



United States Department of Justice

Special Counsel

*145 N Street Northeast
Room 3E.803
Washington, D.C. 20530*

July 14, 2021

Via Email

Georgia Institute of Technology
Georgia Tech Research Institute/Georgia Tech Research Corporations
C/O
Christian Fuller, Esq.

Re: Grand Jury Subpoena
USAO # 2020R01428

To Whom It May Concern:

Pursuant to a criminal investigation being conducted by the U.S. Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

You may comply with this grand jury subpoena by providing the requested records on or before the date indicated in the subpoena. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify. If you would like to appear in lieu of solely providing the records, please contact the undersigned Assistant Special Counsel.

Although you are not required to do so, **you are requested not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.**

UNITED STATES DISTRICT COURT
for the
District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Georgia Institute of Technology/Georgia Tech Research Institute/Georgia Tech Research Corporations
C/O Christian Fuller, Esq.

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3 rd Floor Grand Jury #21-02 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: July 22, 2021 at 9:00 AM
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You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

You may provide the results directly to the Special Counsel's Office. If you choose to do so, we request that you send the returns to **Jack Eckenrode**, john.eckenrode@usdoj.gov, U.S. Department of Justice, 145 N Street, NE, Room 3E.803, Washington, DC 20530, by July 29, 2021. If, however, you wish to personally appear before the Grand Jury to provide the records, please contact the undersigned Assistant Special Counsel

Date: July 14, 2021

CLERK OF COURT


Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

Andrew J. DeFilippis
Assistant Special Counsel
U.S. Department of Justice
145 N Street, NE
Room 3E.803
Washington, DC 20530
Email: andrew.defilippis@usdoj.gov; Phone: (646) 530-0087

USAO #2020R01428

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena dated July 14, 2021, signed by Assistant Special Counsel Andrew J. DeFilippis, requesting specified records of the business named below.

Attached hereto are _____ pages of records regarding _____
(Brief description of type of documents being subpoenaed) responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

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).

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

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
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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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the risk for all parties involved can be identified, we should then loop in legal or anyone else necessary to start writing things down in a MoU.

Gentlemen, as I have said before, this is a research area Angelos and I created. We cannot simply walk away from it.

Thanks, Manos

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

Date: Saturday, July 24, 2021 at 11:32 AM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thank you for your thoughtful email. I know these last few weeks have been a whirlwind. I will ask my assistant to reach out on Monday to schedule time for all of us to talk further.

Ling-Ling

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

Sent: Saturday, July 24, 2021 10:50 AM

To: McLaughlin, Steven W; Abdallah, Chaouki T; Nie, Ling-Ling

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hey Steve, Chaouki and Ling-Ling,

Hope you are doing great.

I have not been bothering you about this because I have been told by Christian (who is an absolute Rock star!) that Ling-Ling (or someone in her team) has been communicating to you what is going on with this situation.

This email is not about me explaining to you that I have done nothing wrong. I suspect that now that Christian has all the information he needs he can independently arrive at that conclusion and communicate what needs to be communicated to you.

This email is about the key question, "And now what?"

From where I stand, and for the first time in my life I felt that I am being investigated by law enforcement because of my ideas and the work I have done for the USG/DoD. For the first time since the moment I landed in Dulles international airport on October 1st of 2004, I had a serious discussion with my wife about moving back to Greece. Most importantly, however, I brought unnecessary attention from the DoJ in my working environment. This besides potentially hurting my reputation within GT (even if it is from an optics point of view) it also personally disappoints me greatly, because as a GT PhD student (2006-2012) and now as a faculty (2014-now) I always had as a goal to bring good news, recognition and success to GT --- and certainly not the attention of a special council.

If I make an attempt to come in your shoes, it would be absolutely reasonable for all of you to have questions about the risk that my research (and perhaps even myself) could bring to the Institute in the future. Therefore, when the dust settles I would like to have a discussion with all of you about the following two key open questions:

1. First and foremost, how do you feel about my actions now that GT legal has a plethora of my emails and after I spent countless hours explaining to everyone why I did what I did at the time I did it? If you think I did something unethical (not necessarily illegal) I will work with GT to smoothly (see running projects, students, SOW deliverables, etc.) or otherwise transition out. You have my word on this.
2. Big data analysis and machine learning for attack attribution is the future. After all these events with this politically driven inquisition, I need to see if there is a place where I can keep working on this research space that I invented over the last 5 years through my work in EA. What I would like to know is how GT upper management and legal feels about my line of research after all these events? Is GT a place that would welcome more innovation in this space, or this is simply not your (read is as GT's) cup of tea anymore?

Finally, I will leave you with an anecdote and a thought. During one of my interviews with the Special Counsel prosecutor, I was asked point blank by Mr. DeFilippis, "Do you believe that DARPA should be instructing you to investigate the origins of a hacker (Guccifer_2.0) that hacked a political entity (DNC)?" Let that sync for a moment, folks. Someone hacked a political party (DNC, in this case), in the middle of an election year (2016), and the lead investigator of DoJ's special council would question whether US researchers working for DARPA should conduct investigations in this matter is

“acceptable”! While I was tempted to say back to him “What if this hacker hacked GOP? Would you want me to investigate him then?”, I kept my cool and I told him that this is a question for DARPA’s director, and not for me to answer.

Steve, Chaouki and Ling-Ling; please, try to imagine a “United States of America” where investigations and prosecutions are determined by ideas and political beliefs. This has been tried before in human history and the results of it was forced labor and Gulags.

Folks, I strongly believe we will need this type of research and much more innovation in this space to preserve our democracy. This is factually true for a single yet fundamental reason: data driven scientific attribution is unbiased politically. Data belongs to no political party. Our nation's adversaries will keep attacking our country --- I am certain of this because their attacks simply work and are tremendously impactful to our society.

Thank you and have a great weekend.

PS. I am writing this email on a weekend because this is my first downtime since July 2nd when I received the subpoena.

Thanks, Manos

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

Date: Friday, July 2, 2021 at 7:50 PM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>, "Wasch, Kate" <kate.wasch@legal.gatech.edu>, "Lunon, Darryl" <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thanks for forwarding. I’m copying Kate’s correct email address and adding Darryl. We will confer internally and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

Hope you are doing great! Evidently I need to appear in front of a Grand Jury on July 15th. Any idea if I should talk with GT counsel before or if anyone from GT should be with me in this testimony?

This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>

Sent: Friday, July 2, 2021 4:28 PM

To: Antonakakis, Manos

Cc: kate.wesch@legal.gatech.edu; Fuhrman, Tim (JMD)

Subject: FGJ Subpoena for Manos Antonakakis

Dear Mr. Antonakakis - This is Jack Eckenrode, an Investigator with the US Justice Department. Together with my colleague Tim Fuhrman, copied here, with whom you may have had previous contact, we are attaching a federal grand jury subpoena seeking your testimony in Washington, DC on July 15, 2021 at 1:00pm. You should feel free to contact either one of us in the event that you have any questions related to the subpoena or your appearance.

Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

the EA transition vehicle and technology spinoff from GT that we have set up already; VLI.

VLI as you very well know is Angelos' and mine technology spinoff so we have to manage all possible COI with great caution. But I do not think this is a showstopper.

But again, at the end of the day, VLI MUST hold the bulk of data already (and inevitably the bulk of the risk) already because it has been set up to serve the operational needs of DoD when it comes to the EA technology. In my mind, it makes no sense to duplicate this risk in GT. So the million dollar question is the following: How can we keep the risk contained at VLI while enabling more research in GT?

