney General
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Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, March 1, 2022 8:45 PM
To: bwebb@law.ga.gov
Subject: Attorney's bill
Attachments: DAGON - INVOICE TO GT 2-28-22.pdf

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An FYI.

Thank you.

Sam

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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Tuesday, July 12, 2022 11:27 AM
To: Bryan Webb
Subject: Re: Global Cyber & Dagon
Attachments: image002.jpg; image003.png; image004.png; image005.png; image002.jpg;
image003.png; image004.png; image005.png

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.

Thanks Bryan. Have a nice day.

Sam Olens

Sent from my iPhone

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Samuel S. Olens

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samuel.olens@dentons.com<<mailto:samuel.olens@dentons.com>>

Bio<<http://www.dentons.com/ch.aspx?email=samuel.olens@dentons.com&action=biolink>> |

Website<<http://www.dentons.com>>

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On Jul 12, 2022, at 5:00 PM, Bryan Webb <bwebb@law.ga.gov> wrote:

[WARNING: EXTERNAL SENDER]

Good morning,

Thanks. . .I was out on leave and just wanted you to know I received this and will take a look at it.

Thanks

bkw

[image002.jpg]<<http://law.ga.gov>>

[image003.png]<<http://www.facebook.com/GeorgiaAttorneyGeneral>>

[image004.png]<http://www.twitter.com/georgia_ag>

Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, July 7, 2022 4:16 PM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Global Cyber & Dagon

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Bryan, please see attached additional background information.

Thank you!

July 7, 2022

Bryan Webb, Esq.
Deputy Attorney General
Office of Attorney General Chris Carr
Government Services & Employment
State of Georgia
40 Capitol Square SW
Atlanta, GA 30334

RE: David Dagon DOAS Claim for Legal Fees Associated with Criminal Investigation

Dear Bryan:

As you know, I have submitted a claim with the Department of Administrative Services (“DOAS”) on behalf of David Dagon for payment of his legal fees associated with the Durham investigation. Under the DOAS General Liability Contract (“Contract”) Section A. 1., Mr. Dagon is a “covered party” eligible for payment of legal fees under Section B. SUPPLEMENTARY PAYMENTS, Reimbursement for Legal Fees for Criminal Defense. That section states:

DOAS will reimburse any eligible Covered Party (as specified in O.C.G.A. §45-9-1) for reasonable legal fees and other expense incurred in the successful defense of a criminal action directly related to the performance of the Covered Party’s official duties, **provided the legal fees and the other expenses are approved by the Attorney General of the State of Georgia.** (emphasis added)

Section F. CONDITIONS, 12. Reimbursement of Expenses states in part:

Reasonable reimbursement of expenses incurred by a Covered Party at the request of the Attorney General or DOAS in the investigation or defense of any claim or “lawsuit” will be paid for the Covered Party.

Reasonableness of Fees

One important question is whether or not the fees charged by Global Cyber Legal (“GCL”), Mr. Dagon’s counsel, are, in fact, “reasonable.” This was an extremely high-profile matter that involved some of the country’s top white collar criminal counsel, many of whom charge over \$1,000 per hour. GCL’s hourly rate of \$395/hour is not only “reasonable,” but it represents a

8. Amount involved and the results obtained
9. Experience, reputation, and ability of the attorneys
10. “Undesirability” of the case
11. Nature and length of the professional relationship with the client
12. Awards in similar cases.

Johnson v. Georgia Highway Express, Inc., 488 F.2d 714, 717-19 (1974).

Some of the foregoing factors are obviously inapplicable in a criminal case. The *Friedrich* court noted that, “under both the ‘lodestar’ and twelve-factor methods, the ‘most heavily weighted’ criteria are the ‘time and labor required.’” The facts of this matter have been applied to the twelve factors above:

1. **Time and labor required.** A total of 1245.5 hours was required to represent Mr. Dagon in this matter over a two year period. Only two attorneys were involved: Jody Westby and Mark Rasch.
2. **Novelty and difficulty of the questions.** The case raised difficult issues regarding how the domain name system (DNS) works, how data is collected and replicated globally among DNS providers, the types of traffic records in DNS data (that can be indicators of purpose), who has access to such data, whether such access violates wiretap, pen register, or stored communications laws, how it is analyzed, whether it can be spoofed or generated, etc.
3. **Skill requisite to perform the legal services properly.** Representation of Mr. Dagon in this matter required both criminal defense and communications traffic expertise and how such traffic data is used by cybersecurity researchers. Mr. Rasch and Ms. Westby have the blend of experience necessary to represent Mr. Dagon in this matter, which is why he selected them. Mr. Rasch worked at Department of Justice prosecuting criminal and cybercrime cases for a decade, and Ms. Westby advised the U.S. Government for eight years on the legal use of communications traffic data by cybersecurity researchers, and published two books on the subject, funded by the U.S. Government.
4. **Preclusion of other employment by the attorney due to acceptance of the case.** This matter required nearly full time attention during peak periods of activity, which prevented Mr. Rasch and Ms. Westby from taking on additional work during those periods.
5. **Customary fee.** \$595/hour, discounted to State of Georgia to \$350/hour.
6. **Whether the fee is fixed or contingent.** Not applicable in criminal matter.
7. **Time limitations imposed by the client or the circumstances.** Counsel for Mr. Dagon was handicapped by Georgia Tech’s refusal to enter into a joint defense agreement, even though any criminality by an employee acting in the scope of employment would be attributable to them. Moreover, Georgia Tech refused to share subpoenas they received or documents that they produced. This required GCL to coordinate extensively with joint defense counsel, all of whom were coordinating and cooperating with each other, in order

to maintain an understanding of where the case was going and knowledge of what had been produced.

- 8. Amount involved and the results obtained.** The amount of time (1245.5 hours) was very reasonable in light of the fact that GCL was able to obtain full statutory immunity for Mr. Dagon, which resulted in him having to prepare for and meet multiple times with the prosecutor and his team and testify before the grand jury on three days. GCL and Mr. Dagon drew upon their expertise in the meetings with prosecutors to educate them on DNS data and other theories the prosecutor was exploring, which caused the prosecutor to drop allegations that the data was false. This substantially reduced criminal exposure to Georgia Tech. In addition, the prosecutor pressured Mr. Dagon on numerous occasions, threatening him with prosecution for perjury if he did not answer in a way that fit the prosecutor's narrative. GCL strongly defended Mr. Dagon against these tactics, including writing a letter to Mr. Durham and the Attorney General Merrick Garland. Mr. Dagon was not charged with perjury. The case involved the review of tens of thousands of pages of documents, and analysis of forensic reports, reviews of articles about the researchers' work, analysis of potential expert witnesses, review of grand jury testimony and documents, and coordination with joint defense counsel.
- 9. Experience, reputation, and ability of the attorneys.** As noted above, Rasch and Westby have a combined 60 years of experience directly relevant to the criminal investigation. The combined expertise of Rasch and Westby was clearly respected by the prosecutors.
- 10. "Undesirability" of the case.** Mr. Dagon and Mr. Antonakakis received threats from third parties for their involvement in this case, which resulted in Mr. Antonakakis receiving police protection for two weeks and caused him to move his family to a gated community and close the Astrolavos lab at Georgia Tech for a period of time. Former President Trump referred to the indictments, which resulted from this investigation, as "a scandal far greater than Watergate" and stated that those involved were guilty of "treason" and that "in a stronger period of time in our country, this crime would have been punishable by death."
- 11. Nature and length of the professional relationship with the client.** Mr. Dagon had worked with Ms. Westby during the time she advised the U.S. Government and was also an acquaintance of Mr. Rasch and was familiar with his cybercrime expertise for decades.
- 12. Awards in similar cases.** We do have data to provide any further details here, but public records indicate that Georgia Tech has paid Manos Antonakakis's lawyers' fees in full, which totalled over \$100,000. Mr. Antonakakis did not retain counsel for over a year because he thought Georgia Tech was representing him. As far as we can tell, Mr. Antonakakis's lawyer never entered into a joint defense agreement, never provided data or information to other counsel or to the prosecutors, and Mr. Antonakakis never testified before the grand jury or met with the prosecutors. Moreover, it does not appear that Mr. Antonakakis's lawyer ever retained or interviewed expert witnesses, reviewed the tens of thousands of pages of technical documents, reports, and testimony.

As we have previously noted, the former Ethics in Government Act required the Independent Counsel to reimburse the "reasonable" legal fees of persons (like Mr. Dagon) who had been identified as "subjects" of an Independent Counsel investigation. While the IC statute has since expired (and the role of the Independent Counsel assumed by the Special Counsel) a trio of cases under the prior statute discussed the "reasonableness" of fees incurred under the old statute. *In re Mullins (Tamposi Fee Application)*, 84 F.3d 1439, 1441 (D.C.Cir.1996); *In re Pierce (Olivas Fee Application)*, 102 F.3d 1264, 1265 (D.C.Cir.1996); *In re North (Cave Fee Application)*, 57 F.3d 1117, 1119 (D.C.Cir.1995). In each of these cases, the Court found reasonable all of the legal expenses incurred from the initiation of the investigation until its completion at a reasonable and customary hourly rate.

Based on any method, the fees GCL has charged are clearly reasonable. The case involved a high-stakes political investigation that involved cybersecurity researchers at Georgia Tech and other universities and organizations across the country, thousands of complicated technical documents, emails and memoranda, as well as half a terabyte of data. The case was prosecuted by an aggressive and well-funded team of FBI agents and Special Counsel, with substantial federal resources. The case raised novel legal and factual issues, involved information collected by the Mueller special counsel, the DOJ Office of Inspector General, the Senate Intelligence Committee and multiple outside organizations. The case was extraordinarily high profile, being scrutinized by observers around the world. The Government's theory of liability was similarly novel.

Because Georgia Tech refused to share any of the documents they produced to the grand jury, a joint defense agreement with other counsel was the only way Mr. Dagon's counsel could know what information the prosecutors and grand jury knew, what documents had been provided, what statements had been made by other witnesses, and what questions were being asked by the FBI and others. This type of "joint defense," "common defense" or "common interest" privileged relationship with counsel representing other witnesses who were either subjects, targets, or witnesses in the case permitted the sharing of otherwise privileged documents and communications without resulting in an unethical waiver of the relevant privilege.

This is a common practice in complex white collar cases involving multiple parties, particularly where, as here, the actual criminal liability of each party is unclear and the necessity of information sharing is greater. The joint defense agreement permitted us to share information, share privileged documents and records, and discuss strategy and learn of the status of the investigation from multiple sources. *It also substantially reduced our costs by permitting us access to legal research conducted by other counsel, and leveraged the analysis of other counsel on both legal and factual matters.*

GCL represented Mr. Dagon for the greater part of two years. The bills and invoices reflect only a portion of the time GCL counsel spent on matters related to Mr. Dagon's defense. GCL generally did not include in time logs the numerous hours spent responding to journalists' inquiries or interacting with the print, electronic and social media -- despite the fact that this was extremely helpful and furthered the cause of defending its client. (*But see, In re North (Cave Fee Application)*, *supra* (defensive monitoring of witnesses and related prosecutions reimbursable as

reasonable)). GCL's fees for the defense of Mr. Dagon were, at all times, reasonable, necessary, and essential. GCL achieved a successful defense of Mr. Dagon, and he was the only witness in this three-year investigation to have been granted immunity by the Court under 28 USC § 6001.

The hours expended and rates charged by GCL are not only commensurate with the complexity and difficulty of the investigation, but also with the sensitivity and political nature of the Special Counsel investigation, the number of moving parts, and the need to protect the integrity not only of Mr. Dagon, but of the research that he and Mr. Antonakakis perform in their scope of employment at Georgia Tech.

Special Counsel investigations are fundamentally different from other criminal investigations, involve multiple agencies and departments, are highly political, and involve complex legal and factual issues. Indeed, they are more complex than other federal criminal investigations conducted by the Department of Justice. As one commentator noted:

... an increasing number of government officials who have done nothing illegal have been called before grand juries and congressional committees and have been subjected to other internal administrative investigations to answer questions about their alleged participation in or witnessing of the wrongdoing of others. The government has poured significant resources into the investigation of wrongdoing. Congress has set up special committees to conduct sometimes lengthy hearings, and independent counsels ("ICs") have been quite expansive and expensive in conducting their investigations. The political stakes are high in these investigations, and the government officials involved have felt the need to hire attorneys to advise them, even if they have not been charged with any wrongdoing. Officials have racked up tens of thousands of dollars - and, in some cases, hundreds of thousands of dollars - in legal bills to defend against specific charges and to defend their reputations. ***

There are several reasons why these legal fees are so high. First, officials often face multiple investigations regarding the same allegations: by the Justice Department, by an [Independent Counsel], and by congressional committees. Second, in responding to investigations that are so easily politicized, government officials naturally want to retain white collar criminal defense lawyers who have expertise in dealing with politics. These lawyers are generally able to command high fees. ... A former IC has stated that "lawyers must be hired, even by the most insignificant witnesses. The dire consequences of merely misspeaking, which could result in a false-statement charge, are high, given the [IC's] vast powers." Many others have noted that IC investigations often become politically charged. In such an atmosphere, it is not surprising that even "mere witnesses" feel the need for someone to look out for their best interests.

Kathleen Clark, "Paying the Price for Heightened Ethics Scrutiny: Legal Defense Funds and Other Ways That Government Officials Pay Their Lawyers," 50 Stan. L. Rev. 65, 1997 (emphasis added), available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=110533. It is clearly in

the interest of the State of Georgia for a person who was a subject of the Special Counsel investigation regarding actions taken in the performance of their State duties to have their reasonable attorney's fees reimbursed.

Thank you for your attention to this matter. Please let me know when we can have a call to discuss this matter further.

Sincerely,



Sam Olens

cc: David Dagon
Global Cyber Legal LLC

SO:tn

From: bwebb@law.ga.gov
Sent: Thursday, August 11, 2022 10:23 AM
To: samuel.olens@dentons.com
Subject: RE: Dagon

Good morning,

Thanks for letting me know.

bkw



Bryan Webb
Deputy Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3542
bwebb@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Thursday, August 11, 2022 10:10 AM
To: Bryan Webb <bwebb@law.ga.gov>
Subject: Dagon

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Good morning Bryan. We are meeting with Commissioner Sullivan on August 24 at 11 a.m.

We note that Tech paid the legal fees related to the civil litigation, but once again, has not paid our client's fees for same.

Thank you.

Sam

 **Samuel S. Olens**

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samuel.olens@dentons.com
Bio | Website

From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Friday, August 5, 2022 9:55 AM
To: bwebb@law.ga.gov
Subject: Global Cyber

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Good morning Bryan.

As you know, I represent Global CyberLegal in connection with their efforts to have their reasonable legal bills incurred in connection with the representation of Georgia Tech employee David Dagon reimbursed either by Georgia Tech or by the Department of Administrative Services.

Yesterday, pursuant to an Open Records Act request, we learned that the legal fees of other Georgia Tech employees, namely Manos Antonatakis and Angelos Keromytis, which related to the investigation which lead to the indictment in United States v. Sussman, were promptly and fully reimbursed by Georgia Tech, and that the payment of these fees was approved by the Office of Attorney General.

In that regard, Mr. Dagon has been attempting to have his legal expenses related to these matters reimbursed. Please let me know whether the Office of Attorney General has approved the payment of these expenses either by Georgia Tech or by DoAS, or both. At this point -- more than two years' in, we do not know whether the logjam is. Specifically, we would like to know whether your office has found that the fees of GCL are "reasonable" and subject to reimbursement.

Thank you.

Sam

 Samuel S. Olens

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samuel.olens@dentons.com
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From: Olens, Samuel S. <samuel.olens@dentons.com>
Sent: Wednesday, August 24, 2022 7:52 AM
To: rebecca.sullivan@doas.ga.gov; logan.winkles@doas.ga.gov; logan.winkles1@doas.ga.gov; bwebb@law.ga.gov
Subject: Prof. Dagon
Attachments: DAGON - TIME LOG Start - End FINAL CRIM.pdf

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Attached please find an invoice that solely covers the criminal matter.

Thank you.