Do we need a blanket COI about how people can work with VLI's data in GT? How can GT and VLI jointly bid on proposals as primes --- so we can keep paying the GRAs in GT and at the same time have experts in the field manage the risk and the operational aspects of the technology transition at VLI? How can we create the proper dynamic between VLI and GT where GT remains the leading research unit in this space and GT clearly acknowledges VLI as the de facto transition vehicle for this research? How can the IP created in GT, by GT researchers yet with data that VLI holds can then be licensed by VLI or the inventor of the technology without throwing VLI's interest under the bus (from a technology and competition point of view)?

We are probably breaking new grounds here and I am not sure if and how any of these are even possible. That being said, I do think that this is a well worth problem spending some time thinking about.

I do not want to give up GT, I do not want to allow a politically motivated body of the DoJ to take away a research area from GT --- a research area that was created by people in this email thread. That is simply unAmerican. But, I cannot be blind and ignorant anymore about what happened the last two months and what will almost certainly happen again in the years to come as political tensions rise.

To that end I would like to set up a meeting as early as possible with all of you to discuss what is possible and what is not. If a mutually beneficial solution that reduces or at least significantly manages the risk for all parties involved can be identified, we should then loop in legal or anyone else necessary to start writing things down in a MoU.

Gentlemen, as I have said before, this is a research area Angelos and I created. We cannot simply walk away from it.

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Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

Not because we are doing something illegal --- it is just the nature of the attribution research our team is engaged in.

In my mind I see a single realistic path forward. The riskiest components of this entire research area (namely; commercial data acquisition and data access) will have to be moved outside GT with the explicit blessing of GT. Decoupling certain research areas from top schools has been done before with great success (i.e., look at what UCB did with ICSI). In our case, we simply have to take advantage of the EA transition vehicle and technology spinoff from GT that we have set up already; VLI.

VLI as you very well know is Angelos' and mine technology spinoff so we have to manage all possible COI with great caution. But I do not think this is a showstopper.

But again, at the end of the day, VLI MUST hold the bulk of data already (and inevitably the bulk of the risk) already because it has been set up to serve the operational needs of DoD when it comes to the EA technology. In my mind, it makes no sense to duplicate this risk in GT. So the million dollar question is the following: How can we keep the risk contained at VLI while enabling more research in GT?

Do we need a blanket COI about how people can work with VLI's data in GT? How can GT and VLI jointly bid on proposals as primes --- so we can keep paying the GRAs in GT and at the same time have experts in the field manage the risk and the operational aspects of the technology transition at VLI?

How can we create the proper dynamic between VLI and GT where GT remains the leading research unit in this space and GT clearly acknowledges VLI as the de facto transition vehicle for this research?

How can the IP created in GT, by GT researchers yet with data that VLI holds can then be licensed by VLI or the inventor of the technology without throwing VLI's interest under the bus (from a technology and competition point of view)?

We are probably breaking new grounds here and I am not sure if and how any of these are even possible. That being said, I do think that this is a well worth problem spending some time thinking about.

I do not want to give up GT, I do not want to allow a politically motivated body of the DoJ to take away a research area from GT --- a research area that was created by people in this email thread. That is simply unAmerican. But, I cannot be blind and ignorant anymore about what happened the last two months and what will almost certainly happen again in the years to come as political tensions rise.

To that end I would like to set up a meeting as early as possible with all of you to discuss what is possible and what is not. If a mutually beneficial solution that reduces or at least significantly manages the risk for all parties involved can be identified, we should then loop in legal or anyone else necessary to start writing things down in a MoU.

Gentlemen, as I have said before, this is a research area Angelos and I created. We cannot simply walk away from it.

Thanks, Manos

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

Date: Saturday, July 24, 2021 at 11:32 AM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thank you for your thoughtful email. I know these last few weeks have been a whirlwind. I will ask my assistant to reach out on Monday to schedule time for all of us to talk further.

Ling-Ling

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

Sent: Saturday, July 24, 2021 10:50 AM

To: McLaughlin, Steven W; Abdallah, Chaouki T; Nie, Ling-Ling

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hey Steve, Chaouki and Ling-Ling,

Hope you are doing great.

I have not been bothering you about this because I have been told by Christian (who is an absolute Rock star!) that Ling-Ling (or someone in her team) has been communicating to you what is going on with this situation.

This email is not about me explaining to you that I have done nothing wrong. I suspect that now that Christian has all the information he needs he can independently arrive at that conclusion and communicate what needs to be communicated to you.

This email is about the key question, "And now what?"

From where I stand, and for the first time in my life I felt that I am being investigated by law enforcement because of my ideas and the work I have done for the USG/DoD. For the first time since the moment I landed in Dulles international airport on October 1st of 2004, I had a serious discussion with my wife about moving back to Greece. Most importantly, however, I brought unnecessary attention from the DoJ in my working environment. This besides potentially hurting my reputation within GT (even if it is from an optics point of view) it also personally disappoints me greatly, because as a GT PhD student (2006-2012) and now as a faculty (2014-now) I always had as a goal to bring good news, recognition and success to GT --- and certainly not the attention of a special council.

If I make an attempt to come in your shoes, it would be absolutely reasonable for all of you to have questions about the risk that my research (and perhaps even myself) could bring to the Institute in the future. Therefore, when the dust settles I would like to have a discussion with all of you about the following two key open questions:

1. First and foremost, how do you feel about my actions now that GT legal has a plethora of my emails and after I spent countless hours explaining to everyone why I did what I did at the time I did it? If you think I did something unethical (not necessarily illegal) I will work with GT to smoothly (see running projects, students, SOW deliverables, etc.) or otherwise transition out. You have my word on this.
2. Big data analysis and machine learning for attack attribution is the future. After all these events with this politically driven inquisition, I need to see if there is a place where I can keep working on this research space that I invented over the last 5 years through my work in EA. What I would like to know is how GT upper management and legal feels about my line of research after all these events? Is GT a place that would welcome more innovation in this space, or this is simply not your (read is as GT's) cup of tea anymore?

Finally, I will leave you with an anecdote and a thought. During one of my interviews with the Special Counsel prosecutor, I was asked point blank by Mr. DeFilippis, "Do you believe that DARPA should be instructing you to investigate the origins of a hacker (Guccifer_2.0) that hacked a political entity (DNC)?" Let that sync for a moment, folks. Someone hacked a political party (DNC, in this case), in the middle of an election year (2016), and the lead investigator of DoJ's special council would question whether US researchers working for DARPA should conduct investigations in this matter is "acceptable"! While I was tempted to say back to him "What if this hacker hacked GOP? Would you want me to investigate him then?", I kept my cool and I told him that this is a question for DARPA's director, and not for me to answer.

Steve, Chaouki and Ling-Ling; please, try to imagine a "United States of America" where investigations and prosecutions are determined by ideas and political beliefs. This has been tried before in human history and the results of it was forced labor and Gulags.

Folks, I strongly believe we will need this type of research and much more innovation in this space to preserve our democracy. This is factually true for a single yet fundamental reason: data driven scientific attribution is unbiased politically. Data belongs to no political party. Our nation's adversaries will keep attacking our country --- I am certain of this because their attacks simply work and are tremendously impactful to our society.

Thank you and have a great weekend.