Sam

 Samuel S. Olens

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GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 8/5/2020 | Westby | T/c w/ D. Dagon re GJ subpoena & representation; t/c w/ M. Rasch re same. | 1.7 |
| 8/6/2020 | Westby | Review email from D. Dagon & docs; reply | 1.5 |
| 8/7/2020 | Westby | Email to D. Dagon re info needed; t/c w/ D. Dagon; t/c w/ M. Rasch; review doc from D. Dagon | 2.5 |
| 8/9/2020 | Rasch | T/c w/ Common Counsel review white papers; Review Just Security article; revise letter to AUSA; identify expert witnesses; | 3.3 |
| 8/10/2020 | Westby | Review email from M. Rasch & draft response to subpoena; t/c w/ D. Dagon & M. Rasch | 2.0 |
| 8/11/2020 | Westby | Review notes from D. Dagon & docs | 2.0 |
| 8/12/2020 | Westby | T/c w/ D. Dagon; review docs from D. Dagon; review email from M. Rasch to K. Wasch | 2.5 |
| 8/13/2020 | Rasch | Revise letter to AUSA; call to T. Fuhrman | 3.5 |
| 8/16/2020 | Westby | T/c w/ D. Dagon | 1.0 |
| 8/17/2020 | Rasch | Response to K. Wasch; t/c w/ J. Westby | 2.8 |
| 8/17/2020 | Westby | T/c w/ D. Dagon; t/c w/ K. Wasch | 2.0 |
| 8/18/2020 | Rasch | Draft subpoena; review docs/articles | 1.7 |
| 8/19/2020 | Rasch | Eft subpoena response; review documents, legal research re joint defense | 4.4 |
| 8/19/2020 | Westby | T/c w/ D. Dagon; review doc from D. Dagon; edit response to subpoena | 2.5 |
| 8/23/2020 | Rasch | Refine letter; review Senate Intel rpt; review Ankura and Mandiant rpts; | 3.6 |
| 8/24/2020 | Rasch | T/c w/ AUSA; review docs; research | 1.8 |
| 8/24/2020 | Westby | Review note from D. Dagon & doc; t/c w/ AUSA | 2.0 |
| 8/25/2020 | Rasch | Call w/ Common counsel t/c w/ D. Dagon; review documents & online research | 3.3 |
| 8/25/2020 | Westby | Review note from D. Dagon & article at link; email joint defense counsel & respond to reply; email K. Wasch | 1.0 |
| 8/26/2020 | Rasch | T/c w/ Common counsel; review GT policies; draft response re scope of investigation; prepare response to AUSA | 4.7 |
| 8/26/2020 | Westby | Review note from D. Dagon & reply; t/c w/ joint defense counsel (2); email joint defense counsel | 3.5 |
| 8/27/2020 | Rasch | F/up w/ Common counsel (2); review Senate Intel rpt; review Dagon info; t/c w/ K. Wasch | 3.1 |
| 8/27/2020 | Westby | T/c w/ D. Dagon; review articles from links from D. Dagon; review email from K. Wasch; t/c w/ K. Wasch & M. Rasch; | 3.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| | | review reply from joint defense counsel; emails w/ joint defense counsel | |
| 8/28/2020 | Rasch | T/c w/ joint defense; review civil subpoena demands; review strategy; revise response; t/c w/ D. Dagon | 6.8 |
| 8/28/2020 | Westby | Review notes and doc from D. Dagon; t/c w/ joint defense attys; t/c w/ D. Dagon | 3.0 |
| 8/29/2020 | Rasch | Review articles; review draft white paper; t/c w/ D. Dagon; develop strategy re DNS records | 4.9 |
| 8/31/2020 | Westby | Review docs from D. Dagon; t/c w/ D. Dagon | 2.5 |
| 9/1/2020 | Westby | Call Common Counsel; review email from joint defense counsel & reply | 0.5 |
| 9/2/2020 | Westby | Review note from D. Dagon; review articles; email joint defense counsel re sharing response to AUSA; email joint counsel re draft letter; emails w/ joint defense counsel; t/c w/ joint defense counsel | 2.5 |
| 9/3/2020 | Westby | Review email from joint defense counsel; review PA & FL civil cases; email D. Dagon & joint defense counsel re same | 1.5 |
| 9/4/2020 | Westby | Review note from D. Dagon; t/c w/ D. Dagon; edit response to letter to AUSA; send letter to K. Wasch for GT review; reply note to D. Dagon; t/c w/ joint defense counsel | 3.5 |
| 9/5/2020 | Westby | Send note to D. Dagon; review email from joint defense counsel & white papers; review white papers; share draft letter to AUSA w/ joint defense counsel | 1.5 |
| 9/7/2020 | Westby | Review note from D. Dagon; reply; review email from joint defense counsel & reply | 0.6 |
| 9/8/2020 | Westby | Review third white paper from joint defense counsel; send note to D. Dagon; t/c w/ D. Dagon; t/c w/ joint defense counsel | 2.5 |
| 9/10/2020 | Westby | Review email from joint defense counsel and anonymous email; t/c w/ joint defense counsel; t/c w/ M. Rasch; email K. Wasch | 2.0 |
| 9/11/2020 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel | 2.0 |
| 9/12/2020 | Westby | T/c w/ M. Rasch; t/c to Common Counsel; email joint defense counsel & respond to reply | 0.8 |
| 9/14/2020 | Rasch | Review letter from joint counsel; t/c w/ D. Dagon | 1.0 |
| 9/14/2020 | Westby | T/c w/ D. Dagon; review email from joint defense counsel & reply; t/c w/ joint defense counsel (2); review anonymous vmail; | 3.5 |
| 9/15/2020 | Rasch | T/c w/ D. Dagon | 0.8 |
| 9/15/2020 | Westby | T/c w/ D. Dagon; research articles; email D. Dagon re anonymous vmail; review email from joint defense counsel & civil subpoenas; t/c w/ joint defense counsel | 4.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 9/16/2020 | Rasch | T/c w/ joint counsel; review subpoena compliance; t/c w/ J. Westby re K. Wasch reply | 2.7 |
| 9/16/2020 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel; review email from K. Wasch & reply | 1.5 |
| 9/22/2020 | Rasch | Research scope of employment, sovereign immunity duty to reimburse; draft letter to GT; | 4.7 |
| 9/22/2020 | Westby | T/c w/ D. Dagon; review email from M. Rasch; email joint defense counsel | 2.3 |
| 9/23/2020 | Rasch | T/c w/ joint counsel; research third party payment; draft letter to GT | 1.0 |
| 9/23/2020 | Westby | T/c w/ D. Dagon; review email from K. Wasch; draft letter to K. Wasch re Dagon employment & legal fees; review docs from D. Dagon; email joint defense counsel | 3.5 |
| 9/24/2020 | Rasch | Draft letter to GT re scope of employment; t/c w/ D.Dagon; t/c w/ joint counsel; review LW letter to AUSA; research DOJ policies & practices; | 6.3 |
| 9/24/2020 | Westby | T/c w/ D. Dagon; review notes from D. Dagon; emails w/ joint defense counsel | 3.0 |
| 9/25/2020 | Rasch | T/c w/ N. McQuaid | 0.7 |
| 9/25/2020 | Westby | Notes to/from D. Dagon; t/c w/ D. Dagon; t/c w/ joint defense counsel (2) | 3.5 |
| 9/27/2020 | Westby | Review notes from D. Dagon; review note from joint defense counsel & review draft letter; reply to joint defense counsel | 0.8 |
| 9/28/2020 | Rasch | Draft memo to GT on scope of employment; research DOJ policies/ t/c w/ D. Dagon | 2.8 |
| 9/28/2020 | Westby | T/c w/ D. Dagon; send draft letter to K. Wasch to D. Dagon for review; t/c w/ joint defense counsel re draft letter | 2.5 |
| 9/29/2020 | Westby | Review notes from D. Dagon; t/c w/ D. Dagon; review civil subpoenas; email joint defense counsel; email joint defense counsel; t/c w/ joint defense counsel; review email from joint defense counsel & reply | 4.0 |
| 9/30/2020 | Rasch | T/c w/ D. Dagon re Ankura rpt; review civil allegations, Senate Intel rpt, Mandiant rpt; | 2.9 |
| 9/30/2020 | Westby | T/c w/ D. Dagon & M. Rasch; review email from K. Wasch & reply | 2.5 |
| 10/1/2020 | Rasch | Tel call D. Dagon/J Westby Re expert witness and scope of employment; call w P Vixie Re: Data Availability and analysis | 2.7 |
| 10/1/2020 | Westby | T/c/ w/ D. Dagon; review notes and doc from D. Dagon; t/c w/ K. Wasch & L. Nie; email joint defense counsel re expert witnesses | 5.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 10/2/2020 | Rasch | Review Pastebin postings, public posting, articles; draft third party payor agreement | 1.8 |
| 10/2/2020 | Westby | T/c w/ D. Dagon; review notes & doc from D. Dagon; t/c w/ researcher; email joint defense counsel | 6.0 |
| 10/4/2020 | Westby | Review notes from D. Dagon | 0.5 |
| 10/6/2020 | Rasch | Zoom Meeting w J Westby Re Third Party Payor/Indemnification Agreement, scope of employment; tel cal w/ joint defense | 6.8 |
| 10/6/2020 | Westby | Review notes from D. Dagon; mtg w/ M. Rasch; draft Third Party Payor agreement; t/c w/ D. Dagon; review email from joint defense counsel & reply; email joint defense counsel | 3.5 |
| 10/7/2020 | Rasch | Draft Letter to Ling Ling/GT & K Walsh Re Joint Defense and Scope of Employment; review Filkins article; tel calls w/ joint counsel; tel cal w J. Westby | 10.3 |
| 10/7/2020 | Westby | T/c w/ D. Dagon re status; review new Filkins article; article on DOJ changing policy on election interference; emails to joint defense counsel; email L. Nie & K. Wasch; | 3.5 |
| 10/8/2020 | Rasch | Tel Call D Dagon, Review D Dagon Analysis, map claims to DNS records and D Dagon presentation; edit response to subpoena; tel call w J. Westby | 4.7 |
| 10/8/2020 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon re status; prepare summary doc of claims/issues, utility of report; t/c w/ D. Dagon re same; email joint defense counsel re summary doc; | 5.0 |
| 10/9/2020 | Rasch | Tel Cal Common Counsel, J Westby - | 1.6 |
| 10/9/2020 | Westby | Arrange call w/ joint defense to discuss summary paper & strategy | 0.5 |
| 10/10/2020 | Rasch | Tel Cal Common counsel, J Westby | 1.9 |
| 10/11/2020 | Rasch | Review Mark Bradmy article, tel call w J Westby | 2.9 |
| 10/12/2020 | Westby | T/c w/ joint defense counsel (2); t/c w/ D. Dagon; review online postings | 2.5 |
| 10/13/2020 | Rasch | Tel Call J Westby, call we Common counsel; tel cal w D. Dagon | 4.0 |
| 10/13/2020 | Westby | T/c w/ joint defense counsel; T/c w/ D. Dagon; review email from K. Wasch; t/c w/ D. Dagon & M. Rasch re same; T/c w/ joint defense counsel; t/c w/ D. Dagon re anonymous writer; | 4.0 |
| 10/14/2020 | Rasch | Review Epoch Times posting, expert witness reports; tel cal D. Dagon J. Westby | 2.2 |
| 10/14/2020 | Westby | T/c w/ D. Dagon re anonymous docs; draft response to K. Wasch; email D. Dagon & M. Rasch re same | 4.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 10/15/2020 | Rasch | Research - scope of employment, GA state regulations, reimbursement policies, AG policies | 3.8 |
| 10/15/2020 | Rasch | Draft talking points memo - Tel Call J Westby | 2.7 |
| 10/15/2020 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon & M. Rasch re response to GT; review memo from D. Dagon; email K. Wasch requesting t/c; research faculty handbook and GT research policies; develop talking points for call w/ GT; email to D. Dagon & M. Rasch for review; | 6.5 |
| 10/15/2020 | Rasch | Review GT Faculty Manual, GT Lawsuits and settlements, AG litigation, Restatement Agency, LOAS policies | 2.9 |
| 10/16/2020 | Rasch | Tel Call A. McReedy re IU reimbursement policy; tel cal w common counsel; legal research – privilege issues, foreign prosecution | 4.8 |
| 10/16/2020 | Westby | Review email from AUSA & subpoena; forward to D. Dagon; t/cs w/ joint defense counsel; review reply from K. Wasch & reply; t/c w/ D. Dagon; review amicus filing by EFF | 4.5 |
| 10/17/2020 | Westby | Review email from joint defense counsel & reply; email joint defense counsel | 0.2 |
| 10/18/2020 | Westby | Review report from joint defense counsel; t/c w/ D. Dagon; t/c w/ J. Levine; prepare Kovel agreement & email to J. Levine; review news articles & email to D. Dagon & M. Rasch | 6.0 |
| 10/19/2020 | Westby | T/c w/ K. Wasch & LL Nie; t/c w/ D. Dagon; t/c w/ M. Rasch; | 2.5 |
| 10/20/2020 | Westby | Draft letter to LL Nie; revise notes from M. Rasch | 3.0 |
| 10/21/2020 | Westby | Revise letter to LL Nie; t/c w/ M. Rasch re edits to draft; t/c w/ D. Dagon; email LL Nie; | 6.0 |
| 10/22/2020 | Westby | Review edits from D. Dagon; edit letter to LL Nie; review edits from M. Rasch; review legal research; finalize letter to LL Nie; email letter to LL Nie | 5.5 |
| 10/23/2020 | Westby | T/c w/ M. Rasch to prepare for call w/ AUSA; t/c w/ A. DeFilippis; t/c w/ M. Rasch & D. Dagon; t/c w/ joint defense counsel; review email re deadline for civil case ID of Jane/John Does | 4.5 |
| 10/24/2020 | Westby | Review email from A. DeFilippis & reply; t/c w/ M. Rasch; t/c w/ D. Dagon | 2.0 |
| 10/27/2020 | Westby | Email joint defense counsel re call; review docs in file | 1.0 |
| 10/28/2020 | Westby | T/c w/ joint defense counsel; t/c w/ M. Rasch | 1.7 |
| 10/30/2020 | Westby | Email LL Nie re response to letter | 0.3 |
| 11/4/2020 | Rasch | Tel Call Common counsel J Westby | 0.2 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 11/4/2020 | Westby | Review email from LL Nie; Email B. Webb; review reply from B. Webb to schedule call; t/c w/ D. Dagon; review email from joint defense counsel & reply | 2.8 |
| 11/5/2020 | Rasch | Review expert witness documents. Jones Report, tel cal D Dagon, J Westby, tel cal common counsel, tel cal B Webb, tel cal former GA State AG, revise scope of employment memo | 10.8 |
| 11/5/2020 | Westby | T/c w/ M. Rasch; t/c w/ B. Webb; t/c w/ D. Dagon; email B. Webb w/ 1st ltr and 3rd party payor agreement | 2.3 |
| 11/9/2020 | Rasch | T/c w/Common Counsel review media reports; review draft letter from Common Counsel; tel cal former GA AG, draft letter to DeFilippis, tel cal w J. Westby | 8.4 |
| 11/9/2020 | Westby | Joint defense counsel call; review draft letter to AUSA; edit letter; email letter to AUSA; review response & discuss w/ M. Rasch; emails to joint defense counsel | 2.5 |
| 11/10/2020 | Rasch | Tel Call Common Counsel J Westby, tel cal D. Dagon | 2.4 |
| 11/10/2020 | Westby | Review emails from AUSA re letter; emails to joint defense counsel; t/cs w/ joint defense counsel; email D. Dagon re same; draft reply letter to AUSA; t/c w/ M. Rasch re same; email AUSA w/ response | 5.5 |
| 11/11/2020 | Rasch | Tel Call A Fillipis, J Westby.Fuhrman, et al - re privilege and grand jury, draft letter to DeFilippis re privilege, tel calls common counsel J Westby | 5.5 |
| 11/11/2020 | Westby | T/c w/ AUSA; emails w/ joint defense counsel; t/cs w/ joint defense counsel; email to D. Dagon re signing document for AUSA; | 4.0 |
| 11/12/2020 | Rasch | Review DeFilippis letters to counsel; tel cal J Westby | 2.2 |
| 11/12/2020 | Westby | Email executed docs to AUSA; review email from AUSA re response to letter & FBI interviews; t/c w/ M. Rasch | 2.0 |
| 11/15/2020 | Westby | Email response to AUSA re FBI interviews | 0.2 |
| 11/18/2020 | Rasch | Tel Call common counsel Westby | 1.0 |
| 11/18/2020 | Westby | Email B. Webb re fee issue; t/c w/ joint defense counsel; | 1.2 |
| 11/20/2020 | Rasch | Tel Call common counsel Westby | 0.9 |
| 11/24/2020 | Westby | Email B. Webb re fee issue; arrange for t/c; | 0.2 |
| 11/25/2020 | Rasch | Redraft Third Party Payor Agreement/Tel Call B Webb J Westby | 3.2 |
| 11/25/2020 | Westby | T/c w/ B. Webb; revise third party payor agreement per t/c w/ B. Webb; email to B. Webb | 1.0 |
| 11/26/2020 | Rasch | Meeting with J Westby | 0.5 |
| 12/7/2020 | Rasch | Meeting w J Westby RE Status, call w B. Webb, Draft letter to B. Webb | 2.0 |
| 12/7/2020 | Westby | T/c w/ D. Dagon; email B. Webb re status; | 0.6 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|------------|-----------|---|-------|
| 12/8/2020 | Rasch | Call to K. Wasch; draft response to AUSA; call to J. Westby, redraft letter to B. Webb, mtg w J Westby | 5.9 |
| 12/8/2020 | Westby | T/c w/ joint defense counsel; review email from B. Webb & reply | 0.7 |
| 12/20/2020 | Rasch | Review Forbes Article Re Investigation, research Georgia constitution, gratuities clause | 1.8 |
| 12/29/2020 | Rasch | Tel Call w Common Counsel Re Investigation | 1.0 |
| 12/29/2020 | Westby | T/c w/ joint defense counsel re subpoenas to GJ | 1.0 |
| 1/25/2021 | Rasch | Tel cal w Common Defense, research BAA and joint defense issues, | 1.0 |
| 1/25/2021 | Westby | Email to B. Webb re legal fees; review BAA; forward to joint defense counsel; draft letter to B. Webb | 2.7 |
| 1/26/2021 | Westby | T/c w/ joint defense counsel re subpoena to GJ & documents produced; research reimbursement of legal fees by DOAS; draft letter to B. Webb | 3.5 |
| 1/27/2021 | Rasch | Draft Letter to Ling Ling Re: Scope of Independent Counsel Investigation, letter to B. Webb, DOAS policy and DARPA, Tel Call former GA AG Re: Indemnification | 4.2 |
| 1/28/2021 | Rasch | Research - scope of immunity, 18 USC 6001, act of production, agency | 3.0 |
| 1/28/2021 | Westby | Email joint defense counsel re 5th A & review replies; draft letter to B. Webb | 4.5 |
| 1/29/2021 | Rasch | Draft Letter to AG Webb RE Scope of Employment, | 4.2 |
| 1/29/2021 | Westby | Research gratuities clause; finalize letter to B. Webb; email B. Webb w/ letter | 3.5 |
| 1/30/2021 | Rasch | Research - Trump Russia Cyberattack reports, news articles | 3.3 |
| 2/3/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 2/23/2021 | Westby | Email Ling-Ling re legal fees | 0.2 |
| 2/26/2021 | Rasch | Tel Call S. Common Defense Counsel, Email re legal fees, Joint defense call w J. Westby | 1.2 |
| 2/26/2021 | Westby | Review email from K. Wasch re legal fee payment; discuss w/ M. Rasch; joint defense call; t/c w/ D. Dagon | 3.3 |
| 2/28/2021 | Westby | Review email from joint defense counsel; reply | 0.2 |
| 3/1/2021 | Rasch | Revise Letter to G Tech re legal fees, tel cal w J. Westby and common counsel | 1.8 |
| 3/1/2021 | Westby | T/c w/ joint defense counsel; send docs to joint defense | 0.8 |
| 3/2/2021 | Westby | T/c w/ joint defense counsel; review file; send docs; draft letter to GT re legal fees | 1.6 |
| 3/3/2021 | Westby | Conduct research re applicability of DNS data to wiretap, PR/TT, Stored Comm Act; draft note re findings; email M. Rasch re prep for call w/ B. Webb; Review email from B. Webb re legal fees | 2.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 3/4/2021 | Rasch | Research DOAS policies/ Reimbursement, research SCA, trap and trace, tel cal w J. Westby; draft letter to AG re reimbursement, draft letter to LL, tel cal D Dagon | 6.5 |
| 3/4/2021 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel; review letter to GT re legal fees; email D. Dagon re letter to GT re legal fees | 3.0 |
| 3/5/2021 | Westby | T/c w/ joint defense counsel (2); revise letter to GT to include DOAS reimbursement | 2.5 |
| 3/6/2021 | Westby | Research applicability of DNS data to pen register/trap trace & stored comm act; email joint defense counsel re same | 1.3 |
| 3/9/2021 | Rasch | T/c w/ joint defense counsel; t/c w/ DOAS; research DNS record availability; | 2.9 |
| 3/9/2021 | Westby | T/c w/ DOAS re legal fee reimbursement | 0.5 |
| 3/10/2021 | Westby | Review email from joint defense re docs from Alice; email K. Wasch & Ling-Ling re letter re legal fee offer | 1.5 |
| 3/11/2021 | Rasch | Tel call to D Dagon, | 2.2 |
| 3/14/2021 | Westby | Review emails from joint defense re 5th A & reply | 0.6 |
| 3/17/2021 | Rasch | Research GT Policies, review docs from K Wasch and Ling Ling, fee research | 1.9 |
| 3/19/2021 | Rasch | Review DARPA contract and policies, tel cal w consulting counsel re DARPA reimbursement policies, duty to defend contract | 4.2 |
| 3/19/2021 | Westby | Review research on FAR & payment of legal fees | 0.5 |
| 3/20/2021 | Rasch | Research FAR requirements reimbursement of attorney fees | 3.8 |
| 3/22/2021 | Rasch | Research - GA AG Policies - Conflict of Interest and dual representation, | 2.7 |
| 3/23/2021 | Westby | Email K. Wasch re call to discuss fees; | 0.2 |
| 3/26/2021 | Westby | Email Ling-Ling & K. Wasch re legal fees; review reply | 0.2 |
| 3/29/2021 | Rasch | Tel Call w Common Defense Counsel, tel cal w J. Westby, follow up research | 1.0 |
| 3/29/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 3/30/2021 | Westby | Email joint counsel; T/c w/ joint defense counsel; research BAA | 1.3 |
| 3/31/2021 | Westby | Review email from joint counsel; research response; reply | 0.8 |
| 4/1/2021 | Westby | Email K. Wasch & Ling-Ling re legal fees; review email from D. Lunon re legal fees | 0.9 |
| 4/2/2021 | Westby | Email to D. Lunon; email joint defense counsel | 0.3 |
| 4/5/2021 | Westby | Review email from D. Lunon re legal fee status | 0.1 |
| 4/9/2021 | Rasch | Draft letter to GT counsel re scope of employment; t/c | 1.3 |
| 4/15/2021 | Westby | Review draft letter to DOAS | 0.3 |
| 4/21/2021 | Westby | Review email from joint defense counsel; reply | 0.2 |
| 4/21/2021 | Rasch | Letter to DOAS, common counsel email | 0.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 4/22/2021 | Westby | Email D. Dagon re DOAS letter | 0.2 |
| 4/26/2021 | Westby | Email D. Lunon re legal fee issue | 0.3 |
| 4/28/2021 | Westby | Review email from D. Lunon re fees & reply | 0.5 |
| 5/6/2021 | Westby | Emails to joint defense counsel ; t/c w/ joint defense counsel | 1.0 |
| 5/6/2021 | Rasch | Tel Call w Common Defense Counsel re joint defense | 1.4 |
| 5/7/2021 | Westby | T/c w/ joint defense counsel; review emails from joint defense counsel & reply | 1.0 |
| 5/8/2021 | Rasch | Call w/ J. Westby re subpoena; review subpoena; call w/ D. Dagon re same | 2.0 |
| 5/9/2021 | Rasch | T/c w/ Common Counsel review white paper; review Tea Pain reports; draft response to AUSA; review DNS availability | 5.5 |
| 5/10/2021 | Westby | Review letter from K. Wasch re legal fees; t/c w/ joint defense counsel; emails w/ joint defense counsel | 1.4 |
| 5/11/2021 | Westby | T/c w/ joint defense counsel; draft response to GT letter re fees | 3.5 |
| 5/12/2021 | Westby | T/c w/ joint defense counsel; draft response to GT letter re fees; email D. Dagon | 2.5 |
| 5/12/2021 | Rasch | Tel Cal Common Counsel - letter to Wasch/Ling Ling | 1.9 |
| 5/14/2021 | Westby | Edit GT letter re fees; email D. Dagon | 2.5 |
| 5/17/2021 | Westby | Edit GT letter; email D. Dagon; | 2.0 |
| 5/19/2021 | Westby | Review email from D. Dagon; t/c w/ D. Dagon | 1.6 |
| 5/20/2021 | Rasch | Revise letter to Kate re legal fees | 1.0 |
| 5/20/2021 | Westby | Review edits to GT letter from M. Rasch; email M. Rasch re same | 1.5 |
| 5/21/2021 | Westby | Review edits to GT letter; | 1.0 |
| 6/8/2021 | Rasch | Research GJ & special counsel, review subpoena, prepare draft response | 1.2 |
| 6/23/2021 | Rasch | Common Interest Call w Common Counsel, research re scope of privilege, Klein issues | 1.2 |
| 6/23/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 6/24/2021 | Westby | Review docs from joint defense counsel; email joint defense counsel | 0.5 |
| 6/29/2021 | Westby | T/c w/ joint defense counsel; email M. Rasch re same; email joint defense counsel | 1.2 |
| 6/29/2021 | Rasch | Research - Articles on Investigation, tel call J. Westby | 2.7 |
| 6/30/2021 | Westby | T/c w/ D. Dagon; t/c w/ joint defense counsel | 1.6 |
| 6/30/2021 | Rasch | Tel Call D. Dagon J. Westby | 2.0 |
| 7/1/2021 | Westby | T/c w/ joint defense counsel (3) | 1.5 |
| 7/1/2021 | Rasch | Tel Call w Common counsel - research caselaw | 1.2 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 7/2/2021 | Rasch | Tel Call w Common Defense Counsel | 1.2 |
| 7/2/2021 | Westby | T/c w/ joint defense counsel; review letter from joint defense counsel | 0.8 |
| 7/5/2021 | Westby | T/c w/ joint defense counsel | 0.5 |
| 7/6/2021 | Rasch | Call w joint defense counsel | 1.0 |
| 7/6/2021 | Westby | Review email from DeFilippis & reply; t/c w/ De F; t/c w/ joint defense counsel (3); email to D. Dagon | 2.8 |
| 7/7/2021 | Westby | T/c w/ joint defense counsel; review email from DeF & proffer agreement; reply to DeF re same | 1.2 |
| 7/7/2021 | Rasch | Tel Cal Common Counsel - DeFilippis, J. Westby, proffer session | 1.0 |
| 7/8/2021 | Rasch | T/c w/ J. Westby; review subpoena response; draft response to subpoena | 1.0 |
| 7/8/2021 | Westby | T/c w/ joint counsel; Review emails from DeF & reply | 0.7 |
| 7/9/2021 | Rasch | Tel Call w D. Dagon; tel call common interest | 3.9 |
| 7/9/2021 | Westby | T/c w/ DeF; t/c w D. Dagon; review docs from D. Dagon; | 3.0 |
| 7/10/2021 | Rasch | Research on Prosecutorial Misconduct | 4.0 |
| 7/10/2021 | Westby | Draft letter to DeF; review email from DeF; | 1.0 |
| 7/12/2021 | Rasch | Tel call w A DeF - legal ethics, threats of prosecution | 1.0 |
| 7/12/2021 | Westby | T/c w/ S. Saltzburg; review doc from D. Dagon; edit letter to DeF; T/c w/ joint counsel | 2.4 |
| 7/13/2021 | Rasch | Common Interest Call w Counsel; tel cal D Dagon | 4.8 |
| 7/13/2021 | Westby | Review email from DeF & subpoena; t/c w/ D. Dagon; t/c w/ joint counsel(2); email S. Saltzburg; finalize letter to DeF & send; review email from DeF & reply; emails to D. Dagon; emails to joint defense counsel | 4.7 |
| 7/14/2021 | Rasch | Common Interest calls; tel cal D Dagon J Westby | 5.3 |
| 7/14/2021 | Westby | T/c w/ joint defense counsel (6); review email from DeF; t/c w/ DeF; review doc from D. Dagon | 5.7 |
| 7/15/2021 | Rasch | Letter to DeF; tel cal common interest; tel cal Christian F re fees | 4.0 |
| 7/15/2021 | Westby | T/c w/ C. Fuller re legal fees, Dagon status; review doc from D. Dagon; review draft letter to DeF; emails to S. Saltzburg; review emails from joint defense counsel; t/c w/ joint defense counsel; t/c w/ D. Dagon; email letter to DeF | 4.5 |
| 7/16/2021 | Rasch | Call w D Dagon | 2.0 |
| 7/16/2021 | Westby | Review email from DeF & reply; discuss dates for testimony; t/c w/ D. Dagon; t/c w/ DeF; send D. Dagon draft letter re immunity | 3.5 |
| 7/17/2021 | Rasch | Common Interest Call | 1.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 7/17/2021 | Westby | Review email from DeF re testimony; t/c w/ D. Dagon; t/c w/ joint defense counsel | 2.4 |
| 7/19/2021 | Rasch | Grand Jury Prep | 2.0 |
| 7/19/2021 | Westby | T/c w/ joint defense counsel; email D. Dagon re DOJ reimbursement; emails w/ joint defense counsel | 0.8 |
| 7/20/2021 | Rasch | Subpoena duces tecum review; tel cal J Westby | 4.0 |
| 7/20/2021 | Westby | Review email from C. Fuller re note from DARPA GC & document production & reply; email DeF re testimony & documents; review email from DeF & reply; t/c w/ D. Dagon | 4.8 |
| 7/21/2021 | Rasch | FRCrim P 6 research; tel call common counsel, tel cal w GA AG Beth Young, tel cal w J Westby | 5.3 |
| 7/21/2021 | Westby | Review emails from DOJ; review emails from joint defense counsel; review email from E. Young & reply; t/c w/ E. Young; review email from DeF & reply; t/c w/ M. Rasch; t/c w/ D. Dagon; t/c w/ DeF; review email from E. Young & GT subpoena; draft email to DeF re document production | 4.8 |
| 7/22/2021 | Westby | Review doc from D. Dagon; review emails from joint defense counsel; t/c w/ D. Dagon | 1.4 |
| 7/23/2021 | Rasch | Draft letter to DeFilippis re DARPA; tel cal common counsel; tel cal J Westby | 5.0 |
| 7/23/2021 | Westby | Review emails from E. Young & reply; email De F re document production; email E. Young re responsive documents; email D. Dagon | 1.2 |
| 7/24/2021 | Rasch | Review document production; tel call common counsel | 4.7 |
| 7/24/2021 | Westby | Review email from DeF & reply; t/c w/ joint defense counsel; t/c w/ D. Dagon | 4.0 |
| 7/25/2021 | Westby | Email DeF; | 0.2 |
| 7/26/2021 | Rasch | Review documents; research, tel cal w D Dagon, J Westby to prep for mtg w DeF and GJ | 8.0 |
| 7/26/2021 | Westby | Review email from E. Young re doc production & reply; review doc from D. Dagon; Review email from DeF re immunity & reply; review file; mtg w/ D. Dagon | 7.0 |
| 7/27/2021 | Rasch | Tel Call D Dagon to prep; letter to GA AG re document production, review documents | 7.0 |
| 7/27/2021 | Westby | Mtg w/ D. Dagon re DeF meeting & testimony; review emails from E. Young re docs & reply | 8.0 |
| 7/28/2021 | Rasch | Mtg w DeFilippis, mtg w D Dagon, tel calls joint counsel | 10.0 |
| 7/28/2021 | Westby | Mtg w/ DeF; mtg w/ Dagon; review email from joint counsel; joint counsel calls | 12.0 |
| 7/29/2021 | Rasch | Mtg w DeFilippis, mtg w D Dagon, GJ testimony, review docs, tel calls common interest; review Rhamnousia logs | 11.2 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 7/29/2021 | Westby | Mtg w/ DeF; GJ testimony; mtg w/ Dagon; review immunity order; review emails from E. Young re Rhamnousia chat logs & reply; t/c w/ joint defense counsel | 11.8 |
| 7/30/2021 | Rasch | Tel calls joint counsel, review documents, tel cal D Dagon | 4.0 |
| 7/30/2021 | Westby | T/c w/ joint counsel; review docs from D. Dagon; review email from DeF & reply; t/c w/ D. Dagon | 4.3 |
| 8/1/2021 | Westby | Review email from DeF; t/c w/ DeF; t/c w/ Dagon; | 1.7 |
| 8/2/2021 | Rasch | Joint Defense call, tel cal D Dagon J Westby, review docs | 4.0 |
| 8/2/2021 | Westby | Review docs from D. Dagon; review emails from DeF; review emails from E. Young; t/c w/ D. Dagon; review emails from joint defense counsel; email joint defense counsel re docs needed | 4.5 |
| 8/3/2021 | Rasch | Witness preparation, review documents | 4.0 |
| 8/3/2021 | Westby | T/c w/ joint defense counsel (2); review docs from joint defense counsel; review email from DeF and docs; emails w/ DeF re mtgs & testimony; mtg w/ D. Dagon | 8.8 |
| 8/4/2021 | Westby | Mtg w/ D. Dagon; mtg w/ DeF; | 11.0 |
| 8/4/2021 | Rasch | Tel cal w D Dagon, tel cal w DeF & team | 5.5 |
| 8/5/2021 | Rasch | Tel call J Westby, D Dagon | 1.7 |
| 8/5/2021 | Westby | Review emails from joint defense counsel; mtg w/ D. Dagon; GJ testimony; t/c w/ joint defense counsel; review email from DoJ re reimbursement & reply | 6.5 |
| 8/6/2021 | Westby | Review emails from joint defense counsel & reply t/c w/ joint defense counsel (2); | 2.0 |
| 8/9/2021 | Rasch | Common Defense Call, document review | 3.2 |
| 8/9/2021 | Westby | Email DeF documents; t/c w/ joint defense counsel; email docs to joint defense counsel; review docs & file from GJ; review doc from D. Dagon | 7.5 |
| 8/10/2021 | Rasch | Tel cal w J Westby | 1.0 |
| 8/10/2021 | Westby | Review email from joint defense counsel; | 0.5 |
| 8/11/2021 | Rasch | Common Defense comms, tel cal D Dagon | 1.5 |
| 8/11/2021 | Westby | Review doc from D. Dagon; review email from joint defense counsel & reply; | 1.0 |
| 8/12/2021 | Westby | T/c & emails w/ joint defense counsel; t/c w/ D. Dagon | 3.5 |
| 8/13/2021 | Rasch | Review Grand Jury process; OSINT legal review | 3.0 |
| 8/13/2021 | Westby | Email joint defense counsel; | 0.5 |
| 8/14/2021 | Westby | Review email from joint defense counsel; draft letter to DeF; t/c w/ D. Dagon; email joint defense counsel | 1.5 |
| 8/15/2021 | Rasch | Draft letter DeFilippis, tel cal J Westby D Dagon | 4.0 |
| 8/15/2021 | Westby | Review doc from D. Dagon; t/c w/ M. Rasch; draft letter to DeF; review email from DeF w/ Qs to answer; t/c w/ D. | 6.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| | | Dagon; review emails from joint defense counsel; emails to joint defense counsel | |
| 8/16/2021 | Rasch | Tel cal w common counsel, tel cal D Dagon | 3.5 |
| 8/16/2021 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon; draft answers to DeF Qs; | 7.5 |
| 8/17/2021 | Rasch | Witness prep Dagon, research - 1001 caselaw, special counsel, tel cal common counsel | 5.0 |
| 8/17/2021 | Westby | Review doc from D. Dagon; t/c w/ joint defense counsel; edit answers to DeF Qs; email DeF with answers to Q; email joint defense counsel | 5.0 |
| 8/18/2021 | Rasch | Witness prep Dagon, draft responses to DOJ questions | 6.5 |
| 8/18/2021 | Westby | Review email from DeF; review email from M. Rasch re same; email DeF w/ answers; review email from DeF; t/c w/ D. Dagon; reply to DeF | 4.8 |
| 8/19/2021 | Rasch | Mtg w D Dagon, tel cal J Westby, Grand Jury testimony | 6.5 |
| 8/19/2021 | Westby | Review email from DeF; review email from M. Rasch; email DeF; t/c w/ M. Rasch; t/c w/ D. Dagon; review email from J. Eckenrode; t/c w/ M. Rasch; review doc from D. Dagon | 4.3 |
| 8/20/2021 | Rasch | Common Interest Call, tel cal D Dagon | 2.0 |
| 8/21/2021 | Westby | Joint defense counsel call; | 0.5 |
| 8/23/2021 | Rasch | Common Interest call, review docs from D Dagon | 2.4 |
| 8/23/2021 | Westby | Joint defense counsel calls (4); review file docs from D. Dagon; | 3.5 |
| 8/24/2021 | Rasch | Common Interest Call w Common Counsel | 1.5 |
| 8/24/2021 | Westby | Review docs from D. Dagon; t/c w/ joint defense counsel (2); email docs to joint defense counsel; draft letter to DeF | 5.5 |
| 8/25/2021 | Westby | Review doc from D. Dagon; t/c w/ D. Dagon; edit letter to DeF; email joint defense counsel; | 5.4 |
| 8/26/2021 | Westby | Draft & finalize letter to DeF; emails to joint defense counsel; email letter to DeF | 6.5 |
| 8/27/2021 | Rasch | Research scope of investigation, DOJ policies, draft letter to DeFilippis, Garland, Durham | 5.0 |
| 8/27/2021 | Westby | Send emails to joint defense counsel; t/c w/ joint defense counsel; review doc from D. Dagon | 2.0 |
| 8/28/2021 | Westby | Review doc from D. Dagon; emails to joint defense counsel & review replies | 2.0 |
| 8/30/2021 | Westby | T/c w/ joint defense counsel (2); emails to joint defense counsel; | 2.8 |
| 8/31/2021 | Westby | Email letter to AG Garland & Durham | 0.5 |
| 9/1/2021 | Rasch | Research draft letter to DeF re scope of investigation, tel cal joint counsel, review D. Jones litigation - report | 6.2 |
| 9/3/2021 | Rasch | Tel cal D Dagon J Westby, review docs from D Dagon | 2.3 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|---|--------------|
| 9/3/2021 | Westby | Review docs in file; t/c w/ M. Rasch; t/c w/ D. Dagon | 2.5 |
| 9/5/2021 | Rasch | Review documents, emails re press reports | 1.2 |
| 9/16/2021 | Rasch | Common Interest Calls, review indictment, review D. Jones suit, tel cal D Dagon J Westby | 5.5 |
| 9/16/2021 | Westby | Review indictment; t/c w/ DeF; emails & t/c w/ joint defense counsel; t/c w/ D. Dagon; review email from J. Durham | 3.5 |
| 9/17/2021 | Rasch | Review Durham response & draft reply; tel call common counsel | 3.7 |
| 9/17/2021 | Westby | T/c w/ joint defense counsel; emails w/ joint defense counsel; review draft response to J. Durham; | 3.0 |
| 9/19/2021 | Westby | Emails w/ joint defense counsel; | 0.5 |
| 9/20/2021 | Rasch | Common Interest Call | 1.2 |
| 9/20/2021 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon; review emails from joint defense counsel & reply | 1.9 |
| 9/21/2021 | Rasch | DOAS research | 1.9 |
| 9/21/2021 | Westby | T/c w/ joint defense counsel (2); t/c w/ D. Dagon & M. Rasch; review doc from D. Dagon | 2.7 |
| 9/22/2021 | Westby | T/c w/ joint defense counsel; t/c w/ D. Dagon | 2.5 |
| 9/23/2021 | Westby | Review docs from D. Dagon; review emails from joint defense counsel; t/c w/ joint defense counsel; | 3.5 |
| 9/25/2021 | Rasch | Research independent counsel statute | 2.0 |
| 9/28/2021 | Westby | T/c w/ C. Fuller & E. Young; review doc from D. Dagon; | 1.5 |
| 9/28/2021 | Rasch | Tel cal w Christian F & Beth Young, tel cal J Westby | 1.5 |
| 9/30/2021 | Westby | T/c w/ joint defense counsel; review docs; review doc from D. Dagon | 1.3 |
| 10/1/2021 | Rasch | OSC investigation research; tel call common counsel | 3.3 |
| 10/20/2021 | Westby | Email DOAS re ORR; emails w/ joint counsel | 1.0 |
| 10/21/2021 | Westby | Review email from joint counsel; t/calls w/ joint counsel; review email from joint counsel; prepare & submit ORR to GT; emails to D. Dagon; | 2.5 |
| 11/10/21 | Rasch | Tel call w joint defense US v Sussman, research data integrity and third party | 0.8 |
| 12/30/21 | Westby | Review email from Andrew DeF & reply; t/c/ w/ M. Rasch re same; t/c w/ D. Dagon | .5 |
| 12/30/21 | Rasch | Tel Call J Westby, David Dagon | 0.5 |
| 12/31/21 | Westby | Emails to joint defense; t/c w/ D. Dagon | 1.0 |
| 12/31/21 | Rasch | Common interest call | 1.0 |
| 1/2/22 | Rasch | Common interest tel call | 0.7 |
| 1/5/22 | Westby | T/c w/ DeF; t/c w/ M. Rasch re same | .5 |
| 1/5/22 | Rasch | Tel call w A. DeF/ J. Westby | 0.5 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 1/6/22 | Westby | T/c w/ joint defense counsel; review email & docs from joint defense counsel; review In re Sealed Motion case | 3.8 |
| 1/6/22 | Rasch | Tel cal -common interest, research grand jury secrecy issue | 3.0 |
| 1/7/22 | Westby | T/c w/ joint defense counsel | 1.0 |
| 1/7/22 | Rasch | Common interest call | 1.0 |
| 1/9/22 | Westby | Review doc from joint defense counsel; review file | 1.5 |
| 1/9/22 | Rasch | Common interest call | 1.0 |
| 1/11/22 | Westby | Review doc from FBI; T/c w/ Dagon | 1.5 |
| 1/11/22 | Rasch | Common interest call; call w J Westby; tel cal Dagon | 1.4 |
| 1/12/22 | Westby | T/c w/ joint defense | .5 |
| 1/13/22 | Westby | T/c w/ joint defense; review file & doc production | 2.0 |
| 1/13/22 | Rasch | Common interest call, review discovery documents, protective order | 1.2 |
| 1/18/22 | Westby | T/c w/ joint defense counsel | 1.2 |
| 1/18/22 | Rasch | Zoom call - common interest | 1.2 |
| 1/20/22 | Westby | Review emails from joint defense counsel; reply | .4 |
| 1/31/22 | Rasch | Review GT documents found online, review US v Sussman discovery pleadings | 1.0 |
| 2/2/22 | Rasch | Tel call J Westby, D Dagon, respond to pleading US v. Sussman by DeF | 0.8 |
| 2/2/22 | Westby | Review email from DeF & reply; forward to client; t/c w/ M. Rasch | .5 |
| 2/12/22 | Westby | Review email from joint counsel; review motion by DeF; t/c w/ M. Rasch | 1.0 |
| 2/12/22 | Rasch | Tel call w J. Westby, common defense email review | 0.8 |
| 2/13/22 | Westby | T/c w/ joint counsel (2); t/c w/ client; review doc from client; prepare talking points | 4.5 |
| 2/13/22 | Rasch | Common defense calls; call w D Dagon, confirm DNS and other records | 3.2 |
| 2/14/22 | Westby | T/c w/ joint counsel (2); review documents from client; prepare talking points; review email from joint counsel; review filing by joint counsel; | 4.5 |
| 2/14/22 | Rasch | Review documents re US v Sussman pleading, prepare response to DeF arguments | 3.0 |
| 2/15/22 | Westby | T/c w/ joint counsel; email joint counsel | 1.0 |
| 2/15/22 | Rasch | Common defense Zoom call, emails, strategy meeting Re DiF | 1.5 |
| 2/17/22 | Westby | T/c w/ C. Soghoian; t/c w/ M. Rasch; review motion to dismiss; | 2.0 |
| 2/17/22 | Rasch | Tel Call, J. Westby. US v. Sussman motion to dismiss, Tel call w Senate Staff RE DNS privacy | 1.2 |
| 2/18/22 | Rasch | Common defense calls | 1.1 |
| 2/18/22 | Westby | T/c w/ joint counsel re DNS/EOP; | 1.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 2/23/22 | Rasch | Tel Calls research and purpose of data collection, EOP DNS and internal/external | 1.8 |
| 3/2/22 | Westby | T/c w/ joint counsel; review email from joint counsel | .8 |
| 3/2/22 | Rasch | Common defense t/c | 1.0 |
| 3/3/22 | Westby | Review email from joint counsel & reply; review email from D. Dagon & attachment; t/c w/ Dagon | 1.2 |
| 3/3/22 | Rasch | Review docs US v Sussmann, t/c w/ joint defense | 1.3 |
| 3/4/22 | Westby | T/c/ w/ joint counsel; review document from Dagon & reply | 1.5 |
| 3/4/22 | Rasch | Call w/ J. Westby | 1.0 |
| 3/5/22 | Rasch | Joint defense call/ review 900 pages of GT docs from ORR | 1.2 |
| 3/6/22 | Westby | Review ORR GT docs | 1.2 |
| 3/7/22 | Rasch | Review D. Dagon docs; joint defense call; t/c w/ J. Westby | 2.5 |
| 3/7/22 | Westby | T/c w/ joint counsel; t/c w/ M. Rasch re same; t/c w/ joint counsel; review doc from Dagon | 2.0 |
| 3/8/22 | Westby | Draft letter to DeF re Dagon testimony; email letter to DeF; review response | 1.0 |
| 3/8/22 | Rasch | Communication w/ DeF; draft letter re access to testimony | 1.0 |
| 3/10/22 | Westby | Review email from joint defense counsel; t/c w/ joint defense counsel; review info sent from joint defense | 1.0 |
| 3/10/22 | Rasch | Joint defense call; review docs from joint defense | 1.0 |
| 3/11/22 | Rasch | Call w/ joint defense; review GA Open Records Act | .2 |
| 3/15/22 | Westby | Review email from OSC & reply; t/c w/ M. Rasch; t/c w/ D. Dagon | 1.5 |
| 3/15/22 | Rasch | Joint defense call/ call w/ D. Dagon; review GT emails | 1.6 |
| 3/16/22 | Westby | T/c w/ DeF & team; t/c w/ D. Dagon | 1.0 |
| 3/16/22 | Rasch | Call w/ DeF; joint defense call; review GT ORR docs | .9 |
| 3/17/22 | Westby | Email w/ Joint defense counsel; | .2 |
| 3/17/22 | Rasch | Review GT ORR docs; emails & call w/ J. Westby | .2 |
| 3/18/22 | Westby | T/c w/ joint defense counsel; | .5 |
| 3/18/22 | Rasch | Call w/ joint defense re emails and ORR docs | .5 |
| 3/19/22 | Westby | Review email from D. Dagon & review attachment; t/c w D. Dagon | 1.2 |
| 3/19/22 | Rasch | Dagon document review; research | 1.1 |
| 3/22/22 | Westby | T/c w/ joint counsel; review email from joint counsel; email w/ OSC; t/c w/ Dagon | 1.4 |
| 3/22/22 | Rasch | Joint defense call; legal research; call w/ D. Dagon | 1.5 |
| 3/24/22 | Westby | Review email from joint counsel; review doc from Dagon | .5 |
| 3/24/22 | Rasch | Review joint defense emails; email from D. Dagon | .5 |
| 3/25/22 | Westby | Review email from joint counsel; review letter from GT; t/c w/ M. Rasch, Dagon | 1.0 |
| 3/25/22 | Rasch | Common defense emails; GT doc review; call w/ D. Dagon | 1.0 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|-------------|------------------|--|--------------|
| 3/29/22 | Westby | Email OSC re access transcripts; review ORR docs | 4.3 |
| 3/29/22 | Rasch | Draft pleading re access to GJ transcripts; GT doc review; emails re same | 4.0 |
| 3/30/22 | Westby | Tc w/ joint counsel; review information from joint defense; t/c w/ M. Rasch' review email from OSC & reply | 1.3 |
| 3/30/22 | Rasch | Call w/ J. Westby; call w/ joint counsel; doc review | 1.6 |
| 3/31/22 | Westby | Email joint counsel re docs to review; | .5 |
| 3/31/22 | Rasch | Joint defense communications | .7 |
| 4/5/22 | Westby | Review Sussmann motion re accuracy of data; review OSC filings; | .5 |
| 4/5/22 | Rasch | Doc review; DeF filings, US v Sussmann | .5 |
| 4/6/22 | Westby | Review email from joint counsel; review info re OSC position; t/c w/ M. Rasch | 1.0 |
| 4/6/22 | Rasch | Email from joint defense counsel | .9 |
| 4/7/22 | Westby | Email M. Schamel & review reply | .2 |
| 4/7/22 | Rasch | Review data re Manos Antonakakis | .3 |
| 4/11/22 | Westby | T/c w/ M. Schamel; t/c w/ M. Rasch | .8 |
| 4/11/22 | Rasch | Call w/ J. Westby; call w/ M. Schamel | .8 |
| 4/15/22 | Westby | Review emails from joint counsel & reply re joint call; review court docs; | .6 |
| 4/15/22 | Rasch | Review pleadings in Sussmann case; doc review ORR docs | .6 |
| 4/16/22 | Westby | Review pleadings in Sussmann case; review ORR docs | 1.0 |
| 4/16/22 | Rasch | Review pleadings in Sussmann case; document review | 1.0 |
| 4/18/22 | Westby | Review emails from joint counsel; t/c w/ joint counsel & document; email expert witness; emails w/ joint counsel | 2.8 |
| 4/18/22 | Rasch | Review GT docs; joint defense call; review expert witness scope | 3.0 |
| 4/19/22 | Westby | T/c w/ joint counsel; review ORR docs; email joint counsel; t/c w/ M. Rasch; review draft from M. Rasch | 2.5 |
| 4/19/22 | Rasch | Review docs; joint defense call | 2.3 |
| 4/25/22 | Westby | Review order in Sussmann case; t/c w/ M. Rasch | 1.0 |
| 4/25/22 | Rasch | T/c w/ J. Westby; review pleadings/order | 1.0 |
| 4/26/22 | Westby | Review email from joint counsel & reply; | 1.0 |
| 4/26/22 | Rasch | T/c w/ J. Westby; review trial docs | .8 |
| 4/27/22 | Westby | Review docs in Sussmann matter | 4.5 |
| 4/27/22 | Rasch | Sussmann doc review | 4.5 |
| 4/28/22 | Westby | Review emails w/ joint counsel; t/c w/ M. Rasch | .6 |
| 4/28/22 | Rasch | Review transcript hearing scope of admissibility; call w/ J. Westby | .6 |
| 5/5/22 | Westby | Review email from DeF & subpoena for trial testimony & reply; email D. Dagon re same | .5 |
| 5/5/22 | Rasch | Review grand jury transcripts of D. Dagon; 302s, Jencks | .7 |