PS. I am writing this email on a weekend because this is my first downtime since July 2nd when I received the subpoena.

Thanks, Manos

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

Date: Friday, July 2, 2021 at 7:50 PM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>, "Wasch, Kate" <kate.wasch@legal.gatech.edu>, "Lunon, Darryl" <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thanks for forwarding. I'm copying Kate's correct email address and adding Darryl. We will confer internally and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

Hope you are doing great! Evidently I need to appear in front of a Grand Jury on July 15th. Any idea if I should talk with GT counsel before or if anyone from GT should be with me in this testimony?

This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>

Sent: Friday, July 2, 2021 4:28 PM

To: Antonakakis, Manos

Cc: kate.wesch@legal.gatech.edu; Fuhrman, Tim (JMD)

Subject: FGJ Subpoena for Manos Antonakakis

Dear Mr. Antonakakis - This is Jack Eckenrode, an Investigator with the US Justice Department. Together with my colleague Tim Fuhrman, copied here, with whom you may have had previous contact, we are attaching a federal grand jury subpoena seeking your testimony in Washington, DC on July 15, 2021 at 1:00pm. You should feel free to contact either one of us in the event that you have any questions related to the subpoena or your appearance.

Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

From: Sagar, Preeti<preeti.sagar@gatech.edu>
Sent on: Tuesday, December 14, 2021 11:39:30 AM
To: Clonts, Tina<tina.clonts@business.gatech.edu>
CC: Thrash, Sherryll D<sherryll.thrash@carnegie.gatech.edu>
Subject: Abbie Coker's question regarding EXP-1076481 Emmanouil Konstantinos Antonakakis
Attachments: 40637 - Credit Card Receipt - 7.13.2021.pdf (330.83 KB), LawPay.pdf (72.97 KB), 1022347.bil.pdf (128.26 KB), Re_ Lowenstein Sandler invoices to date.pdf (131.56 KB), EXP-1076481.xlsx (4.16 KB)

Good Morning Tina,

I'm wondering if you have any thoughts or suggestions about what I could relay to Abbie regarding the following expense report? She's asking for an explanation as to why this didn't get processed with a PO rather than out-of-pocket reimbursable expenses. It was a confidential legal matter, so I have not contacted or asked anyone else.

Based on what I could glean from the attachments, the employee is seeking reimbursement after the fact rather than before, so there's not much other information I could provide beyond what was included.

Thank You,

Preeti

From: Thrash, Sherryll D <sherryll.thrash@carnegie.gatech.edu>
Sent: Friday, December 10, 2021 1:44 PM
To: Sagar, Preeti <preeti.sagar@gatech.edu>
Cc: Clonts, Tina <tina.clonts@business.gatech.edu>
Subject: RE: Abbie Coker's question regarding EXP-1076481 Emmanouil Konstantinos Antonakakis

Hi Preeti,

I had no previous knowledge of this expense. Kate sent the attached documents to me on 11/30/21 to process the reimbursement request. I have no additional information related to the expense.

Thanks,

Sherryll

From: Sagar, Preeti <preeti.sagar@gatech.edu>
Sent: Friday, December 10, 2021 1:34 PM
To: Thrash, Sherryll D <sherryll.thrash@carnegie.gatech.edu>
Cc: Clonts, Tina <tina.clonts@business.gatech.edu>
Subject: Abbie Coker's question regarding EXP-1076481 Emmanouil Konstantinos Antonakakis
Importance: High

Good afternoon, Sherryll and Tina,

I received the following email from Abbie and wanted to share it with you since she's asking for a justification.

When approving the expense which is charged to DE00005918 IBPA/GIE Legal Services amount \$34,442.78, I saw Ling-Ling's note showing approval from the Provost for reimbursement. It appears that a PO may not have been possible ahead of time since the employee provided the information after the fact. The attachments for which the employee was being reimbursed were per an subpoena to the employee, and involved confidential circumstances.

Please help with a response to be shared with Abbie and Ajay. I had an appointment this afternoon, so I was supposed to be out by noon, but the appointment was delayed so I'm working a bit longer.

Thank You,

Preeti

From: Coker, Abbie <abbie.coker@business.gatech.edu>
Sent: Friday, December 10, 2021 1:10 PM
To: Sagar, Preeti <preeti.sagar@gatech.edu>
Cc: Patel, Ajay D <ajay.patel@business.gatech.edu>
Subject: FW: EXP-1076481

Hi Preeti,

Expense report EXP-1076481 for \$34,442.78 was forwarded to me for further review. These are legal services provided that should have been processed through the Institute's Procurement process with a PO, and should not be paid out of pocket as reimbursable expenses. Can you explain why this was done. This is a potential audit risk.

I am including Ajay on this email for his review since this is a non-travel reimbursement.

Thanks,

Sent: Tuesday, January 11, 2022 10:47 AM

To: Coker, Abbie <abbie.coker@business.gatech.edu>

Cc: Sagar, Preeti <preeti.sagar@gatech.edu>; Clonts, Tina <tina.clonts@business.gatech.edu>

Subject: RE: Abbie Coker's question regarding EXP-1076481 Emmanouil Konstantinos Antonakakis

Good morning:

I received the attached email from Kate Wasch on 1/7/22 to process a reimbursement request for Angelos Keromytis with the same justification as the expense for Emmanouil Konstantinos Antonakakis (subject matter).

I have submitted the reimbursement request for Angelos Keromytis and wanted to provide you all with a heads up in case you had questions regarding the expense. As with Emmanouil Konstantinos Antonakakis, I did not have previous knowledge regarding this expense; hence, a PO was not initiated in advance.

- **Reference number: EXP-1079138**

Kind regards,

Sherryll

From: Thrash, Sherryll D

Sent: Friday, December 10, 2021 1:44 PM

To: Sagar, Preeti <preeti.sagar@gatech.edu>

Cc: Clonts, Tina <tina.clonts@business.gatech.edu>

Subject: RE: Abbie Coker's question regarding EXP-1076481 Emmanouil Konstantinos Antonakakis

Hi Preeti,

I had no previous knowledge of this expense. Kate sent the attached documents to me on 11/30/21 to process the reimbursement request. I have no additional information related to the expense.

Thanks,

Sherryll

From: Sagar, Preeti <preeti.sagar@gatech.edu>

Sent: Friday, December 10, 2021 1:34 PM

To: Thrash, Sherryll D <sherryll.thrash@carnegie.gatech.edu>

Cc: Clonts, Tina <tina.clonts@business.gatech.edu>

Subject: Abbie Coker's question regarding EXP-1076481 Emmanouil Konstantinos Antonakakis

Importance: High

Good afternoon, Sherryll and Tina,

I received the following email from Abbie and wanted to share it with you since she's asking for a justification.

When approving the expense which is charged to DE00005918 IBPA/GIE Legal Services amount \$34,442.78, I saw Ling-Ling's note showing approval from the Provost for reimbursement. It appears that a PO may not have been possible ahead of time since the employee provided the information after the fact. The attachments for which the employee was being reimbursed were per an subpoena to the employee, and involved confidential circumstances.

Please help with a response to be shared with Abbie and Ajay. I had an appointment this afternoon, so I was supposed to be out by noon, but the appointment was delayed so I'm working a bit longer.

Thank You,

Preeti

From: Coker, Abbie <abbie.coker@business.gatech.edu>

Sent: Friday, December 10, 2021 1:10 PM

To: Sagar, Preeti <preeti.sagar@gatech.edu>

Cc: Patel, Ajay D <ajay.patel@business.gatech.edu>

Subject: FW: EXP-1076481

Hi Preeti,

Expense report EXP-1076481 for \$34,442.78 was forwarded to me for further review. These are legal services provided that should have been processed through the Institute's Procurement process with a PO, and should not be paid out of pocket as reimbursable expenses. Can you explain why this was done. This is a potential audit risk.

I am including Ajay on this email for his review since this is a non-travel reimbursement.

Thanks,

Abbie Coker

Director of Accounts Payable & Travel

Georgia Institute of Technology

Procurement & Business Services

Phone: 404.894.0348 Fax:404.894.8552



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

November 16, 2021

Invoice Number: 1022347
 File No: 40637-2

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

TO ENSURE PROPER CREDIT, PLEASE INCLUDE INVOICE NUMBER ON YOUR CHECK AND RETURN THE ENCLOSED REMITTANCE COPY OF THIS PAGE.
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 PROFESSIONAL FEES, DISBURSEMENTS OR OTHER CHARGES POSTED SUBSEQUENT TO THAT DATE WILL BE REFLECTED IN FUTURE INVOICES.

For professional services rendered through July 31, 2021 in connection with Grand Jury Subpoena:

Counsel Fee	\$34,380.50
Disbursements	62.28
Less: Credit Applied	-10,000.00
Total This Invoice	\$24,442.78

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1022347	
Check Payment Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Wire/ACH Transfer Instructions Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
07/09/21	Schamel, Mark	0.60	Telephone calls and emails with general counsel of Georgia Tech
07/10/21	Schamel, Mark	1.30	Telephone calls and emails with client and general counsel of Georgia Tech
07/12/21	Jara, Ana L.	0.30	Confer with AUSA re: whether client was subject, target, or witness; confer with M. Schamel re: same
07/12/21	Schamel, Mark	0.80	Telephone call with prosecutor; email with client re: same; confer with A. Jara re: AUSA
07/13/21	Jara, Ana L.	1.00	Confer with general counsel of Georgia Tech re: government attempting in-person service on client and follow up with government re: same; attend call with M. Schamel and AUSAs re: substance of the grand jury subpoena and possibility of client speaking in information interview re: same
07/13/21	Schamel, Mark	1.00	Telephone call with A. Jara and AUSA re: subpoena and interview with client; multiple emails re: same
07/14/21	Jara, Ana L.	2.50	Confer with client re: facts underlying the grand jury subpoena and take notes re: same; confer with general counsel for Georgia Tech to discuss the issues related to the subpoena, DARPA, and what George Tech could do to help; confer with M. Schamel re: same; review emails from client re: facts underlying the grand jury subpoena; confirm receipt of same
07/14/21	Schamel, Mark	1.90	Confer with client re: facts underlying the grand jury subpoena; confer with general counsel for Georgia Tech to discuss the issues related to the subpoena, DARPA, and what George Tech could do to help; confer with A. Jara re: same
07/15/21	Jara, Ana L.	1.50	Confer with client re: interview with government and confidentiality concerns; confer with M. Schamel re: same; confer with general counsel at George Tech re: same
07/15/21	Schamel, Mark	2.20	Multiple telephone calls with client; telephone calls with AUSA; telephone calls with general counsel at George Tech
07/16/21	Jara, Ana L.	4.30	Attend informal meeting with government to go over what client knows re: case; confer with client and M. Schamel after meeting; confer with M. Schamel and general counsel for George Tech re: same
07/16/21	Schamel, Mark	4.70	Attend informal meeting with government to go over what client knows re: case; confer with client and A. Jara after meeting; confer with A. Jara and general counsel for George Tech re: same
07/19/21	Jara, Ana L.	2.30	Attend, and participate in telephone call with client re: refreshing recollection for government interviews; confer with government and M. Schamel re: same; confer with client to update him on calls with government
07/19/21	Schamel, Mark	1.80	Telephone call with A. Jara; email with prosecutor; telephone call with client
07/20/21	Jara, Ana L.	0.70	Confer with M. Schamel and client re: document productions and refreshing his recollection; confer with M. Schamel re: same

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
07/20/21	Schamel, Mark	1.00	Multiple emails and telephone calls with general counsel for Georgia Tech and client; internal conference with A. Jara; review documents
07/21/21	Jara, Ana L.	0.70	Confer with M. Schamel re: document production and case strategy; confer with general counsel for Georgia Tech re: document production and George Tech's obligations under the subpoena
07/22/21	Hinger, William	3.70	Download client documents; review documents; prepare document production; bates stamp and rename files
07/22/21	Jara, Ana L.	4.10	Confer with general counsel for George Tech re: George Tech's strategy in responding to subpoena; confer with M. Schamel re: same; attend telephone call with client and M. Schamel and the government re: client's knowledge about Trump, Alfa Bank, and Yota phones
07/22/21	Schamel, Mark	2.00	Confer with A. Jara re: strategy in responding to subpoena; attend telephone call with client, A. Jara and the government re: client's knowledge about Trump, Alfa Bank, and Yota phones
07/23/21	Hinger, William	4.60	Download and save selected documents in preparation of document production; review client synopsis and documents
07/23/21	Jara, Ana L.	2.30	Attend call with M. Schamel and general counsel for Georgia Tech re: Georgia Tech's subpoena response; attend call with client re: same; attend call with the government, M. Schamel, and client to discuss further his document collection and recollection about relevant events; confer with W. Hinger re: document collection and production
07/23/21	Jara, Gabriel	0.40	Coordinate the processing and production of documents requested by W. Hinger
07/23/21	Pagano, Jamie J.	0.10	Provide assistance to W. Hinger re: data transfers
07/23/21	Schamel, Mark	2.00	Attend call with A. Jara and general counsel for Georgia Tech re: Georgia Tech's subpoena response; attend call with client re: same; attend call with the government, A. Jara, and client to discuss document collection and recollection about relevant events
07/23/21	Suhail, Aneela	2.10	Provide assistance to G. Jara and W. Hinger re: create interim IPRO review and processing databases; process documents and load into database; produce multiple productions as requested; create encrypted ShareFile link and password for distribution; provide notice to case team of completion of same and availability of documents for review
07/26/21	Jara, Ana L.	2.30	Confer with R. Jones re: research into quashing grand jury subpoena; confer with client re: grand jury subpoena; confer with M. Schamel and general counsel for Georgia Tech re: same; confer with government re: same
07/26/21	Jones, Renee	2.80	Research ways to prevent client from attending grand jury testifying subpoena
07/26/21	Schamel, Mark	2.30	Confer with A. Jara and general counsel for Georgia Tech re: quashing subpoena; telephone call with client; telephone call with AUSA
07/27/21	Schamel, Mark	0.90	Emails with general counsel for Georgia Tech; telephone call with AUSA

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
07/29/21	Jara, Ana L.	0.50	Confer with general counsel for Georgia Tech re: document production; confer with M. Schamel re: same
07/29/21	Schamel, Mark	1.30	Confer with A. Jara re: document production; telephone calls and emails with client and general counsel for Georgia Tech
07/30/21	Jara, Ana L.	2.10	Attend meeting with government counsel; confer with client re: meeting with government; confer with general counsel for Georgia Tech re: same
07/30/21	Schamel, Mark	2.10	Attend meeting with government; confer with client re: meeting with government; confer with general counsel for Georgia Tech re: same