GLOBAL CYBER LEGAL – TIME LOG FOR WESTBY & RASCH IN DAGON MATTER

| Date | Personnel | Description of Activity | Hours |
|--------------|------------------|---|---------------|
| 5/6/22 | Westby | Emails w/ DeF re testimony & transcripts; review court filings; email w/ M. Schamel re subpoena | 1.5 |
| 5/6/22 | Rasch | Review Jencks materials re testimony of witnesses | .8 |
| 5/7/22 | Rasch | Review pleadings, scope of examination, GT ORR docs | 1.4 |
| 5/9/22 | Westby | Review court filings; email w/ M. Bosworth; t/c w/ DeF & team | 1.5 |
| 5/11/22 | Westby | Review court filings, witness lists; email joint defense counsel; t/c w/ joint defense counsel | 1.3 |
| 5/11/22 | Rasch | Review court orders re scope of direct/cross; t/c w/ Westby | 1.0 |
| 5/12/22 | Westby | Review court filings, court order | 1.0 |
| 5/12/22 | Rasch | Review order of court | 1.0 |
| 5/13/22 | Westby | Review court order | 1.0 |
| 5/13/22 | Rasch | Review testimony & trial briefs | 1.0 |
| TOTAL | | | 1029.9 |

TOTAL FEES CRIMINAL MATTER: 1029.9 hours @ \$350/HOUR = \$360,465.00
(Discounted for GA from \$395/hour)

Total Hours To Date: 1029.9 hours @ \$395/hour = \$406,810.50
Per retainer (reduced for Dagon from \$595/hour)

Total Hours to Date: 1029.9 hours @ \$595/hour = \$612,790.50
Regular hourly rate

AMOUNT DISCOUNTED from \$395/hour = \$ 46,345.50
AMOUNT DISCOUNTED from \$595/hour = \$252,325.50

TOTAL AMOUNT OWED CRIMINAL MATTER: \$360,465.00

From: EYoung@LAW.GA.GOV
Sent: Monday, August 2, 2021 9:52 AM
To: MSchamel@lowenstein.com; AJara@lowenstein.com
Subject: FW: Rhannusia Logs

Mark and Ana,

Before we respond to this, I thought I'd check to see if your client has any concern about production of the Rhannusia chat logs (attached). Please let me know asap if there is anything you think we should know before we respond.

Thanks,
Beth

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Monday, August 2, 2021 8:23 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Kate Wasch <kate.wasch@legal.gatech.edu>; Jody R Westby <westby@globalcyberlegal.com>; Mark D. Rasch <rasch@globalcyberlegal.com>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>
Subject: Re: Rhannusia Logs

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.

Good morning Beth,

Will you be able to produce to us today the Rhannusia chats that Mr. Dagon identified? We request that you produce them in their entirety, as we believe based on representations from Mr. Dagon and his counsel that entire set of logs is pertinent to our investigation. If necessary we can provide you with a subpoena for the full set of logs. Let us know. Thanks.

> On Jul 30, 2021, at 10:02 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>

> I reached out to Ms. Westby after our call yesterday and she confirmed that Mr. Dagon has copies of these chat logs and will be forwarding them to us so that we can review and produce them.

>

> Beth Young

> Assistant Attorney General

> Office of the Attorney General Chris Carr Government Services &

> Employment

> (404) 458-3425

> eyoung@law.ga.gov

> Georgia Department of Law

> 40 Capitol Square SW

> Atlanta, Georgia 30334

>

>

>

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

> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

> Sent: Friday, July 30, 2021 7:43 AM

> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch

> <kate.wasch@legal.gatech.edu>; Jody R Westby

> <westby@globalcyberlegal.com>; Mark D. Rasch

> <rasch@globalcyberlegal.com>

> Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli,

> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael

> (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)

> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;

> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam

> M. (CyD) (FBI) <ammaddock@fbi.gov>

> Subject: Rhannusia Logs

>

> 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.

>

>

> All,

>

> As we have discussed with each of you, Mr. Dagon has identified "Rhamnusia" chat communications that we understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these communications promptly and would also like to minimize the burdens on all involved.

>

> Beth, can you please confirm in response to this email that Georgia Tech authorizes and requests that Mr. Dagon provide those logs to the government as an employee of Georgia Tech? If you would like us to issue a subpoena for them specifically and will accept service, we can do so today.

>

> Jody/Mark, can you please let us know when Mr. Dagon can provide the logs to us or, alternatively, to Georgia Tech for production to us?

>

> We are hopeful that we can find a solution to this issue in the near term and avoid unnecessary legal process or disruptions.

>

Good morning Beth,

Will you be able to produce to us today the Rhannousia chats that Mr. Dagon identified? We request that you produce them in their entirety, as we believe based on representations from Mr. Dagon and his counsel that entire set of logs is pertinent to our investigation. If necessary we can provide you with a subpoena for the full set of logs. Let us know. Thanks.

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>
> Beth Young
> Assistant Attorney General
> Office of the Attorney General Chris Carr Government Services &
> Employment
> (404) 458-3425
> eyoung@law.ga.gov
> Georgia Department of Law
> 40 Capitol Square SW
> Atlanta, Georgia 30334

>
>
>

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

> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
> Sent: Friday, July 30, 2021 7:43 AM
> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch
> <kate.wasch@legal.gatech.edu>; Jody R Westby
> <westby@globalcyberlegal.com>; Mark D. Rasch
> <rasch@globalcyberlegal.com>
> Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli,
> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael
> (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam
> M. (CyD) (FBI) <ammaddock@fbi.gov>
> Subject: Rhannousia Logs

>
> 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.

>
>
> All,
>

> As we have discussed with each of you, Mr. Dagon has identified "Rhannousia" chat communications that we understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these communications promptly and would also like to minimize the burdens on all involved.

- >
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- >
- > Jody/Mark, can you please let us know when Mr. Dagon can provide the logs to us or, alternatively, to Georgia Tech for production to us?
- >
- > We are hopeful that we can find a solution to this issue in the near term and avoid unnecessary legal process or disruptions.
- >
- > Thank you very much.

This message contains confidential information, intended only for the person(s) named above, which may also be privileged. Any use, distribution, copying or disclosure by any other person is strictly prohibited. In such case, you should delete this message and kindly notify the sender via reply e-mail. Please advise immediately if you or your employer does not consent to Internet e-mail for messages of this kind.

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Tuesday, July 20, 2021 10:24 PM
To: Elizabeth Young; Mark Rasch; Jody R Westby; 'Fuller, Christian'; Wasch, Kate
Cc: Eckenrode, John (JMD); Aldenberg, WilliamB. (NH) (FBI); Fuhrman, Tim (JMD); Keilty, Michael (USANYE); Scarpelli, Anthony (USADC); Patel, Neeraj (USACT)
Subject: Call Tomorrow (Special Counsel Investigation)

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.

Good Evening Counsel for Georgia Tech and Counsel for David Dagon,

We hope all is well. Can you please let us know when you are available for a joint call tomorrow -- preferably at either 11:30 AM, 2:20 PM or 3:30 PM? We would like to discuss your clients' compliance with recently issued federal grand jury subpoenas. It is important that we have this call to ensure timely and comprehensive compliance with the subpoenas. Thanks very much.

The Special Counsel Team

Cc: Fuller, Christian ; Wasch, Kate ; Eckenrode, John (JMD) ; Aldenberg, William B. (NH) (FBI) ; Fuhrman, Tim (JMD) ; Keilty, Michael (USANYE) ; Scarpelli, Anthony (USADC) ; Patel, Neeraj (USACT)
Subject: Re: Call Tomorrow (Special Counsel Investigation)

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Beth,

The white papers and related documents you produced to us are documents that *we* provided to Dr. Antonakakis's counsel for their client's review. That is where his counsel obtained them. It appears you have not located any responsive documents. We are also told by Mr. Dagon's counsel that he pointed you to a number of responsive records. We further understand that Michael Farrell likely has responsive documents. When are you available for a call today to discuss?

We may need a Georgia Tech custodian to testify in grand jury next week about the steps taken to search for responsive records. Let us know some times today when you are free.

Thanks.

On Jul 28, 2021, at 10:59 AM, Elizabeth Young wrote:

I am sending you via Kiteworks a link to a folder containing the documents that Georgia Tech is able to produce with regard to the three categories of documents you asked us to search for during our 7/21 phone conference as follows:

1. White papers/analytical papers related to Trump/Alfa Bank/Yotaphone: We are providing copies of several white papers and related documents that we received via counsel for Dr. Antonakakis. We are not certain as to the origin and storage history of these documents and therefore cannot provide authentication for these documents as business records of Georgia Tech.
2. Email communications related to Trump/Alfa Bank/Yotaphone: You asked us to revisit our prior email production to ensure that no responsive communications had been overlooked in our earlier email response. A new search was conducted using the original search terms listed in the earlier subpoena, and added white papers and analytical papers to the request. The search did identify a number of emails that were not included in the initial production, although they appear to be irrelevant and are predominantly junk mail. However, I am providing them to you in order to demonstrate Tech's compliance with your request.
3. You indicated that there was a "fairly large file of Trump related materials" that had been assembled for production to the office of Special Counsel Robert Muller

Subject: Re: Call Tomorrow (Special Counsel Investigation) Dear

Andrew:

We appreciate that you need the documents / data subject to the subpoenas to Georgia Tech. However, we are not a party to those subpoenas and have no knowledge of them. We are not the custodian of records for Georgia Tech, and our client is not the Principal Investigator on the DARPA contract or a professor of the College of Electrical Engineering. We have indicated that we do not believe that Mr. Dagon has any responsive Georgia Tech documents / data in his personal capacity. While our client may be helpful in pointing Georgia Tech to documents or data relevant to their subpoenas (if we are informed of their contents), responsibility for compliance lies with Georgia Tech. We respectfully request that the Special Counsel's team work with each party that it is seeking evidence from and not ask us to get in the middle. Georgia Tech needs to determine how it wants to respond to the subpoenas; we are more than happy to provide any assistance that would be useful to them.

We hope you understand that we are trying to be cooperative. We would be happy to have a call with you and your team separately if that would be helpful.

Best regards,

Jody

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Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

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egal.com%2F

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> Beth Young
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> (404) 458-3425
> mailto:eyoung@law.ga.gov
> Georgia Department of Law
> 40 Capitol Square SW
> Atlanta, Georgia 30334

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> Sent: Thursday, July 29, 2021 6:44 AM
> To: Elizabeth Young <EYoung@LAW.GA.GOV>
> Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate
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> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>
> Subject: Re: Call Tomorrow (Special Counsel Investigation)

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>>>> d & u = <http://3A%2F%2Fwww.globalcyberlegal.com%2F>
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Sent: Wednesday, July 21, 2021 7:05 AM
To: Jody R Westby
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> We are working on responding to the issues you've raised in this and your previous email. Sometime late afternoon would be best - would 4:00 work for you?

>
> Beth Young
> Assistant Attorney General
> Office of the Attorney General Chris Carr Government Services &
> Employment
> (404) 458-3425
> <mailto:eyoung@law.ga.gov>
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From: Elizabeth Young <eyoung@law.ga.gov>
Sent: Monday, August 2, 2021 1:08 PM
To: 'DeFilippis, Andrew (USANYS)'
Cc: Kate Wasch; Jody R Westby; Mark D. Rasch; Eckenrode, John (JMD); Scarpelli, Anthony (USADC); Keilty, Michael (USANYE); Patel, Neeraj (USACT); Fuhrman, Tim (JMD); Aldenberg, William B. (NH) (FBI); Maddock, Adam M. (CyD) (FBI)
Subject: RE: Rhannusia Logs

We've reviewed the chat logs and there are only a few comments that would be responsive to the subpoena. We can produce those portions of the log.