TIMEKEEPER SUMMARY:

<u>Timekeeper Name</u>	<u>Hours Billed</u>	<u>Rate</u>	<u>Bill Amount</u>
Schamel, Mark	25.90	\$750.00	\$19,425.00
Jara, Ana L.	24.60	450.00	11,070.00
Jones, Renee	2.80	420.00	1,176.00
Hinger, William	8.30	250.00	2,075.00
Jara, Gabriel	0.40	255.00	102.00
Pagano, Jamie J.	0.10	285.00	28.50
Suhail, Aneela	2.10	240.00	504.00
TOTAL ALL TIMEKEEPERS	64.20		\$34,380.50
Less: Credit Applied			-10,000.00
TOTAL ADJUSTED FEES			\$24,380.50

DISBURSEMENTS FOR MATTER 2 / Grand Jury Subpoena:

<u>Description</u>	<u>Amount</u>
Computerized legal research	\$62.28
TOTAL DISBURSEMENTS	\$62.28



Lowenstein Sandler

Lowenstein Sandler LLP
New York Palo Alto New Jersey Utah Washington, DC
T: 973 597 2500 F: 973 597 2400
Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

November 16, 2021

Invoice Number: 1022347
File No: 40637-2

Manos Antonakakis
Georgia Institute of Technology
North Avenue
Atlanta, GA 30332

-REMITTANCE COPY-

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PROFESSIONAL FEES, DISBURSEMENTS OR OTHER CHARGES POSTED SUBSEQUENT TO THAT DATE WILL BE REFLECTED IN FUTURE INVOICES.

For professional services rendered through July 31, 2021 in connection with Grand Jury Subpoena:

Counsel Fee	\$34,380.50
Disbursements	62.28
Less: Credit Applied	-10,000.00
Total This Invoice	\$24,442.78

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1022347	
<u>Check Payment</u>	<u>Wire/ACH Transfer Instructions</u>
Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: angelos@gatech.edu

January 7, 2022

Invoice Number: 1030542

File No: 40758-2

Angelos D Keromytis

TO ENSURE PROPER CREDIT, PLEASE INCLUDE INVOICE NUMBER ON YOUR CHECK AND RETURN THE ENCLOSED REMITTANCE COPY OF THIS PAGE.
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For professional services rendered through December 31, 2021 in connection with Grand Jury Subpoena:

Counsel Fee	\$6,810.00
Less: Credit Applied	-6,810.00
Total This Invoice	\$0.00

Payable on Receipt Please reference Account Number: 40758; Invoice Number: 1030542	
<u>Check Payment</u> Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	<u>Wire/ACH Transfer Instructions</u> Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
08/09/21	Schamel, Mark	0.90 @ N/C	Emails with client; telephone call with Special Counsel
08/12/21	Jara, Ana L.	0.30 @ N/C	Confer with client re: conflicts and seeking outside counsel and next steps in case
08/13/21	Jara, Ana L.	0.50 @ N/C	Confer with new client re: case involvement and potential conflict; confer with J. Connelly re: new client's potential conflict to advise him re: same
08/13/21	Schamel, Mark	1.30	Emails with prosecutor and internal conference
08/17/21	Schamel, Mark	0.20	Emails with Special Counsel
08/27/21	Schamel, Mark	0.40	Telephone call with client
09/01/21	Jara, Ana L.	1.60	Meet with M. Schamel and client re: government interviews and role in research related to Trump and Russian activities
09/01/21	Schamel, Mark	1.60	Meeting with client and A. Jara; email DOJ
09/08/21	Schamel, Mark	0.50	Telephone call with General Counsel for Georgia Tech
09/22/21	Jara, Ana L.	1.20	Confer with client re: open grand jury investigation, further indictments, and client's role; discuss with M. Schamel how best to handle the case and what the government's strategy was
09/22/21	Schamel, Mark	1.20	Confer with client re: open grand jury investigation, further indictments, and client's role; discuss with A. Jara how best to handle the case and what the government's strategy was
09/23/21	Schamel, Mark	0.40	Emails and telephone call with client
09/24/21	Jara, Ana L.	1.00	Confer with client re: New York Times article, future grand jury appearances, documents, and recollection; confer with M. Schamel re: same
09/24/21	Schamel, Mark	1.20	Confer with client re: New York Times article, future grand jury appearances, documents, and recollection; confer with A. Jara re: same; follow-up emails re: same



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: angelos@gatech.edu

January 7, 2022

Invoice Number: 1030542
 File No: 40758-2

Angelos D Keromytis

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PROFESSIONAL FEES, DISBURSEMENTS AND OTHER CHARGES ARE COMPILED AS ENTERED ON OUR RECORDS THROUGH THE BILLING DATE BELOW.
 PROFESSIONAL FEES, DISBURSEMENTS OR OTHER CHARGES POSTED SUBSEQUENT TO THAT DATE WILL BE REFLECTED IN FUTURE INVOICES.

For professional services rendered through December 31, 2021 in connection with Grand Jury Subpoena:

Counsel Fee	\$6,810.00
Less: Credit Applied	-6,810.00
Total This Invoice	\$0.00

Payable on Receipt Please reference Account Number: 40758; Invoice Number: 1030542	
<p style="text-align: center;"><u>Check Payment</u></p> <p>Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068</p>	<p style="text-align: center;"><u>Wire/ACH Transfer Instructions</u></p> <p>Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33</p>



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

January 10, 2022

Invoice Number: 1031110
 File No: 40637-2

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

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 PROFESSIONAL FEES, DISBURSEMENTS OR OTHER CHARGES POSTED SUBSEQUENT TO THAT DATE WILL BE REFLECTED IN FUTURE INVOICES.

For professional services rendered through December 31, 2021 in connection with Grand Jury Subpoena:

Counsel Fee	\$31,325.50
Total This Invoice	<u>\$31,325.50</u>

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1031110	
<u>Check Payment</u> Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	<u>Wire/ACH Transfer Instructions</u> Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
08/02/21	Jara, Ana L.	0.10	Confer with client re: reviewing emails and documents for the government
08/02/21	Schamel, Mark	0.60	Emails with Special Counsel and client; internal meeting with A. Jara
08/03/21	Schamel, Mark	0.90	Multiple emails and telephone calls with Special Counsel and client
08/04/21	Jara, Ana L.	0.40	Confer with government re: next steps, document collection, and second interview
08/04/21	Schamel, Mark	0.40	Confer with government re: next steps, document collection, and second interview
08/05/21	Jara, Ana L.	1.20	Confer with client re: case updates and government's position on additional document collection and interviews
08/05/21	Schamel, Mark	1.20	Confer with client re: case updates and government's position on additional document collection and interviews
08/09/21	Schamel, Mark	1.30	Discussion with A. Jara re: interview; setup conference with Special Counsel
08/24/21	Schamel, Mark	0.60	Emails with Special Counsel
08/25/21	Schamel, Mark	0.60	Emails and telephone calls with Special Counsel
08/26/21	Jara, Ana L.	0.30	Confer with government counsel re: grand jury subpoena and an affidavit in lieu of testimony
08/27/21	Jara, Ana L.	2.10	Meet with government attorney and take notes re: draft 302; confer with client re: same and review notes to ensure what information is correct; confer with client re: meeting with government; follow-up with government re: meeting with client
08/27/21	Schamel, Mark	0.90	Telephone call with client; telephone call with A. Jara; emails with Special Counsel
08/28/21	Jara, Ana L.	1.30	Confer with government counsel, client, and M. Schamel re: draft 302s for client and whether those 302s were accurate
08/28/21	Schamel, Mark	1.30	Confer with government counsel, client, and A. Jara re: draft 302s for client and whether those 302s were accurate
08/31/21	Schamel, Mark	0.60	Emails with Special Counsel
09/01/21	Jara, Ana L.	1.30	Meet with government, M. Schamel, and client re: corrections to client's 302
09/01/21	Schamel, Mark	1.50	Meet with government, A. Jara, and client re: corrections to client's 302; telephone call with Georgia Tech
09/08/21	Schamel, Mark	0.50	Telephone call with General Counsel of Georgia Tech
09/15/21	Schamel, Mark	0.50	Emails with Special Counsel; telephone call with General Counsel of Georgia Tech

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
09/16/21	Hinger, William	0.30	Review indictment and save to system
09/16/21	Jara, Ana L.	0.30	Confer with client re: indictment and government's investigation's findings
09/16/21	Schamel, Mark	1.90	Review indictment; telephone call with client and A. Jara re: same; telephone call with General Counsel for Georgia Tech; follow-up with A. Jara
09/17/21	Jara, Ana L.	1.80	Confer with client re: updates to case and indictment that the Department of Justice handed down; confer with Georgia Tech's General Counsel re: same
09/17/21	Schamel, Mark	0.90	Multiple telephone calls with client and Special Counsel re: indictment
09/21/21	Schamel, Mark	1.90	Telephone call with B. Heberling re: FBI; telephone call with P. Kerr
09/22/21	Hinger, William	0.10	Circulate client documents to team LS
09/22/21	Jara, Ana L.	1.00	Confer with client re: indictment and client's role as a witness and how to proceed with case strategy
09/22/21	Schamel, Mark	2.20	Telephone calls with New York Times; telephone call with client and A. Jara re: indictment and client's role as a witness and how to proceed with case strategy
09/23/21	Hinger, William	1.70	Review produced documents and compile potential documents to share with the New York Times
09/23/21	Jara, Ana L.	6.20	Confer with client re: New York Times story; confer with public relations team re: same; confer with General Counsel of Georgia Tech re: same; review emails to produce to New York Times and confer with M. Schamel re: same; confer with client re: personal security protections and plans moving forward; confer with M. Schamel re: same
09/23/21	Pagano, Jamie J.	0.10	Provide assistance to W. Hinger re: database grids
09/23/21	Schamel, Mark	2.30	Confer with A. Jara re: security protection and plans moving forward; multiple telephone calls with client, General Counsel of Georgia Tech, and New York Times
09/23/21	Suhail, Aneela	0.30	Assist W. Hinger re: IPRO database access
09/24/21	Jara, Ana L.	2.90	Confer with client, public relations team, Georgia Tech public relations team, and M. Schamel re: New York Times article and response; confer with M. Schamel re: same; review Georgia Tech's statement; confer with client re: same; confer with private security firm re: threat assessments; confer with client re: same
09/24/21	Schamel, Mark	2.90	Multiple telephone calls with New York Times, client, and Georgia Tech; confer with A. Jara
09/25/21	Jara, Ana L.	0.20	Confer with client re: Georgia Tech's statements and issues surrounding case and security
09/25/21	Schamel, Mark	1.90	Multiple revisions and drafts of statement; telephone calls with client, A. Jara, and New York Times

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
09/26/21	Jara, Ana L.	0.20	Review draft statement for client to be sent to New York Times
09/26/21	Schamel, Mark	0.80	Telephone calls re: statement; revise statement; telephone call with client and Georgia Tech
09/28/21	Hinger, William	0.10	Monitor New York Times for article re: client
09/30/21	Schamel, Mark	1.30	Telephone calls and emails with General Counsel for Georgia Tech re: press; multiple emails and telephone calls with press re: article; internal meeting with LS team
10/01/21	Jara, Ana L.	0.70	Meet with client re: personal safety and security concerns once New York Times article dropped; confer with General Counsel for Georgia Tech re: client's concerns; confer with M. Schamel re: same
10/01/21	Schamel, Mark	0.20	Confer with A. Jara re: security concerns and New York Times
10/02/21	Schamel, Mark	1.10	Telephone call with A. Jara re: press and indictment; telephone call with client re: same
10/07/21	Schamel, Mark	0.40	Emails with client and A. Jara re: Sussman trial
10/12/21	Schamel, Mark	0.20	Emails with client

TIMEKEEPER SUMMARY:

<u>Timekeeper Name</u>	<u>Hours Billed</u>	<u>Rate</u>	<u>Bill Amount</u>
Schamel, Mark	28.90	\$750.00	\$21,675.00
Jara, Ana L.	20.00	450.00	9,000.00
Hinger, William	2.20	250.00	550.00
Pagano, Jamie J.	0.10	285.00	28.50
Suhail, Aneela	0.30	240.00	72.00
TOTAL ALL TIMEKEEPERS	51.50		\$31,325.50

THERE ARE NO DISBURSEMENTS FOR THIS MATTER



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

January 10, 2022

Invoice Number: 1031110
 File No: 40637-2

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

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PROFESSIONAL FEES, DISBURSEMENTS AND OTHER CHARGES ARE COMPILED AS ENTERED ON OUR RECORDS THROUGH THE BILLING DATE BELOW.
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For professional services rendered through December 31, 2021 in connection with Grand Jury Subpoena:

Counsel Fee	\$31,325.50
Total This Invoice	<u>\$31,325.50</u>

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1031110	
<u>Check Payment</u> Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	<u>Wire/ACH Transfer Instructions</u> Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

January 10, 2022

Invoice Number: 1031114
 File No: 40637-3

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

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For professional services rendered through December 31, 2021 in connection with Subpoena:

Counsel Fee	\$15,125.00
Disbursements	5,933.28
Less: Credit Applied	-10,000.00
Total This Invoice	\$11,058.28

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1031114	
<u>Check Payment</u>	<u>Wire/ACH Transfer Instructions</u>
Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