I am checking to see whether we can agree to produce the full log without requiring a subpoena and will have an answer for you this afternoon. If we agree to that, will that be sufficient complete Tech's obligations under the subpoena (unless Michael Farrell identifies any additional documents in Tech's custody or control that have not been previously produced and are responsive to the subpoena)?

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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Sent: Monday, August 2, 2021 8:23 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Kate Wasch <kate.wasch@legal.gatech.edu>; Jody R Westby <westby@globalcyberlegal.com>; Mark D. Rasch <rasch@globalcyberlegal.com>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>
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Good morning Beth,

Will you be able to produce to us today the Rhannusia chats that Mr. Dagon identified? We request that you produce them in their entirety, as we believe based on representations from Mr. Dagon and his counsel that entire set of logs is

pertinent to our investigation. If necessary we can provide you with a subpoena for the full set of logs. Let us know. Thanks.

> On Jul 30, 2021, at 10:02 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>
> I reached out to Ms. Westby after our call yesterday and she confirmed that Mr. Dagon has copies of these chat logs and will be forwarding them to us so that we can review and produce them.

>
> Beth Young
> Assistant Attorney General
> Office of the Attorney General Chris Carr Government Services &
> Employment
> (404) 458-3425
> eyoung@law.ga.gov
> Georgia Department of Law
> 40 Capitol Square SW
> Atlanta, Georgia 30334

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

> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
> Sent: Friday, July 30, 2021 7:43 AM
> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch
> <kate.wasch@legal.gatech.edu>; Jody R Westby
> <westby@globalcyberlegal.com>; Mark D. Rasch
> <rasch@globalcyberlegal.com>
> Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli,
> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael
> (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam
> M. (CyD) (FBI) <ammaddock@fbi.gov>
> Subject: Rhannusia Logs

>
> 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.

>
>
> All,

>
> As we have discussed with each of you, Mr. Dagon has identified "Rhannusia" chat communications that we understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these communications promptly and would also like to minimize the burdens on all involved.

>
> Beth, can you please confirm in response to this email that Georgia Tech authorizes and requests that Mr. Dagon provide those logs to the government as an employee of Georgia Tech? If you would like us to issue a subpoena for them specifically and will accept service, we can do so today.

>

> Jody/Mark, can you please let us know when Mr. Dagon can provide the logs to us or, alternatively, to Georgia Tech for production to us?

>

> We are hopeful that we can find a solution to this issue in the near term and avoid unnecessary legal process or disruptions.

>

> Thank you very much.

Jotonna Tulloch

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Friday, July 30, 2021 12:33 PM
To: Jody R Westby
Cc: Elizabeth Young; Kate Wasch; Mark D. Rasch; Eckenrode, John (JMD); Scarpelli, Anthony(USADC); Keilty, Michael (USANYE); Patel, Neeraj (USACT); Fuhrman, Tim (JMD); Aldenberg, William B. (NH) (FBI); Maddock, Adam M.(CyD) (FBI)
Subject: Re: Rhannusia Logs

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Thanks Jody.

> On Jul 30, 2021, at 11:43 AM, Jody R Westby <westby@globalcyberlegal.com> wrote:

>
> Working on getting these now. Will be back in touch. Understand the priority. Thanks!
>
> Jody R Westby, Esq.
> Managing Principal
> Global Cyber Legal LLC
> +1.202.255.2700
> westby@globalcyberlegal.com
> <https://protect2.fireeye.com/v1/url?k=b29a74d1-ed014c21-b29d5034-ac1f6b0176b0-adca19826f2a37b1&q=1&e=d14cab5e-a36f-490e-b1c7-7aba64fad846&u=http%3A%2F%2Fwww.globalcyberlegal.com%2F>
>
>
>

> On Jul 30, 2021, at 10:04 AM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

>
> Excellent thanks very much.

>
>
>> On Jul 30, 2021, at 10:02 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>>
>> I reached out to Ms. Westby after our call yesterday and she confirmed that Mr. Dagon has copies of these chat logs and will be forwarding them to us so that we can review and produce them.

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>> Beth Young
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>> eyoung@law.ga.gov
>> Georgia Department of Law

>> 40 Capitol Square SW
>> Atlanta, Georgia 30334
>>
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>> Sent: Friday, July 30, 2021 7:43 AM
>> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch
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>> M. (CyD) (FBI) <ammaddock@fbi.gov>
>> Subject: Rhannusia Logs

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From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Friday, July 30, 2021 10:04 AM
To: Elizabeth Young
Cc: Kate Wasch; Jody R Westby; Mark D. Rasch; Eckenrode, John (JMD); Scarpelli, Anthony(USADC); Keilty, Michael (USANYE); Patel, Neeraj (USACT); Fuhrman, Tim (JMD); Aldenberg, William B. (NH) (FBI); Maddock, Adam M.(CyD) (FBI)
Subject: Re: Rhannusia Logs

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> Beth Young
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> (404) 458-3425
> eyoung@law.ga.gov
> Georgia Department of Law
> 40 Capitol Square SW
> Atlanta, Georgia 30334

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> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
> Sent: Friday, July 30, 2021 7:43 AM
> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch
> <kate.wasch@legal.gatech.edu>; Jody R Westby
> <westby@globalcyberlegal.com>; Mark D. Rasch
> <rasch@globalcyberlegal.com>
> Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli,
> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael
> (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam
> M. (CyD) (FBI) <ammaddock@fbi.gov>
> Subject: Rhannusia Logs

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> All,

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> As we have discussed with each of you, Mr. Dagon has identified "Rhamnusia" chat communications that we understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these communications promptly and would also like to minimize the burdens on all involved.

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>

> Thank you very much.

>

From: EYoung@LAW.GA.GOV
Sent: Monday, August 2, 2021 5:01 PM
To: Andrew.DeFilippis@usdoj.gov
Cc: kate.wasch@legal.gatech.edu; westby@globalcyberlegal.com; rasch@globalcyberlegal.com; John.Eckenrode@usdoj.gov; Anthony.Scarpelli@usdoj.gov; Michael.Keilty@usdoj.gov; Neeraj.Patel@usdoj.gov; Tim.Fuhrman@usdoj.gov; christian.fuller@legal.gatech.edu; wbaldenberg@fbi.gov; ammaddock@fbi.gov
Subject: RE: Rhannusia Logs

I am attaching the full Rhannusia chat log as you have requested. The second attachment (rhannusia_expanded_formatting.txt) should be identical to the first, except that Mr. Dagon added some additional formatting to identify the sender and date. However, since we have not independently verified that all other details between the two logs are identical, I am providing you with both the original and expanded formatting versions.

Sincerely,
Beth Young

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Monday, August 2, 2021 8:23 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Kate Wasch <kate.wasch@legal.gatech.edu>; Jody R Westby <westby@globalcyberlegal.com>; Mark D. Rasch <rasch@globalcyberlegal.com>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>
Subject: Re: Rhannusia Logs

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Good morning Beth,

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> On Jul 30, 2021, at 10:02 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>

> I reached out to Ms. Westby after our call yesterday and she confirmed that Mr. Dagon has copies of these chat logs and will be forwarding them to us so that we can review and produce them.

>

> Beth Young

> Assistant Attorney General

> Office of the Attorney General Chris Carr Government Services &

> Employment

> (404) 458-3425

> eyoung@law.ga.gov

> Georgia Department of Law

> 40 Capitol Square SW

> Atlanta, Georgia 30334

>

>

>

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

> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

> Sent: Friday, July 30, 2021 7:43 AM

> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch

> <kate.wasch@legal.gatech.edu>; Jody R Westby

> <westby@globalcyberlegal.com>; Mark D. Rasch

> <rasch@globalcyberlegal.com>

> Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli,

> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael

> (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)

> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;

> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam

> M. (CyD) (FBI) <ammaddock@fbi.gov>

> Subject: Rhannousia Logs

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>

>

> All,

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> As we have discussed with each of you, Mr. Dagon has identified "Rhannousia" chat communications that we understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these communications promptly and would also like to minimize the burdens on all involved.

>

> Beth, can you please confirm in response to this email that Georgia Tech authorizes and requests that Mr. Dagon provide those logs to the government as an employee of Georgia Tech? If you would like us to issue a subpoena for them specifically and will accept service, we can do so today.

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 9:32 AM
To: linglingnie@gatech.edu
Cc: kate.wasch@legal.gatech.edu
Subject: FW: Call Tomorrow (Special Counsel Investigation)

FYI

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
mailto:eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Thursday, July 29, 2021 6:44 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>
Subject: Re: Call Tomorrow (Special Counsel Investigation)

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Beth,

The white papers and related documents you produced to us are documents that *we* provided to Dr. Antonakakis's counsel for their client's review. That is where his counsel obtained them. It appears you have not located any responsive documents. We are also told by Mr. Dagon's counsel that he pointed you to a number of responsive records. We further understand that Michael Farrell likely has responsive documents. When are you available for a call today to discuss?

We may need a Georgia Tech custodian to testify in grand jury next week about the steps taken to search for responsive records. Let us know some times today when you are free.

Thanks.

>>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch
>>>> <rasch@globalcyberlegal.com>; Fuller, Christian
>>>> <christian.fuller@legal.gatech.edu>; Wasch, Kate
>>>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)
>>>> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)
>>>> <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
>>>> Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Scarpelli,
>>>> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj
>>>> (USACT) <Neeraj.Patel@usdoj.gov>
>>>> Subject: RE: Call Tomorrow (Special Counsel Investigation)
>>>> 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.
>>>> Jody, It is unfortunate that you are not willing to join a call with Georgia Tech's counsel for purposes of efficiency and to avoid delaying compliance with federal subpoenas. Regardless, can we please speak at 11:30 AM with you and Mark? Beth, would you then be available for a separate call with our team at either 2:30 PM or 3:30 PM?
>>>> -----Original Message-----
>>>> From: Jody R Westby <westby@globalcyberlegal.com>
>>>> Sent: Tuesday, July 20, 2021 11:23 PM
>>>> To: DeFilippis, Andrew (USANYS) <ADeFilippis@usa.doj.gov>
>>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch
>>>> <rasch@globalcyberlegal.com>; Fuller, Christian
>>>> <christian.fuller@legal.gatech.edu>; Wasch, Kate
>>>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)
>>>> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)
>>>> <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
>>>> Keilty, Michael (USANYE) <MKeilty@usa.doj.gov>; Scarpelli, Anthony
>>>> (USADC) <AScarpelli@usa.doj.gov>; Patel, Neeraj (USACT)
>>>> <npatel2@usa.doj.gov>
>>>> Subject: Re: Call Tomorrow (Special Counsel Investigation) Dear
>>>> Andrew:
>>>> We appreciate that you need the documents / data subject to the subpoenas to Georgia Tech. However, we are not a party to those subpoenas and have no knowledge of them. We are not the custodian of records for Georgia Tech, and our client is not the Principal Investigator on the DARPA contract or a professor of the College of Electrical Engineering. We have indicated that we do not believe that Mr. Dagon has any responsive Georgia Tech documents / data in his personal capacity. While our client may be helpful in pointing Georgia Tech to documents or data relevant to their subpoenas (if we are informed of their contents), responsibility for compliance lies with Georgia Tech. We respectfully request that the Special Counsel's team work with each party that it is seeking evidence from and not ask us to get in the middle. Georgia Tech needs to determine how it wants to respond to the subpoenas; we are more than happy to provide any assistance that would be useful to them.
>>>> We hope you understand that we are trying to be cooperative. We would be happy to have a call with you and your team separately if that would be helpful.
>>>> Best regards,
>>>> Jody
>>>> Jody R Westby, Esq.
>>>> Managing Principal
>>>> Global Cyber Legal LLC
>>>> +1.202.255.2700
>>>> westby@globalcyberlegal.com
>>>> <https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac>
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>>>> & u = http%3A%2F%2Fwww.globalcyberlegal.com%2F

>>>>> On Jul 20, 2021, at 10:24 PM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

>>>> Good Evening Counsel for Georgia Tech and Counsel for David Dagon,

>>>> We hope all is well. Can you please let us know when you are available for a joint call tomorrow -- preferably at either 11:30 AM, 2:20 PM or 3:30 PM? We would like to discuss your clients' compliance with recently issued federal grand jury subpoenas. It is important that we have this call to ensure timely and comprehensive compliance with the subpoenas. Thanks very much.

>>>> The Special Counsel Team

Jotonna Tulloch

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 10:45 AM
To: Andrew.DeFilippis@usdoj.gov
Cc: christian.fuller@legal.gatech.edu; kate.wasch@legal.gatech.edu;
John.Eckenrode@usdoj.gov; wbaldenberg@fbi.gov; Tim.Fuhrman@usdoj.gov;
Michael.Keilty@usdoj.gov; Anthony.Scarpelli@usdoj.gov; Neeraj.Patel@usdoj.gov
Subject: RE: Call Tomorrow (Special Counsel Investigation)

We are working on responding to the issues you've raised in this and your previous email. Sometime late afternoon would be best - would 4:00 work for you?

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
mailto:eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

>>>> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

>>>> Sent: Wednesday, July 21, 2021 7:05 AM

>>>> To: Jody R Westby <westby@globalcyberlegal.com>

>>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch

>>>> <rasch@globalcyberlegal.com>; Fuller, Christian

>>>> <christian.fuller@legal.gatech.edu>; Wasch, Kate

>>>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)

>>>> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)

>>>> <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;

>>>> Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Scarpelli,

>>>> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj

>>>> (USACT) <Neeraj.Patel@usdoj.gov>

>>>> Subject: RE: Call Tomorrow (Special Counsel Investigation)

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>>>> Jody, It is unfortunate that you are not willing to join a call with Georgia Tech's counsel for purposes of efficiency and to avoid delaying compliance with federal subpoenas. Regardless, can we please speak at 11:30 AM with you and Mark? Beth, would you then be available for a separate call with our team at either 2:30 PM or 3:30 PM?

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>>>> Sent: Tuesday, July 20, 2021 11:23 PM

>>>> To: DeFilippis, Andrew (USANYS) <ADeFilippis@usa.doj.gov>

>>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch

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>>>> (USADC) <AScarpelli@usa.doj.gov>; Patel, Neeraj (USACT)

>>>> <npatel2@usa.doj.gov>

>>>> Subject: Re: Call Tomorrow (Special Counsel Investigation) Dear

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>>>> Best regards,

>>>> Jody

>>>> Jody R Westby, Esq.

>>>> Managing Principal

>>>> Global Cyber Legal LLC

>>>> +1.202.255.2700

>>>> westby@globalcyberlegal.com

>>>> https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac

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>>>> b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d

>>>> & u = http%3A%2F%2Fwww.globalcyberlegal.com%2F

>>>>> On Jul 20, 2021, at 10:24 PM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

>>>> Good Evening Counsel for Georgia Tech and Counsel for David Dagon,

>>>> We hope all is well. Can you please let us know when you are available for a joint call tomorrow -- preferably at either 11:30 AM, 2:20 PM or 3:30 PM? We would like to discuss your clients' compliance with recently issued federal grand jury subpoenas. It is important that we have this call to ensure timely and comprehensive compliance with the subpoenas. Thanks very much.

>>>> The Special Counsel Team

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

>>> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

>>> Sent: Wednesday, July 21, 2021 7:05 AM

>>> To: Jody R Westby <westby@globalcyberlegal.com>

>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch

>>> <rasch@globalcyberlegal.com>; Fuller, Christian

>>> <christian.fuller@legal.gatech.edu>; Wasch, Kate

>>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)

>>> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)

>>> <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;

>>> Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Scarpelli,

>>> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj (USACT)

>>> <Neeraj.Patel@usdoj.gov>

>>> Subject: RE: Call Tomorrow (Special Counsel Investigation)

>>> 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.

>>> Jody, It is unfortunate that you are not willing to join a call with Georgia Tech's counsel for purposes of efficiency and to avoid delaying compliance with federal subpoenas. Regardless, can we please speak at 11:30 AM with you and Mark? Beth, would you then be available for a separate call with our team at either 2:30 PM or 3:30 PM?

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

>>> From: Jody R Westby <westby@globalcyberlegal.com>

>>> Sent: Tuesday, July 20, 2021 11:23 PM

>>> To: DeFilippis, Andrew (USANYS) <ADeFilippis@usa.doj.gov>

>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch

>>> <rasch@globalcyberlegal.com>; Fuller, Christian

>>> <christian.fuller@legal.gatech.edu>; Wasch, Kate

>>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)

>>> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)

>>> <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;

>>> Keilty, Michael (USANYE) <MKeilty@usa.doj.gov>; Scarpelli, Anthony

>>> (USADC) <AScarpelli@usa.doj.gov>; Patel, Neeraj (USACT)

>>> <npatel2@usa.doj.gov>

>>> Subject: Re: Call Tomorrow (Special Counsel Investigation) Dear

>>> Andrew:

>>> We appreciate that you need the documents / data subject to the subpoenas to Georgia Tech. However, we are not a party to those subpoenas and have no knowledge of them. We are not the custodian of records for Georgia Tech, and our client is not the Principal Investigator on the DARPA contract or a professor of the College of Electrical Engineering. We have indicated that we do not believe that Mr. Dagon has any responsive Georgia Tech documents / data in his personal capacity. While our client may be helpful in pointing Georgia Tech to documents or data relevant to their subpoenas (if we are informed of their contents), responsibility for compliance lies with Georgia Tech. We respectfully request that the Special Counsel's team work with each party that it is seeking evidence from and not ask us to get in the middle. Georgia Tech needs to determine how it wants to respond to the subpoenas; we are more than happy to provide any assistance that would be useful to them.

>>> We hope you understand that we are trying to be cooperative. We would be happy to have a call with you and your team separately if that would be helpful.

>>> Best regards,

>>> Jody

>>> Jody R Westby, Esq.

>>> Managing Principal

>>> Global Cyber Legal LLC

>>> +1.202.255.2700

>>> westby@globalcyberlegal.com

>>> <https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac1>

>>> f

>>> 6

>>> b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d&

>>> u = <http://www.globalcyberlegal.com>

>>>> On Jul 20, 2021, at 10:24 PM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

>>> Good Evening Counsel for Georgia Tech and Counsel for David Dagon,

>>> We hope all is well. Can you please let us know when you are available for a joint call tomorrow -- preferably at either 11:30 AM, 2:20 PM or 3:30 PM? We would like to discuss your clients' compliance with recently issued federal grand jury subpoenas. It is important that we have this call to ensure timely and comprehensive compliance with the subpoenas. Thanks very much.

>>> The Special Counsel Team

>> Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Scarpelli,
>> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj (USACT)
>> <Neeraj.Patel@usdoj.gov>
>> Subject: RE: Call Tomorrow (Special Counsel Investigation)
>> 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.
>> Jody, It is unfortunate that you are not willing to join a call with Georgia Tech's counsel for purposes of efficiency and to avoid delaying compliance with federal subpoenas. Regardless, can we please speak at 11:30 AM with you and Mark? Beth, would you then be available for a separate call with our team at either 2:30 PM or 3:30 PM?
>> -----Original Message-----
>> From: Jody R Westby <westby@globalcyberlegal.com>
>> Sent: Tuesday, July 20, 2021 11:23 PM
>> To: DeFilippis, Andrew (USANYS) <ADeFilippis@usa.doj.gov>
>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch
>> <rasch@globalcyberlegal.com>; Fuller, Christian
>> <christian.fuller@legal.gatech.edu>; Wasch, Kate
>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)
>> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)
>> <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
>> Keilty, Michael (USANYE) <MKeilty@usa.doj.gov>; Scarpelli, Anthony
>> (USADC) <AScarpelli@usa.doj.gov>; Patel, Neeraj (USACT)
>> <npatel2@usa.doj.gov>
>> Subject: Re: Call Tomorrow (Special Counsel Investigation) Dear
>> Andrew:
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>> We hope you understand that we are trying to be cooperative. We would be happy to have a call with you and your team separately if that would be helpful.
>> Best regards,
>> Jody
>> Jody R Westby, Esq.
>> Managing Principal
>> Global Cyber Legal LLC
>> +1.202.255.2700
>> westby@globalcyberlegal.com
>> <https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac1f>
>> 6
>> b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d&u
>> = http%3A%2F%2Fwww.globalcyberlegal.com%2F
>> On Jul 20, 2021, at 10:24 PM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:
>> Good Evening Counsel for Georgia Tech and Counsel for David Dagon,
>> We hope all is well. Can you please let us know when you are available for a joint call tomorrow -- preferably at either 11:30 AM, 2:20 PM or 3:30 PM? We would like to discuss your clients' compliance with recently issued federal grand jury subpoenas. It is important that we have this call to ensure timely and comprehensive compliance with the subpoenas. Thanks very much.