TIME DETAIL FOR MATTER 3 / Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
10/18/21	Schafbuch, Christopher	0.60	Analyze validity of subpoena duces tecum and deposition subpoena
10/18/21	Schamel, Mark	0.70	Telephone call re: subpoenas; emails with General Counsel for Georgia Tech
10/21/21	Schamel, Mark	0.80	Telephone call with lawyer for A. Lorensen
11/02/21	Schafbuch, Christopher	2.80	Continue researching and analyzing validity of subpoenas; telephone call with Fulton County Clerk's Office re: validity of subpoenas
11/08/21	Schamel, Mark	0.70	Attend meeting with General Counsel for Georgia Tech re: subpoenas
11/12/21	Schafbuch, Christopher	2.80	Draft objections to deposition and document subpoenas; telephone call with Fulton County Clerk's Office re: same; emails with M. Schamel re: Alfa-Bank's request to confirm appearance and motion to quash, and erroneous legal arguments re: subpoenaed party's duties under Georgia law
11/14/21	Jara, Ana L.	0.50	Telephone conversation with M. Schamel and client re: press inquiry from the Federalist; review draft response to the same
11/14/21	Schamel, Mark	1.50	Telephone conversation with A. Jara and client re: press inquiry from the Federalist; draft response to the same; multiple emails and telephone calls re: same
11/15/21	Schafbuch, Christopher	5.30	Continue drafting motion for protective order and to quash subpoenas; telephone call with J. Connelly re: local counsel needs and filing process; update and analyze Georgia case law re: procedures under uniform interstate depositions and discovery act; telephone call with client and M. Schamel re: dates of service and other issues; draft declaration of C. Schafbuch in support of same
11/15/21	Schamel, Mark	0.50	Telephone call with C. Schafbuch and client re: dates of service and other issues
11/16/21	Jara, Ana L.	0.30	Review and revise draft motion for protective order and to quash subpoenas
11/16/21	Schafbuch, Christopher	3.20	Analyze Georgia procedural rules re: filing petitions, motions practice, and supporting factual assertions by sworn declarations; revise motion for protective order to address A. Jara's comments and revisions; update and analyze nationwide case law re: invalid subpoenas under Uniform Interstate Depositions and Discovery Act
11/16/21	Schamel, Mark	0.50	Review protective order and to quash subpoena; emails with C. Schafbuch re: local counsel; emails with M. Krawiec re: deposition
11/17/21	Jara, Ana L.	0.60	Review and respond to emails re: local counsel and deposition; teleconference with client and C. Schafbuch re: issues concerning motion for protective order and Fulton County subpoenas

TIME DETAIL FOR MATTER 3 / Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
11/17/21	Schafbuch, Christopher	3.20	Telephone call with J. Connelly and A. Ebbs re: subpoena and Rule 6.4 certificate; correspondence with Alfa-Bank's counsel re: meet-and-confer attempts; teleconference with client and A. Jara re: issues concerning motion for protective order and Fulton County subpoenas; teleconference with M. Schamel and J. Connelly re: filing and litigation strategy re: same; hold meet-and-confer with M. Schamel and Alfa-Bank's counsel M. Krawiec and M. McIntosh
11/17/21	Schamel, Mark	1.60	Emails with M. Krawiec re: meet-and-confer; teleconference with J. Connelly and C. Schafbuch re: filing and litigation strategy for opposing subpoenas and seeking protective order; meet-and-confer with C. Schafbuch and Alfa-Bank's counsel M. Krawiec and M. McIntosh; telephone call with client re: outcome of meet-and-confer
11/19/21	Schamel, Mark	0.10	Email with M. Krawiec re: subpoena and questions
12/08/21	Schamel, Mark	0.40	Telephone call with New York Times (.4) NO CHARGE
12/13/21	Schamel, Mark	0.40	Emails with client
12/14/21	Schamel, Mark	0.50	Emails with client and counsel in Georgia (.5) NO CHARGE
12/15/21	Schamel, Mark	0.40	Emails with client and M, Krawiec re: deposition
12/16/21	Schamel, Mark	0.20	Discussion with Alpha Bank counsel re: moving deadlines to January

TIMEKEEPER SUMMARY:

<u>Timekeeper Name</u>	<u>Hours Billed</u>	<u>Rate</u>	<u>Bill Amount</u>
Schamel, Mark	8.30	\$770.00	\$6,391.00
Jara, Ana L.	1.40	485.00	679.00
Schafbuch, Christopher	17.90	450.00	8,055.00
TOTAL ALL TIMEKEEPERS	27.60		\$15,125.00
Less: Credit Applied			-10,000.00
TOTAL ADJUSTED FEES			\$5,125.00

DISBURSEMENTS FOR MATTER 3 / Subpoena:

<u>Description</u>	<u>Amount</u>
Computerized legal research	\$1,863.28
Outside Legal Counsel / Local Counsel	4,070.00
TOTAL DISBURSEMENTS	\$5,933.28



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

January 10, 2022

Invoice Number: 1031114
 File No: 40637-3

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

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For professional services rendered through December 31, 2021 in connection with Subpoena:

Counsel Fee	\$15,125.00
Disbursements	5,933.28
Less: Credit Applied	-10,000.00
Total This Invoice	<u>\$11,058.28</u>

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1031114	
<u>Check Payment</u>	<u>Wire/ACH Transfer Instructions</u>
Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33



Lowenstein Sandler

Lowenstein Sandler LLP
New York Palo Alto New Jersey Utah Washington, DC
T: 973 597 2500 F: 973 597 2400
Tax ID # 46-0920520

VIA EMAIL: angelos@gatech.edu

May 31, 2022

Invoice Number: 1053811
File No: 40758-2

Angelos D Keromytis

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For professional services rendered through April 30, 2022 in connection with Grand Jury Subpoena:

Counsel Fee	\$1,905.00
Less: Credit Applied	-1,905.00
Total This Invoice	\$0.00

Payable on Receipt Please reference Account Number: 40758; Invoice Number: 1053811	
<u>Check Payment</u>	<u>Wire/ACH Transfer Instructions</u>
Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
04/15/22	Schamel, Mark	1.30	Telephone call with client re: update on case; telephone call with George Tech GC re: update on case
04/19/22	Schamel, Mark	0.50	Review Sussmann pleadings and articles
04/25/22	Jara, Ana L.	0.40	Meet with client, M. Antonakakis, and M. Schamel re: hearing on motion in limine; review Sussmann filings
04/25/22	Schamel, Mark	0.50	Telephone call with client and M. Antonakakis; review filings and news articles re: Sussmann

TIMEKEEPER SUMMARY:

<u>Timekeeper Name</u>	<u>Hours Billed</u>	<u>Rate</u>	<u>Bill Amount</u>
Schamel, Mark	2.30	\$750.00	\$1,725.00
Jara, Ana L.	0.40	450.00	180.00
TOTAL ALL TIMEKEEPERS	2.70		\$1,905.00
Less: Credit Applied			-1,905.00
TOTAL ADJUSTED FEES			\$0.00

THERE ARE NO DISBURSEMENTS FOR THIS MATTER



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: angelos@gatech.edu

May 31, 2022

Invoice Number: 1053811
 File No: 40758-2

Angelos D Keromytis

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For professional services rendered through April 30, 2022 in connection with Grand Jury Subpoena:

Counsel Fee	\$1,905.00
Less: Credit Applied	-1,905.00
Total This Invoice	<u><u>\$0.00</u></u>

Payable on Receipt Please reference Account Number: 40758; Invoice Number: 1053811	
<u>Check Payment</u>	<u>Wire/ACH Transfer Instructions</u>
Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

From: [Nie, Ling-Ling](#)
To: [Wasch, Kate](#); [Thrash, Sherryl D](#)
Subject: Re: Lowenstein Sandler invoices to date
Date: Thursday, December 2, 2021 2:27:06 PM

Thanks Sherryl and Kate! As background, the Provost agreed that the Institute would reimburse him for these fees.

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Date: Thursday, December 2, 2021 at 11:55 AM
To: Thrash, Sherryl D <sherryl.thrash@carnegie.gatech.edu>
Cc: Nie, Ling-Ling <linglingnie@gatech.edu>
Subject: Re: Lowenstein Sandler invoices to date

I'm not sure how much detail AP needs. Maybe:

Legal advice regarding subpoena issued to employee for information related to the employee's work at GT.

Please let me know if you need more.

Kate Wasch
Chief Counsel, Employment & Litigation

> On Nov 30, 2021, at 2:58 PM, Thrash, Sherryl D <sherryl.thrash@carnegie.gatech.edu> wrote:

>

> Hi Kate,

>

> We will likely use institute funds to reimburse Dr. Antonakakis, but I would need some background information regarding the services/business purpose before submitting the request.