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

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

Sent: Thursday, July 29, 2021 6:44 AM

To: Elizabeth Young <EYoung@LAW.GA.GOV>

Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>

Subject: Re: Call Tomorrow (Special Counsel Investigation)

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.

Beth,

The white papers and related documents you produced to us are documents that *we* provided to Dr. Antonakakis's counsel for their client's review. That is where his counsel obtained them. It appears you have not located any responsive documents. We are also told by Mr. Dagon's counsel that he pointed you to a number of responsive records. We further understand that Michael Farrell likely has responsive documents. When are you available for a call today to discuss?

We may need a Georgia Tech custodian to testify in grand jury next week about the steps taken to search for responsive records. Let us know some times today when you are free.

Thanks.

> On Jul 28, 2021, at 10:59 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>

> I am sending you via Kiteworks a link to a folder containing the documents that Georgia Tech is able to produce with regard to the three categories of documents you asked us to search for during our 7/21 phone conference as follows:

>

> 1. White papers/analytical papers related to Trump/Alfa Bank/Yotaphone: We are providing copies of several white papers and related documents that we received via counsel for Dr. Antonakakis. We are not certain as to the origin and storage history of these documents and therefore cannot provide authentication for these documents as business records of Georgia Tech.

>

> 2. Email communications related to Trump/Alfa Bank/Yotaphone: You asked us to revisit our prior email production to ensure that no responsive communications had been overlooked in our earlier email response. A new search was conducted using the original search terms listed in the earlier subpoena, and added white papers and analytical papers to the request. The search did identify a number of emails that were not included in the initial production, although they appear to be irrelevant and are predominantly junk mail. However, I am providing them to you in order to demonstrate Tech's compliance with your request.

>

> 3. You indicated that there was a "fairly large file of Trump related materials" that had been assembled for production to the office of Special Counsel Robert Muller or the DOJ. We are unable to locate such a file. I have been informed that Dr. Antonakakis has searched his server for such a file and did not find anything meeting that description.

>

> If you would like me to add any additional recipients to the Kiteworks folder, please let me know.

From: EYoung@LAW.GA.GOV
Sent: Friday, July 30, 2021 10:03 AM
To: Andrew.DeFilippis@usdoj.gov; kate.wasch@legal.gatech.edu;
westby@globalcyberlegal.com; rasch@globalcyberlegal.com
Cc: John.Eckenrode@usdoj.gov; Anthony.Scarpelli@usdoj.gov; Michael.Keilty@usdoj.gov;
Neeraj.Patel@usdoj.gov; Tim.Fuhrman@usdoj.gov; wbaldenberg@fbi.gov;
ammaddock@fbi.gov
Subject: RE: Rhannusia Logs

I reached out to Ms. Westby after our call yesterday and she confirmed that Mr. Dagon has copies of these chat logs and will be forwarding them to us so that we can review and produce them.

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Friday, July 30, 2021 7:43 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch <kate.wasch@legal.gatech.edu>; Jody R Westby <westby@globalcyberlegal.com>; Mark D. Rasch <rasch@globalcyberlegal.com>
Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>
Subject: Rhannusia Logs

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.

All,

As we have discussed with each of you, Mr. Dagon has identified "Rhannusia" chat communications that we understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these communications promptly and would also like to minimize the burdens on all involved.

Beth, can you please confirm in response to this email that Georgia Tech authorizes and requests that Mr. Dagon provide those logs to the government as an employee of Georgia Tech? If you would like us to issue a subpoena for them specifically and will accept service, we can do so today.

Jody/Mark, can you please let us know when Mr. Dagon can provide the logs to us or, alternatively, to Georgia Tech for production to us?

We are hopeful that we can find a solution to this issue in the near term and avoid unnecessary legal process or disruptions.

Thank you very much.

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 12:27 PM
To: angelos@gatech.edu
Cc: kate.wasch@legal.gatech.edu
Subject: RE: Request for assistance with subpoena issued to Georgia Tech

Very sorry to bother you on vacation; I'll try to keep it as brief as possible. I'll give you a call on that number at 4.



Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Keromytis, Angelos D <angelos@gatech.edu>
Sent: Thursday, July 29, 2021 12:06 PM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Wasch, Kate <kate.wasch@legal.gatech.edu>
Subject: Re: Request for assistance with subpoena issued to Georgia Tech

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.

Hi Beth,
I'm on vacation in Mexico (1 hour behind). I can do 4pm today your time. Call me at [REDACTED]
Best,
-Angelos

On Jul 29, 2021, at 09:49, Elizabeth Young <EYoung@law.ga.gov> wrote:

Dr. Keromytis,

I am assisting Georgia Tech with responding to a subpoena issued to Georgia Tech by the Department of Justice. It has been suggested to us by David Dagon that you may know the location of some documents responsive to the subpoena and might be able to assist us with getting access to them.

Would you be available for a quick telephone call to discuss this today or tomorrow? If so, please let me know what time would be convenient and what phone number is best for me to reach you.

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 10:50 AM
To: angelos@gatech.edu
Cc: kate.wasch@legal.gatech.edu
Subject: Request for assistance with subpoena issued to Georgia Tech

Dr. Keromytis,

I am assisting Georgia Tech with responding to a subpoena issued to Georgia Tech by the Department of Justice. It has been suggested to us by David Dagon that you may know the location of some documents responsive to the subpoena and might be able to assist us with getting access to them.

Would you be available for a quick telephone call to discuss this today or tomorrow? If so, please let me know what time would be convenient and what phone number is best for me to reach you.

Thank you,
Beth Young



Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
b40 Capitol Square SW
Atlanta, Georgia 30334

Cc: Elizabeth Young <EYoung@LAW.GA.GOV>

Subject: Fwd: DARPA

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.

Christian,

My apologies, my email auto-filled the name on the note below to a friend who works at Aon. I have contacted him and asked him to ignore and delete the note and confirm. Please see note below that was meant for you.

Kind regards,

Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

Begin forwarded message:

From: Jody R Westby <westby@globalcyberlegal.com>

Subject: DARPA

Date: July 20, 2021 at 6:22:14 PM EDT

To: Christian Hoffman <christian.hoffman@aon.com>

Cc: eyoung@law.ga.gov, Mark Rasch <rasch@globalcyberlegal.com>, Mark Rasch <[REDACTED]>

Dear Christian,

Thank you for your call today and forwarding the communications below. Please be advised that, despite your authorization, Mr. Dagon will not provide to the Special Counsel or "release any unclassified, DARPA-related records that are considered Georgia Tech's property, pursuant to the DOJ investigative subpoena." Global Cyber Legal and Mr. Dagon will not be responsible for Georgia Tech's response to these criminal grand jury subpoenas; Georgia Tech is solely responsible for responding to these subpoenas.

We have never seen the first subpoena Georgia Tech produced or your production; nor have we seen this second subpoena. Although Georgia Tech agreed to an informal joint defense agreement, after we produced our subpoena and relevant documents, Georgia Tech pulled back from that and refused to share any information, including providing a copy of the relevant DARPA contract (Kate provided the wrong one earlier but refused to provide the Enhanced Attribution contract). We are also not privy to your discussions with the Special Counsel office. I am sure you can understand that this puts us in an untenable position. If you need any assistance from Mr. Dagon, please let us know.

Kind regards,

Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

ATTACHMENT

(Grand Jury Subpoena to Georgia Institute of Technology/Georgia Tech Research Institute/Georgia Tech Research Corporations dated July 14, 2021)

(A) For the period from January 1, 2016 to the present, provide all documents, records, communications, and information that (i) are maintained on or within any Georgia Institute of Technology/Georgia Research Institute/Georgia Tech Research Corporation systems, facilities, or properties, (ii) are accessible by or within the possession, custody, control, of David Dagon AND (iii) concern, involve, relate to, or reflect:

(1) allegations (including supporting data) of a purported secret communications channel between the Trump Organization, Spectrum Health, and the Russian Bank Alfa Bank;

(2) allegations (including supporting data) of the purported presence or use of Russian-made Yotaphones by or in the vicinity of Donald Trump or individuals affiliated with Donald Trump;

(B) For the period January 1, 2016 to the present, all documents, records, and information reflecting to work, communications, or activities (including work, communications, or activities conducted under or pursuant to contracts with the Defense Advanced Research Projects Agency, *i.e.*, DARPA) conducted at or by the Georgia Institute of Technology, Georgia Tech Research Institute, and/or Georgia Tech Research Corporations relating to or involving the subject matters set forth in Items (A)(1) and (A)(2) above. (NOTE: The deadline for production of records pursuant to Item (B) only is August 2, 2021)

****For any privileged records/communications falling within the subject matters set forth in this subpoena, please provide a privilege log by the return date. The privilege log should contain, for each record or communication, the date, time, sender(s), recipient(s), and copied parties of the record/communication; a description of the general subject matter(s) of the record/communication; and the particular privilege being invoked.****

You are requested not to disclose the existence of this subpoena or the fact of your compliance with it to anyone. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. **If you do intend to disclose to anyone of the existence of this subpoena or your compliance, please notify the government in the first instance.**

INSTRUCTIONS FOR PRODUCTION OF RECORDS

I. General:

- a. Records existing as **Electronically Stored Information (ESI)** shall be produced in **non-proprietary electronic form** and shall include text data and image data held:
 - i. In your record retention systems; and/or
 - ii. By your technology, data, or other service provider(s).

>
> <image001.jpg>
> <image002.png>
> <image003.png>
> Elizabeth (Beth) Young
> Assistant Attorney General
> Office of the Attorney General Chris Carr Government Services &
> Employment
> (404) 458-3425
> eyoung@law.ga.gov
> Georgia Department of Law
> 40 Capitol Square SW
> Atlanta, Georgia 30334

>
>
>
> From: Jody R Westby <westby@globalcyberlegal.com>
> Sent: Tuesday, July 20, 2021 7:01 PM
> To: christian.fuller@legal.gatech.edu
> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>
> Subject: Fwd: DARPA

>
> 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.

>
> Christian,
> My apologies, my email auto-filled the name on the note below to a friend who works at Aon. I have contacted him and asked him to ignore and delete the note and confirm. Please see note below that was meant for you.
> Kind regards,
> Jody

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> Jody R Westby, Esq.
> Managing Principal
> Global Cyber Legal LLC
> +1.202.255.2700
> westby@globalcyberlegal.com
> www.globalcyberlegal.com

>
> Begin forwarded message:

>
> From: Jody R Westby <westby@globalcyberlegal.com>
> Subject: DARPA
> Date: July 20, 2021 at 6:22:14 PM EDT
> To: Christian Hoffman <christian.hoffman@aon.com>
> Cc: eyoung@law.ga.gov, Mark Rasch <rasch@globalcyberlegal.com>, Mark
> Rasch <[REDACTED]>

>
> Dear Christian,
> Thank you for your call today and forwarding the communications below. Please be advised that, despite your authorization, Mr. Dagon will not provide to the Special Counsel or "release any unclassified, DARPA-related records that are considered Georgia Tech's property, pursuant to the DOJ investigative subpoena." Global Cyber Legal and Mr.

Dagon will not be responsible for Georgia Tech's response to these criminal grand jury subpoenas; Georgia Tech is solely responsible for responding to these subpoenas.

>
> We have never seen the first subpoena Georgia Tech produced or your production; nor have we seen this second subpoena. Although Georgia Tech agreed to an informal joint defense agreement, after we produced our subpoena and relevant documents, Georgia Tech pulled back from that and refused to share any information, including providing a copy of the relevant DARPA contract (Kate provided the wrong one earlier but refused to provide the Enhanced Attribution contract). We are also not privy to your discussions with the Special Counsel office. I am sure you can understand that this puts us in an untenable position. If you need any assistance from Mr. Dagon, please let us know.

> Kind regards,

> Jody

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> Managing Principal
> Global Cyber Legal LLC
> +1.202.255.2700
> westby@globalcyberlegal.com
> www.globalcyberlegal.com

>
>
>
> ----- Forwarded message -----

> From: Fuller, Christian <christian.fuller@legal.gatech.edu>
> Date: Tue, Jul 20, 2021 at 3:18 PM
> Subject: RE: DARPA
> To: [REDACTED]
> Cc: Elizabeth Young <EYoung@law.ga.gov>

>
>
> Jody—

>
> DARPA's general counsel forwarded this response to Georgia Tech (see below). Based on the response, Georgia Tech can give authorization for David to release any unclassified, DARPA-related records that are considered Georgia Tech's property, pursuant to the DOJ investigative subpoena. My understanding is that David does not have any classified documents; however, if there are any classified documents, follow up with Mr. Darin Smith (as instructed below) before any exchange with DOJ.

>
> If there are any questions or concerns, please feel free to reach out.

>
> Thanks,

>
>
> Christian Fuller
> Senior Counsel, Employment & Litigation Georgia Institute of
> Technology
> Phone: 404-403-8204
> christian.fuller@legal.gatech.edu

>
>
> From: Lopes, Crane <Crane.Lopes@darpa.mil>
> Sent: Tuesday, July 20, 2021 2:16 PM
> To: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>;

Jotonna Tulloch

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 5:17 PM
To: westby@globalcyberlegal.com
Cc: [REDACTED] rasch@globalcyberlegal.com
Subject: RE: List of documents relevant to subpoena

Hi Jody,

Just got off the phone with Andrew DeFilippis. He's very interested in the Rhamnousia chat logs. He said that you'd told him that David had copies of chat log documents and that you'd given those to us, but that we had instructed Mr. Dagon not to give them to the DOJ directly.

My understanding from our emails was that we would have to get Manos to find these documents (and we're reaching out to him via his counsel to see what can be done in that regard). Seems to me that Andrew has either misunderstood or misstated things.

However, just in case the misunderstanding is somehow on my end, I thought I'd check with you on whether Mr. Dagon does actually already have copies of Rhamnousia chat log documents. If he does, could you give us a copy so that we can review them to see if they're responsive to GT's subpoena?

Thanks,
Beth



Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr
Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, July 27, 2021 2:39 PM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Mark Rasch <[REDACTED]>; Mark Rasch <rasch@globalcyberlegal.com>
Subject: Re: List of documents relevant to subpoena

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.

Hi, Beth! Thanks for your call a minute ago. I just wanted to confirm in writing our agreement that David can produce the runs that he has made on the GT system regarding the findings in the white papers to the Special Counsel. We will make a copy for you and keep one ourselves. David will not produce any GT documents. As agreed earlier, we will leave the GT production up to you and GT. Thanks again for reaching out.

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 6:15 PM
To: westby@globalcyberlegal.com
Cc: [REDACTED] rasch@globalcyberlegal.com
Subject: RE: List of documents relevant to subpoena

Thanks for clearing that up - that makes a lot more sense. Let me know what Mr. Dagon says about getting them to us - happy to work with whatever is easiest for your client. Our office uses a file transfer system called Kiteworks and if it is helpful I could send a link to a folder he could drop them into so long as the size isn't more than a couple of gigabytes. If larger than that, I'll have to rely on your client's expertise...we are definitely not equipped for terabytes, let alone petabytes.

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, July 29, 2021 6:00 PM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Mark Rasch [REDACTED]; Mark Rasch <rasch@globalcyberlegal.com>
Subject: Re: List of documents relevant to subpoena

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Hi, Beth,

Yes, this got a little garbled in the translation. David has a copy of the Rhamnusia chat logs. When they came up in our meetings with Special Counsel, of course, they asked if David had them. When they found out he did, then, of course, they asked if we would give them to them. We told them we consider these GA Tech records and, pursuant to our agreement, we told the Special Counsel that we could not produce them unless it was authorized by GA Tech. We told Kate there were chat logs several months ago, but no one ever asked us for them. I will speak to David about the most efficient way to get them to you and come back to you asap. I know you want to be responsive. Thanks for your note.

Cheers,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC

+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 29, 2021, at 5:16 PM, Elizabeth Young <EYoung@LAW.GA.GOV> wrote:

Hi Jody,

Just got off the phone with Andrew DeFilippis. He's very interested in the Rhamnousia chat logs. He said that you'd told him that David had copies of chat log documents and that you'd given those to us, but that we had instructed Mr. Dagon not to give them to the DOJ directly.

My understanding from our emails was that we would have to get Manos to find these documents (and we're reaching out to him via his counsel to see what can be done in that regard). Seems to me that Andrew has either misunderstood or misstated things.

However, just in case the misunderstanding is somehow on my end, I thought I'd check with you on whether Mr. Dagon does actually already have copies of Rhamnousia chat log documents. If he does, could you give us a copy so that we can review them to see if they're responsive to GT's subpoena?

Thanks,
Beth

<image001.jpg>

<image002.png>

<image003.png>

Beth Young

Assistant Attorney General

Office of the Attorney General Chris Carr Government Services & Employment

(404) 458-3425

eyoung@law.ga.gov

Georgia Department of Law

40 Capitol Square SW

Atlanta, Georgia 30334

From: Jody R Westby <westby@globalcyberlegal.com>

Sent: Tuesday, July 27, 2021 2:39 PM

To: Elizabeth Young <EYoung@LAW.GA.GOV>

Cc: Mark Rasch <[REDACTED]>; Mark Rasch <rasch@globalcyberlegal.com>

Subject: Re: List of documents relevant to subpoena

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Hi, Beth! Thanks for your call a minute ago. I just wanted to confirm in writing our agreement that David can produce the runs that he has made on the GT system regarding the findings in the white papers to the Special Counsel. We will make a copy for you and keep one ourselves. David will not produce any GT documents. As agreed earlier, we will leave the GT production up to you and GT. Thanks again for reaching out.

Georgia Tech, and our client is not the Principal Investigator on the DARPA contract or a professor of the College of Electrical Engineering. We have indicated that we do not believe that Mr. Dagon has any responsive Georgia Tech documents / data in his personal capacity. While our client may be helpful in pointing Georgia Tech to documents or data relevant to their subpoenas (if we are informed of their contents), responsibility for compliance lies with Georgia Tech. We respectfully request that the Special Counsel's team work with each party that it is seeking evidence from and not ask us to get in the middle. Georgia Tech needs to determine how it wants to respond to the subpoenas; we are more than happy to provide any assistance that would be useful to them.

>> We hope you understand that we are trying to be cooperative. We would be happy to have a call with you and your team separately if that would be helpful.

>> Best regards,

>> Jody

>> Jody R Westby, Esq.

>> Managing Principal

>> Global Cyber Legal LLC

>> +1.202.255.2700

>> westby@globalcyberlegal.com

>> <https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac1f6>

>> b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d&u=

>> http%3A%2F%2Fwww.globalcyberlegal.com%2F

>> On Jul 20, 2021, at 10:24 PM, DeFilippis, Andrew (USANYS) wrote:

>> Good Evening Counsel for Georgia Tech and Counsel for David Dagon,

>> We hope all is well. Can you please let us know when you are available for a joint call tomorrow -- preferably at either 11:30 AM, 2:20 PM or 3:30 PM? We would like to discuss your clients' compliance with recently issued federal grand jury subpoenas. It is important that we have this call to ensure timely and comprehensive compliance with the subpoenas. Thanks very much.

>> The Special Counsel Team

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, October 14, 2021 4:49 PM
To: Fuller, Christian; Elizabeth Young
Subject: Fwd: Subpoenas to David Dagon
Attachments: 10.14.21 Letter.pdf; attachment.html

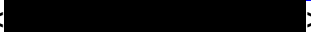
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FYI. Read this first and our reply next, which I am also forwarding.

Jody R. Westby, Esq.
Managing Principal
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

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Thank you.

Begin forwarded message:

From: "Krawiec, Margaret E" <Margaret.Krawiec@skadden.com>
Subject: RE: Subpoenas to David Dagon
Date: October 14, 2021 at 1:51:34 PM EDT
To: "Jody R Westby" <westby@globalcyberlegal.com>
Cc: "twanderson@nelsonmullins.com" <twanderson@nelsonmullins.com>, "Jonathan.etra@nelsonmullins.com" <Jonathan.etra@nelsonmullins.com>, "McIntosh, Michael A" <Michael.McIntosh@skadden.com>, "Mark D. Rasch" <rasch@globalcyberlegal.com>, "Mark Rasch" <>

Jody –

Please see attached response to your October 13, 2021 letter.

Thank you,

Margaret

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Wednesday, October 13, 2021 2:28 PM
To: Krawiec, Margaret E (WAS) <Margaret.Krawiec@skadden.com>
Cc: twanderson@nelsonmullins.com; Jonathan.etra@nelsonmullins.com; McIntosh, Michael A (WAS) <Michael.McIntosh@skadden.com>; Mark D. Rasch <rasch@globalcyberlegal.com>; Mark Rasch <[REDACTED]>
Subject: Re: [Ext] Subpoenas to David Dagon

Dear Margaret and Counsel,
Please see attached letter in response to your October 12 letter.
Kind regards,
Jody

Jody R. Westby, Esq.
Managing Principal
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

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Thank you.

On Oct 12, 2021, at 10:59 PM, Krawiec, Margaret E <Margaret.Krawiec@skadden.com> wrote:

Counsel -

Please see the attached correspondence responding to your October 5th letter.

Thank you,

Margaret

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, October 5, 2021 10:51 AM
To: twanderson@nelsonmullins.com; Jonathan.etra@nelsonmullins.com; Krawiec, Margaret E (WAS) <Margaret.Krawiec@skadden.com>; McIntosh, Michael A (WAS) <Michael.McIntosh@skadden.com>
Cc: Mark D. Rasch <rasch@globalcyberlegal.com>; Mark Rasch <[REDACTED]>
Subject: [Ext] Subpoenas to David Dagon

Dear Counsel:
Mark Rasch and I represent David Dagon, to whom you have issued subpoenas for deposition and documents. Please see the attached letter in response.
Kind regards,
Jody Westby

Jody R. Westby, Esq.
Managing Principal
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000
FAX: (202) 393-5760
www.skadden.com

DIRECT DIAL
202-371-7303
DIRECT FAX
202-661-9123
EMAIL ADDRESS
MKRAWIEC@SKADDEN.COM

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TORONTO

October 14, 2021

VIA EMAIL

Jody R. Westby
Mark D. Rasch
Global Cyber Legal LLC
4501 Foxhall Crescents NW
Washington, DC 20007

RE: *AO Alfa-Bank v. Doe*, Civil Action No. 50-2020-CA-006304-XXXX-MB
Subpoenas to David Dagon

Dear Ms. Westby and Mr. Rasch:

We write in response to your October 13, 2021 letter addressing the subpoenas for documents and deposition testimony served on David Dagon in the above-referenced action.

I. Subpoena for Deposition Testimony

We are disappointed that Mr. Dagon has chosen knowingly to violate Georgia law by refusing to appear for his deposition as noticed on October 19, 2021. Your letter concedes that Georgia authority does not permit Mr. Dagon to rely on a blanket assertion of the privilege against self-incrimination, and instead requires him to invoke that privilege on a question-by-question basis during a deposition. Your letter also does not dispute that Georgia law requires Mr. Dagon to attend his deposition as scheduled unless he actually *obtains* judicial relief in advance, which he has not done. Yet Mr. Dagon still refuses to appear for his deposition. We intend to seek an order compelling Mr. Dagon to attend his deposition, as Georgia law compels him to do, and reserve our right to seek sanctions for your and Mr. Dagon's blatant and willful disregard of Georgia law.

We also regret that your letter deploys over-the-top rhetoric and ad hominem attacks in an attempt to distract from the fundamental legal flaws that undermine your position. Our request that Mr. Dagon appear for his deposition, even if he intends to assert his privilege against self-incrimination, is not “harassing and vexatious.” We simply are adhering to Georgia law, which requires a witness planning to invoke that privilege to assert it on a question-by-question basis. Nor is Alfa Bank’s deposition subpoena “mere harassment and an attempt to intimidate cybersecurity researchers and avail [ourselves] of free expert testimony.” You do not (and cannot) dispute that Mr. Dagon has information highly relevant to Alfa Bank’s underlying litigation and ability to identify the unknown John Doe defendants. Indeed, Mr. Dagon’s inclusion throughout the recent indictment against Michael Sussmann makes this plain, as does evidence that we have uncovered through discovery in this litigation. We served subpoenas on Mr. Dagon to obtain that critical information—nothing more and nothing less.

II. Subpoena for Documents

For the reasons outlined in our October 12 letter, we disagree that Mr. Dagon’s privilege against self-incrimination excuses him from producing all documents responsive to Alfa Bank’s document subpoena. Your letter conspicuously ignores that the privilege applies only to document requests that require Mr. Dagon to “create evidence by means of a testimonial act.” *Dempsey v. Kaminski Jewelry, Inc.*, 278 Ga. App. 814, 816–17 (2006). Because Alfa Bank’s subpoena requests only pre-existing documents in Mr. Dagon’s possession, custody, or control, Mr. Dagon may not rely on his privilege against self-incrimination to justify his wholesale noncompliance. Mr. Dagon may not invoke his constitutional privilege to block the production of responsive documents for the additional reason that the existence of those documents is a “foregone conclusion,” as we explained in our October 12 letter.

Nevertheless, as we noted in our October 12 letter, we would like to work cooperatively with Mr. Dagon to address his concerns about the document subpoena and to obtain responsive documents without judicial intervention. To that end, below is a non-exhaustive list of specific documents that Mr. Dagon must produce because their “existence and location . . . are a foregone conclusion.” *Fisher v. United States*, 425 U.S. 391, 411 (1976). We note that it appears that you might have disclosed many of these documents to journalists at *The New York Times*, which fatally undermines Mr. Dagon’s position that his privilege against self-incrimination protects him from producing these and similar documents.

- “[F]indings” that April Lorenzen shared with Mr. Dagon during the summer of 2016 regarding “a server called mail.trump.email.com [that] appeared to be communicating almost exclusively with servers at Alfa Bank and Spectrum Health,” as well as subsequent discussions that Mr. Dagon and Ms. Lorenzen “both” had with Rodney Joffe regarding the same.¹

¹ Charlie Savage and Adam Goldman, “Trump Server Mystery Produces Fresh Conflict,” *NY Times* (Sept. 30, 2021).

(cont'd)

- A July 29, 2016 email sent by Mr. Dagon to Manos Antonakakis containing the “Russian Bank Data compiled by [Ms. Lorenzen].”²
- An August 20, 2016 email sent by Ms. Lorenzen to Mr. Dagon, Mr. Joffe, and Mr. Antonakakis stating, among other things, that “it would be possible to ‘fill out a sales form on two websites, faking the other company’s email address in each form,’ and thereby cause them ‘to appear to communicate with each other in DNS.’”³
- An August 20, 2016 email sent by Mr. Joffe to Mr. Dagon, Ms. Lorenzen, and Mr. Antonakakis stating, among other things, that “[b]eing able to provide evidence of *anything* that shows an attempt to behave badly in relation to this, the VIPs would be happy.”⁴
- An August 21, 2016 email sent by Mr. Joffe to Mr. Dagon, Ms. Lorenzen, and Mr. Antonakakis expressing, among other things, Mr. Joffe’s “own belief that the ‘trump-email.com’ domain (referring to the subject of the allegations that SUSSMANN conveyed to the FBI) was not a secret communications channel with Russian Bank-1, but ‘a red herring.’”⁵
- An August 22, 2016 email sent by Mr. Antonakakis to Mr. Dagon, Mr. Joffe, and Ms. Lorenzen expressing, among other things, “continued doubt regarding the [Alfa Bank] allegations that SUSSMANN would later convey to the FBI, and raising concerns about the researchers’ bias against Trump.”⁶
- A white paper entitled “White Paper #1 Auditable V3” that Mr. Joffe sent to Mr. Dagon on September 15, 2016.⁷
- A September 15, 2016 email from Mr. Joffe to Mr. Dagon and Mr. Antonakakis soliciting “their views as to whether the paper’s allegations would be ‘plausible’ to ‘security experts,’ even if the allegations were not demonstrably true.”⁸
- A September 15, 2016 email from Mr. Dagon to Mr. Joffe stating, among other things, “that questions remained, but . . . that [Mr. Sussmann’s white paper] should be shared with government officials.”⁹
- Documents that Mr. Sussmann provided to the FBI on September 19, 2016—including a white paper drafted by Fusion GPS “concerning purported ties between [Alfa Bank’s] parent company and the Russian government,” Mr. Sussmann’s white paper (“White Paper

² Indictment, *United States v. Sussmann*, No. 1:21-cr-00582-CRC (D.D.C. Sept. 19, 2021) ¶ 23(f) [hereinafter “Sussmann Indictment”].

³ *Id.* at ¶ 23(h).

⁴ *Id.* at ¶ 23(i).

⁵ *Id.* at ¶ 23(j).

⁶ *Id.* at ¶ 23(k).

⁷ *Id.* at ¶ 24(e).

⁸ *Id.*

⁹ *Id.* at ¶ 24(h); Savage & Goldman, *supra* n.1.

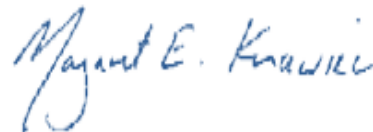
(cont'd)

#1 Auditable V3”), and data related to the Alfa Bank server allegations—all of which Mr. Sussmann sent to Mr. Dagon on September 17, 2016.¹⁰

- Communications between Mr. Dagon and Mr. Sussmann on or around September 17, 2016, including those related to Mr. Sussmann’s request that Mr. Dagon speak with the media about the Alfa Bank server allegations.¹¹
- Communications between Mr. Dagon and the media regarding the Alfa Bank server allegations, which occurred in the weeks following September 17, 2016.¹²
- A white paper drafted by Mr. Dagon, which was dated September 19, 2016 and entitled “White Paper Comments: Time Series Analysis of Recursive Queries,” and all drafts.¹³
- Communications, “additional information,” and “data” regarding the Alfa Bank server allegations, including “other purported data allegedly involving Trump-related computer networks and Russia,” that was gathered and reviewed by Mr. Dagon, Mr. Joffe, and Ms. Lorenzen during late 2016 and early 2017.¹⁴
- Communications with Daniel J. Jones regarding the Alfa Bank server allegations and underlying data, including Wickr messages exchanged in 2017 and 2018 in which Mr. Dagon used the moniker “tinadoug”.¹⁵

Without waiver of our objections to Mr. Dagon’s refusal to produce all other documents responsive to Alfa Bank’s subpoena, we ask that you promptly produce the documents described above.

Sincerely,



Margaret E. Krawiec

¹⁰ Sussmann Indictment ¶ 26(b).

¹¹ *Id.* at ¶ 26(a).

¹² *Id.*

¹³ *Id.* at ¶ 27(f)(ii).

¹⁴ *Id.* at ¶ 39.

¹⁵ Tr. of Dep. of Daniel J. Jones at 270–74, 358 (Aug. 18, 2021); *id.*, Ex. 19.

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, October 14, 2021 4:50 PM
To: Fuller, Christian; Elizabeth Young
Cc: Mark D. Rasch; Mark Rasch
Subject: Fwd: Subpoenas to David Dagon
Attachments: DAGON - Letter to Skadden re subpoenas 10-14-21.pdf; attachment.html

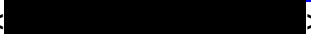
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Read this after you read Margaret's letter of 10-14.

Jody R. Westby, Esq.
Managing Principal
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com
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Begin forwarded message:

From: Jody R Westby <westby@globalcyberlegal.com>
Subject: Re: Subpoenas to David Dagon
Date: October 14, 2021 at 4:11:03 PM EDT
To: "Krawiec, Margaret E" <Margaret.Krawiec@skadden.com>
Cc: "twanderson@nelsonmullins.com" <twanderson@nelsonmullins.com>, "Jonathan.etra@nelsonmullins.com" <Jonathan.etra@nelsonmullins.com>, "McIntosh, Michael A" <Michael.McIntosh@skadden.com>, "Mark D. Rasch" <rasch@globalcyberlegal.com>, Mark Rasch <>

Margaret,
Please see attached letter in response. Also please note our offer for a call later today or in the morning.
Thank you,
Jody

Jody R. Westby, Esq.
Managing Principal
Global Cyber Legal LLC

October 14, 2021

Margaret E. Krawiec
Skadden, Arps, Slate, Meagher & Flom, LLP
1440 New York Avenue, NW
Washington, D.C. 20005
Margaret.krawiec@skadden.com

Dear Ms. Krawiec:

First of all, we know our obligations under Georgia law with respect to third party subpoenas issued without leave of the Florida court.

A motion compelling Mr. Dagon, a third party, to appear for a deposition during COVID simply for him to assert his testimonial privilege is unnecessary and abusive. If you insist on such an appearance, we reserve the right to file a motion to quash the subpoenas and seek a protective order, together with appropriate sanctions and attorneys' fees. As we continue to ask, if you can provide questions that you believe Mr. Dagon could answer without implicating his privilege, please let us know and we will entertain them. You have not provided any such question. Absent that, there is no conceivable purpose for the deposition.

A few observations. First, we believe that you are misinterpreting the U.S. Supreme Court's holding in *United States v. Hubbell*, 530 U.S. 27, 37 (2000), and its progeny with respect to the distinction between production of the contents of pre-existing documents and the act of producing such documents. This is understandable, as many Courts have also confused the issue.

The contents of pre-existing documents – with the possible exception of the contents of documents like diaries or other intimate information (See, *Fisher v. United States*, 425 U.S. 391, 427 (1976)), are generally not protected because the creation of those documents is not compelled.

As the *Dempsey* Court noted, however, where a party seeks to compel another party to engage in an ACT which itself is testimonial, the privilege is applicable. By requiring Mr. Dagon to produce records (if they exist) your subpoena explicitly requires Mr. Dagon to “create evidence by means of a testimonial act.” *Dempsey v. Kaminski Jewelry, Inc.*, 278 Ga. App. 814, 816–17 (2006). It is the equivalent of requiring Mr. Dagon to testify that he possesses a responsive document, that the document is authentic, that the document exists, and that he implicitly had knowledge of the contents of these documents – all things that he cannot be compelled to testify to. In short, as the U.S. Supreme Court noted:

... we have also made it clear that the act of producing documents in response to a subpoena may have a compelled testimonial aspect. We have held that "the act of production" itself may implicitly communicate "statements of fact." By "producing documents in compliance with a subpoena, the witness would admit that the papers existed, were in his possession or control, and were authentic." Moreover, as was true in this case, when the custodian of documents responds to a subpoena, he may be compelled to take the witness stand and answer questions designed to determine whether he has produced everything demanded by the subpoena. answers to those questions, as well as the act of production itself, may certainly communicate information about the existence, custody, and authenticity of the documents. Whether the constitutional privilege protects the answers to such questions, or protects the act of production itself, is a question that is distinct from the question whether the unprotected contents of the documents themselves are incriminating.

United States v. Hubbell, 530 U.S. 27, 37 (2000)(footnotes and citations omitted).

This is no less the case here, and *Dempsey* is no different. Mr. Dagon's act of producing any record in response to the third party subpoena would admit all of the things that the *Hubbell* and *Dempsey* Courts have stated need not be admitted. We decline to do so.

Additionally, you are essentially arguing that the fact that you read about some documents in *The New York Times* implies not only that such documents exist and are genuine, but also that they must, by peradventure, have been provided by Mr. Dagon to *The New York Times*, and therefore that the existence, authenticity, and Mr. Dagon's possession, custody or control over such documents is a "foregone conclusion" or alternatively, a waiver of the Fifth Amendment.

This is simply not supported either by the law or by the facts. First, factually, there is no evidence that Mr. Dagon has ever spoken with *The New York Times*, or indeed that he provided any documents to that journalist or any other. Indeed, if Mr. Dagon did provide any documents to the journalist, this would NOT, as a matter of law constitute a waiver of any act of production privilege. Moreover, Georgia's comprehensive journalist shield law protects a journalist from being compelled to describe his or her sources, As the Georgia Supreme Court noted:

Unlike some states, the Georgia statute does not limit the privilege solely to confidential sources, but protects against the disclosure of any information obtained or prepared. The reporter's privilege belongs to the person engaged in the gathering and dissemination of news, not the source, and waiver may occur when the news person publishes the confidential information or voluntarily testifies. Contrary to the state's contention, publication of part of the information gathered does not waive the privilege as to all of the information gathered on the same subject matter because it "would chill the free flow of information to the public.

In re Paul, 270 Ga. 680, 686, 513 S.E.2d 219, 223–24 (1999).

As for any statutory privilege, OCGA § 24-9-30 speaks directly to the issue. This statute establishes a qualified privilege for persons engaged in the gathering and dissemination of news. It provides that a reporter does not have to reveal his or her sources unless the privilege has been waived or it is shown that the information sought is material and relevant, cannot be reasonably obtained by other means, and is necessary to the proper presentation or preparation of the case of a party seeking the information, documents, or items. *Atlanta J.-Const. v. Jewell*, 251 Ga. App. 808, 811, 555 S.E.2d 175, 179-80 (2001).

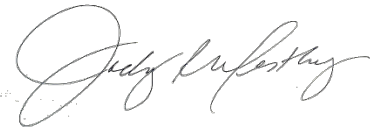
We find your assertion that Mr. Dagon would have waived the act of production privilege through the privileged communication to a journalist (assuming that such a thing happened -- and there is no evidence that it did) untenable. Indeed, it presents the possibility that, in order to establish that Mr. Dagon waived the act of production, you would compel *The New York Times* to disclose its sources, or that you would seek to compel Mr. Dagon to disclose whether or not he communicated with *The New York Times*. As to the latter, Mr. Dagon again declines to do so, and declines to testify.

We are happy to discuss what questions you would proffer with you by telephone. Are you free for a call sometime this afternoon or tomorrow morning?

Very truly yours,



Mark D. Rasch, Esq.
Admitted in NY MA MD



Jody R. Westby, Esq.
Admitted in DC, PA, CO

I assume you know that David Dagon was given full statutory immunity by the Special Counsel in its investigation. He has been cooperating and working with the Special Counsel's team and testified before the Grand Jury on three days. Therefore, we would like to resume conversations about payment of our fees. Christian had indicated a willingness on GT's side, so now that things are more certain it seems like a good time to revisit this issue.

Second, David has received a subpoena for testimony and documents from the Alfa Bank attorneys in the civil matter that they filed in FL. They also have filed in PA, but so far the subpoenas are coming out of the FL suit. We attach copies of these documents which were filed through a Georgia Court and have been served on Mr. Dagon yesterday. The response time for the documents is Oct 14 and the testimony is Oct 19. In the case of Indiana University Professor L. Jean Camp, outside counsel retained by the University for the purposes of quashing a similar subpoena was successful in quashing the subpoena on jurisdictional grounds. See, Alfa-Bank v. Doe, 2021 Ind. App. LEXIS 162, 171 N.E.3d 1018, aff'd 2021 Ind. App. LEXIS 193 (June 11, 2021).

Please let us know when you are available for a conversation.

Kind regards,
Jody

Jody R. Westby, Esq.
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com

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Thank you.

Thanks, Christian! Yes, open Monday afternoon from 1:30 p.m. on and open all day Tuesday. We look forward to speaking with you. Have a good weekend, yourself!

Cheers,
Jody

On Sep 24, 2021, at 9:14 AM, Fuller, Christian <christian.fuller@legal.gatech.edu> wrote:

Good Morning Jody:

We have received your message and will review. Are you and Mark available early next week for us to discuss further?

Thanks, and hope you both have a good weekend.

Christian

Jody R. Westby, Esq.
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com

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Thank you.

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

From: Jody Westby <westby@globalcyberrisk.com>

Sent: Thursday, September 23, 2021 8:57 PM

To: Wasch, Kate <kate.wasch@legal.gatech.edu>; Fuller, Christian <christian.fuller@legal.gatech.edu>

Cc: Nie, Ling-Ling <linglingnie@gatech.edu>; Mark D. Rasch <rasch@globalcyberlegal.com>; Mark Rasch

<[REDACTED]>

Subject: Alfa Bank Subpoenas & Grand Jury Fees

Dear Kate and Christian:

I assume you know that David Dagon was given full statutory immunity by the Special Counsel in its investigation. He has been cooperating and working with the Special Counsel's team and testified before the Grand Jury on three days. Therefore, we would like to resume conversations about payment of our fees. Christian had indicated a willingness on GT's side, so now that things are more certain it seems like a good time to revisit this issue.

Second, David has received a subpoena for testimony and documents from the Alfa Bank attorneys in the civil matter that they filed in FL. They also have filed in PA, but so far the subpoenas are coming out of the FL suit. We attach copies of these documents which were filed through a Georgia Court and have been served on Mr. Dagon yesterday. The response time for the documents is Oct 14 and the testimony is Oct 19. In the case of Indiana University Professor L. Jean Camp, outside counsel retained by the University for the purposes of quashing a similar subpoena was successful in quashing the subpoena on jurisdictional grounds. See, Alfa-Bank v. Doe, 2021 Ind. App. LEXIS 162, 171 N.E.3d 1018, aff'd 2021 Ind. App. LEXIS 193 (June 11, 2021).

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 21, 2021, at 7:04 AM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

Jody, It is unfortunate that you are not willing to join a call with Georgia Tech's counsel for purposes of efficiency and to avoid delaying compliance with federal subpoenas. Regardless, can we please speak at 11:30 AM with you and Mark? Beth, would you then be available for a separate call with our team at either 2:30 PM or 3:30 PM?

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, July 20, 2021 11:23 PM
To: DeFilippis, Andrew (USANYS) <ADeFilippis@usa.doj.gov>
Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch <rasch@globalcyberlegal.com>; Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>; Keilty, Michael (USANYE) <MKeilty@usa.doj.gov>; Scarpelli, Anthony (USADC) <AScarpelli@usa.doj.gov>; Patel, Neeraj (USACT) <npatel2@usa.doj.gov>
Subject: Re: Call Tomorrow (Special Counsel Investigation)

Dear Andrew:

We appreciate that you need the documents / data subject to the subpoenas to Georgia Tech. However, we are not a party to those subpoenas and have no knowledge of them. We are not the custodian of records for Georgia Tech, and our client is not the Principal Investigator on the DARPA contract or a professor of the College of Electrical Engineering. We have indicated that we do not believe that Mr. Dagon has any responsive Georgia Tech documents / data in his personal capacity. While our client may be helpful in pointing Georgia Tech to documents or data relevant to their subpoenas (if we are informed of their contents), responsibility for compliance lies with Georgia Tech. We respectfully request that the Special Counsel's team work with each party that it is seeking evidence from and not ask us to get in the middle. Georgia Tech needs to determine how it wants to respond to the subpoenas; we are more than happy to provide any assistance that would be useful to them.

We hope you understand that we are trying to be cooperative. We would be happy to have a call with you and your team separately if that would be helpful.

Best regards,
Jody

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<https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac1f6b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d&u=http%3A%2F%2Fwww.globalcyberlegal.com%2F>

On Jul 20, 2021, at 10:24 PM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

Good Evening Counsel for Georgia Tech and Counsel for David Dagon,

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The Special Counsel Team

<Tim.Fuhrman@usdoj.gov>; Keilty, Michael (USANYE) <MKeilty@usa.doj.gov>; Scarpelli, Anthony (USADC) <AScarpelli@usa.doj.gov>; Patel, Neeraj (USACT) <npatel2@usa.doj.gov>
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<https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac1f6b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d&u=http%3A%2F%2Fwww.globalcyberlegal.com%2F>

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Sent: Tuesday, July 20, 2021 11:23 PM
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<https://protect2.fireeye.com/v1/url?k=7211baee-2d8a821e-72169e0b-ac1f6b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d&u=http%3A%2F%2Fwww.globalcyberlegal.com%2F>

2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-

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The Special Counsel Team

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, October 7, 2021 4:58 PM
To: Fuller, Christian
Cc: Elizabeth Young
Subject: Re: Dagon Representation
Attachments: DAGON - ALFA Letter of Assertion of Fifth.pdf; attachment.txt

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.

Hi, Christian! I thought we agreed on the call that we would represent him. Attached is the letter we sent. My apologies, I should have sent you the copy immediately. No word back yet. We have also lined up local counsel and have the pro hac vice application. I am also preparing the accounting of fees to send you and will have that to you tomorrow.

Thank you.

Cheers,
Jody

Jody R. Westby, Esq.
Managing Principal
Global Cyber Legal LLC
Washington, DC 20007
202 255-2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

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Thank you.

GLOBAL CYBER LEGAL LLC

4501 Foxhall Crescents NW
Washington, DC 20007

Phone: + 1.202.255.2700

Fax: +1.202.337-0063

October 5, 2021

Terrance Anderson, Jr.
Nelson Mullins Riley & Scarborough, LLP
Lynn Financial Center
1905 NW Corporate Blvd,
Boca Raton, FL 33431
twanderson@nelsonmullins.com

Jonathan Etra
Nelson, Mullins Riley & Scarborough, LLP
2 South Biscayne Blvd., 21st Floor
Miami, Florida 33131
Jonathan.etra@nelsonmullins.com

Margaret E. Krawiec
Michael A. McIntosh
Skadden, Arps, Slate, Meagher & Flom, LLP
1440 New York Avenue, NW
Washington, D.C. 20005
Margaret.krawiec@skadden.com
Michael.mcintosh@skadden.com

Re: Subpoena to David Dagon

Dear Counsel:

We represent David Dagon in connection with your subpoena duces tecum and deposition demand in *AO Alfa Bank v. Doe*, pending in the 15th Judicial Circuit of Florida; Civil Action No. 50-2020-CA-006304-XXXX-MB.

Please be advised that, in light of the actions of the Durham Office of Special Counsel (OSC) and associated grand jury in *United States v. Sussmann*, Dkt. No. 1:21-cr-00582-CRC-1 (D.D.C., September 16, 2021), and the substantial overlap between the issues presented in that case and those in the John Doe civil action, it is Mr. Dagon's intention to assert his rights under both the Fifth Amendment to the U.S. Constitution, as well as Art. I, Sec. I, Par. XVI of the Georgia Constitution OCGA § 24-9-27(a) to refuse to answer each and every question you might pose to him in connection with this matter.

Based on the congruence between the allegations in your Complaint and those in the Indictment, there is a substantial likelihood that Mr. Dagon's truthful answer to any questions posed would implicate his Constitutional and statutory rights.: Similarly, with respect to your subpoena duces tecum issued to Mr. Dagon, he asserts his "act of production" privilege to refuse to produce the described documents where the questions of ownership, existence, possession, custody, control or knowledge of such documents are not a foregone conclusion. *See, e.g., United States v. Hubbell*, 530 U.S. 27, 35-36 (2000); *Dempsey v. Kaminski Jewelry, Inc.*, 278 Ga. App. 814, 817, 630 S.E.2d 77, 81, 2006 Ga. App. LEXIS 367, *8-9, 2006 Fulton County D. Rep. 1068.

The assertion of the applicable privilege is in addition to our position that the subpoena both for the deposition and for documents is unreasonable and oppressive; that the testimony, documents, or objects sought are irrelevant, immaterial, or cumulative; that the subpoena is unnecessary to Alfa Bank's preparation and presentation of its position in the underlying matter, that basic fairness dictates that the subpoena should not be enforced, and that the subpoena is designed to improperly unmask speakers whose activities are protected by the First Amendment right to anonymous political speech. This is also in addition to claims we may make with respect to the jurisdiction of the court, the manner of issuance and service of the subpoena, and other issues which we may raise.

In light of these representations, please let us know if you intend to insist that Mr. Dagon appear, during a pandemic, to assert his Constitutional rights, or whether, pursuant to O.C.G.A. § 9-11-37 (2) and (4)(A) we will be required to seek a protective order as provided by O.C.G.A. § 9-11-26 (c) on the ground that, inter alia, insisting that Mr. Dagon present himself to assert his bona fide privilege serves no legitimate or lawful purpose, and only serves to promote annoyance, embarrassment, oppression, or undue burden or expense. In the event that we are required to seek such a protective order, it is our intention to seek our reasonable expenses and attorney's fees in connection with the motion as provided by O.C.G.A. § 9-11-37 (4)(A).

Mr. Dagon will not produce, and will not appear unless we hear from you.

Yours truly,



Mark D. Rasch, Esq.
Admitted in NY MA MD



Jody R. Westby, Esq.
Admitted in DC, PA, CO

cc: Kate Wasch, Esq., Georgia Institute of Technology
David Dagon

Best regards,
Beth Young

<image001.jpg>

<image002.png>

<image003.png>

Elizabeth (Beth) Young

Assistant Attorney General

Office of the Attorney General Chris Carr Government Services & Employment

(404) 458-3425

eyoung@law.ga.gov

Georgia Department of Law

40 Capitol Square SW

Atlanta, Georgia 30334

From: Jody R Westby <westby@globalcyberlegal.com>

Sent: Tuesday, July 20, 2021 7:01 PM

To: christian.fuller@legal.gatech.edu

Cc: Elizabeth Young <EYoung@LAW.GA.GOV>

Subject: Fwd: DARPA

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.

Christian,

My apologies, my email auto-filled the name on the note below to a friend who works at Aon. I have contacted him and asked him to ignore and delete the note and confirm. Please see note below that was meant for you.

Kind regards,

Jody

Jody R Westby, Esq.

Managing Principal

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www.globalcyberlegal.com

Begin forwarded message:

From: Jody R Westby <westby@globalcyberlegal.com>

Subject: DARPA

Date: July 20, 2021 at 6:22:14 PM EDT

To: Christian Hoffman <christian.hoffman@aon.com>

Cc: eyoung@law.ga.gov, Mark Rasch <rasch@globalcyberlegal.com>, Mark Rasch <[REDACTED]>

Dear Christian,

Thank you for your call today and forwarding the communications below. Please be advised that, despite your authorization, Mr. Dagon will not provide to the Special Counsel or "release any unclassified, DARPA-related records that are considered Georgia Tech's property, pursuant to the DOJ investigative subpoena." Global Cyber Legal and Mr.

Dagon will not be responsible for Georgia Tech's response to these criminal grand jury subpoenas; Georgia Tech is solely responsible for responding to these subpoenas.

We have never seen the first subpoena Georgia Tech produced or your production; nor have we seen this second subpoena. Although Georgia Tech agreed to an informal joint defense agreement, after we produced our subpoena and relevant documents, Georgia Tech pulled back from that and refused to share any information, including providing a copy of the relevant DARPA contract (Kate provided the wrong one earlier but refused to provide the Enhanced Attribution contract). We are also not privy to your discussions with the Special Counsel office. I am sure you can understand that this puts us in an untenable position. If you need any assistance from Mr. Dagon, please let us know. Kind regards,
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----- Forwarded message -----

From: Fuller, Christian <christian.fuller@legal.gatech.edu>
Date: Tue, Jul 20, 2021 at 3:18 PM
Subject: RE: DARPA
To: [REDACTED] >
Cc: Elizabeth Young <EYoung@law.ga.gov>

Jody—

DARPA's general counsel forwarded this response to Georgia Tech (see below). Based on the response, Georgia Tech can give authorization for David to release any unclassified, DARPA-related records that are considered Georgia Tech's property, pursuant to the DOJ investigative subpoena. My understanding is that David does not have any classified documents; however, if there are any classified documents, follow up with Mr. Darin Smith (as instructed below) before any exchange with DOJ.

If there are any questions or concerns, please feel free to reach out.

Thanks,

Christian Fuller
Senior Counsel, Employment & Litigation
Georgia Institute of Technology
Phone: 404-403-8204
christian.fuller@legal.gatech.edu

From: Lopes, Crane <Crane.Lopes@darpa.mil>
Sent: Tuesday, July 20, 2021 2:16 PM
To: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>; Elizabeth Young <EYoung@LAW.GA.GOV>

Beth Young

<image001.jpg>

<image002.png>

<image003.png>

Elizabeth (Beth) Young

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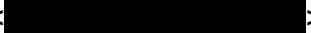
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Sent: Friday, July 23, 2021 2:01 PM
To: 'Jody R Westby'
Cc: Mark Rasch
Subject: RE: GT subpoena question

Thanks for getting back to me so quickly. I figured there was a chance you/your client might be unconcerned about handing them over - or might have even already done so directly for all I know. Simply trying to find quickest and easiest ways to handle things at this point.

Will let you know if anything else comes up that I need to ask you about.

Beth Young
Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
mailto:eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Friday, July 23, 2021 1:49 PM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Mark Rasch <rasch@globalcyberlegal.com>
Subject: Re: GT subpoena question

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Hi, Elizabeth! You cannot produce those white papers. Those were shared under a joint defense/common interest agreement and came from other counsel. We shared with Ga Tech when we were in a joint defense agreement with them, until Kate decided Ga Tech could not participate anymore, supposedly on advice from the Georgia AG office. We expect all of our communications with Ga Tech counsel's office will be protected from disclosure, since the subpoena does not ask for documents related to David Dagon's counsel. If you have any other questions, don't hesitate to ping me any time. I know you are crunching to get him this stuff.

Thanks so much,
Jody

Jody R Westby, Esq.
Managing Principal

westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 23, 2021, at 2:01 PM, Elizabeth Young <EYoung@LAW.GA.GOV> wrote:

Thanks for getting back to me so quickly. I figured there was a chance you/your client might be unconcerned about handing them over - or might have even already done so directly for all I know. Simply trying to find quickest and easiest ways to handle things at this point.

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Subject: Re: GT subpoena question

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Thanks so much,
Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, July 29, 2021 7:24 PM
To: Elizabeth Young
Cc: Mark Rasch; Mark Rasch
Subject: Re: List of documents relevant to subpoena

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Hi! It won't be terabytes, but I will talk to him and come back to you. Thanks!

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 29, 2021, at 6:14 PM, Elizabeth Young <EYoung@LAW.GA.GOV> wrote:

Thanks for clearing that up - that makes a lot more sense. Let me know what Mr. Dagon says about getting them to us - happy to work with whatever is easiest for your client. Our office uses a file transfer system called Kiteworks and if it is helpful I could send a link to a folder he could drop them into so long as the size isn't more than a couple of gigabytes. If larger than that, I'll have to rely on your client's expertise...we are definitely not equipped for terabytes, let alone petabytes.

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Assistant Attorney General
Office of the Attorney General Chris Carr Government Services & Employment
(404) 458-3425
eyoung@law.ga.gov
Georgia Department of Law
40 Capitol Square SW
Atlanta, Georgia 30334

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Thursday, July 29, 2021 6:00 PM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Mark Rasch <[REDACTED]>; Mark Rasch <rasch@globalcyberlegal.com>
Subject: Re: List of documents relevant to subpoena

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Hi, Beth,

Yes, this got a little garbled in the translation. David has a copy of the Rhamnousia chat logs. When they came up in our meetings with Special Counsel, of course, they asked if David had them. When they found out he did, then, of course, they asked if we would give them to them. We told them we consider these GA Tech records and, pursuant to our agreement, we told the Special Counsel that we could not produce them unless it was authorized by GA Tech. We told Kate there were chat logs several months ago, but no one ever asked us for them. I will speak to David about the most efficient way to get them to you and come back to you asap. I know you want to be responsive. Thanks for your note.

Cheers,

Jody

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 29, 2021, at 5:16 PM, Elizabeth Young <EYoung@LAW.GA.GOV> wrote:

Hi Jody,

Just got off the phone with Andrew DeFilippis. He's very interested in the Rhamnousia chat logs. He said that you'd told him that David had copies of chat log documents and that you'd given those to us, but that we had instructed Mr. Dagon not to give them to the DOJ directly.

My understanding from our emails was that we would have to get Manos to find these documents (and we're reaching out to him via his counsel to see what can be done in that regard). Seems to me that Andrew has either misunderstood or misstated things.

However, just in case the misunderstanding is somehow on my end, I thought I'd check with you on whether Mr. Dagon does actually already have copies of Rhamnousia chat log documents. If he does, could you give us a copy so that we can review them to see if they're responsive to GT's subpoena?

Thanks,

Beth

<image001.jpg>

<image002.png>

<image003.png>

Beth Young

Assistant Attorney General

Office of the Attorney General Chris Carr Government Services & Employment

(404) 458-3425

eyoung@law.ga.gov

Georgia Department of Law

40 Capitol Square SW

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Friday, July 30, 2021 11:44 AM
To: DeFilippis, Andrew (USANYS)
Cc: Elizabeth Young; Kate Wasch; Mark D. Rasch; Eckenrode, John (JMD); Scarpelli, Anthony(USADC); Keilty, Michael (USANYE); Patel, Neeraj (USACT); Fuhrman, Tim (JMD); Aldenberg, William B. (NH)(FBI); Maddock, Adam M. (CyD) (FBI)
Subject: Re: Rhannusia Logs

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Working on getting these now. Will be back in touch. Understand the priority. Thanks!

Jody R Westby, Esq.
Managing Principal
Global Cyber Legal LLC
+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 30, 2021, at 10:04 AM, DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov> wrote:

Excellent thanks very much.

> On Jul 30, 2021, at 10:02 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>

> I reached out to Ms. Westby after our call yesterday and she confirmed that Mr. Dagon has copies of these chat logs and will be forwarding them to us so that we can review and produce them.

>

> Beth Young
> Assistant Attorney General
> Office of the Attorney General Chris Carr Government Services &
> Employment
> (404) 458-3425
> eyoung@law.ga.gov
> Georgia Department of Law
> 40 Capitol Square SW
> Atlanta, Georgia 30334

>

>

>

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

> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

> Sent: Friday, July 30, 2021 7:43 AM

> To: Elizabeth Young <EYoung@LAW.GA.GOV>; Kate Wasch
> <kate.wasch@legal.gatech.edu>; Jody R Westby
> <westby@globalcyberlegal.com>; Mark D. Rasch
> <rasch@globalcyberlegal.com>
> Cc: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Scarpelli,
> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Keilty, Michael
> (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam
> M. (CyD) (FBI) <ammaddock@fbi.gov>
> Subject: Rhannusia Logs
>
> 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.
>
>
> All,
>
> As we have discussed with each of you, Mr. Dagon has identified "Rhamnusia" chat communications that we
understand are responsive to our subpoena and relevant to our investigation. We would like to obtain these
communications promptly and would also like to minimize the burdens on all involved.
>
> Beth, can you please confirm in response to this email that Georgia Tech authorizes and requests that Mr. Dagon
provide those logs to the government as an employee of Georgia Tech? If you would like us to issue a subpoena for
them specifically and will accept service, we can do so today.
>
> Jody/Mark, can you please let us know when Mr. Dagon can provide the logs to us or, alternatively, to Georgia Tech for
production to us?
>
> We are hopeful that we can find a solution to this issue in the near term and avoid unnecessary legal process or
disruptions.
>
> Thank you very much.
>