>

> Thanks,

> Sherryl

>

>

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

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

> Sent: Tuesday, November 30, 2021 2:32 PM

> To: Nie, Ling-Ling <linglingnie@gatech.edu>; Thrash, Sherryl D
<sherryl.thrash@carnegie.gatech.edu>

> Subject: FW: Lowenstein Sandler invoices to date

>

> Good afternoon, Ling-Ling. These amounts appear appropriate. Please let me know what else I need to do to ensure that Dr. Antonakakis is repaid.

>

> Thanks.

>



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

February 23, 2022

Invoice Number: 1037189
 File No: 40637-3

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

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 PROFESSIONAL FEES, DISBURSEMENTS OR OTHER CHARGES POSTED SUBSEQUENT TO THAT DATE WILL BE REFLECTED IN FUTURE INVOICES.

For professional services rendered through January 31, 2022 in connection with Subpoena:

Counsel Fee	\$16,361.50
Total This Invoice	\$16,361.50

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1037189	
<p style="text-align: center;"><u>Check Payment</u></p> <p>Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068</p>	<p style="text-align: center;"><u>Wire/ACH Transfer Instructions</u></p> <p>Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33</p>

TIME DETAIL FOR MATTER 3 / Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
01/07/22	Schamel, Mark	N/C	Email with S. Tyrrell re: his representation of R. Joffe and scheduling a meeting (.1) NO CHARGE
01/10/22	Schamel, Mark	0.10	Email with M. McIntosh re: proffer meeting
01/11/22	Schamel, Mark	0.40	Emails and texts with client; emails with counsel for Alpha Bank
01/13/22	Jara, Ana L.	0.20	Confer with M. Schamel re: case updates and quashing subpoena
01/13/22	Schamel, Mark	1.90	Telephone call with S. Tyrrell counsel for R. Joffe; emails with client and Georgia Tech counsel; telephone call with A. Jara
01/14/22	Jara, Ana L.	1.50	Meet with Georgia Tech counsel, M. Schamel, and client over Zoom re: case updates, subpoena strategy, and next steps in litigation
01/14/22	Schamel, Mark	1.80	Meet with Georgia Tech counsel, A. Jara, and client over Zoom re: case updates, subpoena strategy, and next steps in litigation; emails with team re: to-do list
01/18/22	Jara, Ana L.	3.40	Attend meeting via Zoom with client and M. Schamel re: how to respond to attorney proffer questions from Plaintiffs
01/18/22	Schamel, Mark	4.40	Attend meeting via Zoom with client and A. Jara re: how to respond to attorney proffer questions from Plaintiffs; email with Plaintiff's counsel, local counsel and Georgia Tech counsel
01/19/22	Schamel, Mark	0.80	Telephone call with Georgia Tech counsel and client
01/20/22	Schamel, Mark	0.60	Email and telephone call with Georgia Tech counsel and client
01/21/22	Schamel, Mark	0.80	Emails with plaintiff counsel; telephone call with Georgia Tech counsel re: DARPA
01/24/22	Jara, Ana L.	3.40	Attend attorney proffer with civil litigation counsel for Alpha Bank; confer with M. Schamel and C. Schafbuch re: same; attend meeting with DARPA and Georgia Tech counsel re: response to civil subpoenas
01/24/22	Schafbuch, Christopher	2.90	Prepare for proffer with counsel for Alfa-Bank and attention to emails re: same; attend attorney proffer with civil litigation counsel for Alpha Bank; confer with M. Schamel and A. Jara re: same
01/24/22	Schamel, Mark	3.40	Attend attorney proffer with civil litigation counsel for Alpha Bank; confer with A. Jara and C. Schafbuch re: same; attend meeting with DARPA and General Counsel for Georgia Tech re: response to civil subpoenas



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

February 23, 2022

Invoice Number: 1037189
 File No: 40637-3

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

-REMITTANCE COPY-

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 PROFESSIONAL FEES, DISBURSEMENTS OR OTHER CHARGES POSTED SUBSEQUENT TO THAT DATE WILL BE REFLECTED IN FUTURE INVOICES.

For professional services rendered through January 31, 2022 in connection with Subpoena:

Counsel Fee	\$16,361.50
Total This Invoice	<u>\$16,361.50</u>

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1037189	
<p style="text-align: center;"><u>Check Payment</u></p> <p>Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068</p>	<p style="text-align: center;"><u>Wire/ACH Transfer Instructions</u></p> <p>Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33</p>



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

March 23, 2022

Invoice Number: 1042429
 File No: 40637-2

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

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For professional services rendered through February 28, 2022 in connection with Grand Jury Subpoena:

Counsel Fee	\$4,155.00
Total This Invoice	\$4,155.00

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1042429	
Check Payment Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068	Wire/ACH Transfer Instructions Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33

TIME DETAIL FOR MATTER 2 / Grand Jury Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
02/03/22	Schamel, Mark	0.30	Email with DOJ re: communications with Sussmann's counsel
02/07/22	Schamel, Mark	0.60	Multiple emails with special counsel
02/08/22	Jara, Ana L.	0.40	Attend call with special counsel and prosecutor in Sussmann trial; confer with M. Schamel re: same
02/08/22	Schamel, Mark	0.40	Attend call with special counsel and prosecutor in Sussmann trial; confer with A. Jara re: same
02/14/22	Schamel, Mark	0.80	Review filings for Sussmann case, press, and emails with client
02/15/22	Schamel, Mark	0.80	Review articles and email with client re: same
02/18/22	Schamel, Mark	1.20	Email with client re: Sussmann filing; review Sussmann filings
02/23/22	Jara, Ana L.	0.50	Confer with C. Fuller re: Wall Street Journal questions; confer with M. Schamel re: same
02/24/22	Jara, Ana L.	1.50	Confer with M. Schamel and client via telephone re: Wall Street Journal questions; confer with C. Fuller and Georgia Tech's press person re: how to respond to questions

TIMEKEEPER SUMMARY:

<u>Timekeeper Name</u>	<u>Hours Billed</u>	<u>Rate</u>	<u>Bill Amount</u>
Schamel, Mark	4.10	\$750.00	\$3,075.00
Jara, Ana L.	2.40	450.00	1,080.00
TOTAL ALL TIMEKEEPERS	6.50		\$4,155.00

THERE ARE NO DISBURSEMENTS FOR THIS MATTER



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

March 23, 2022

Invoice Number: 1042429
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 North Avenue
 Atlanta, GA 30332

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Total This Invoice	<u>\$4,155.00</u>

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Lowenstein Sandler LLP
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 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

March 23, 2022

Invoice Number: 1042432
 File No: 40637-3

Manos Antonakakis
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 North Avenue
 Atlanta, GA 30332

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For professional services rendered through February 28, 2022 in connection with Subpoena:

Counsel Fee	\$48.50
Total This Invoice	\$48.50

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1042432	
<p style="text-align: center;"><u>Check Payment</u></p> <p>Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068</p>	<p style="text-align: center;"><u>Wire/ACH Transfer Instructions</u></p> <p>Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: XXXXXXXXXX SWIFT Code: CITIUS33</p>

TIME DETAIL FOR MATTER 3 / Subpoena:

<u>Date</u>	<u>Timekeeper</u>	<u>Hours</u>	<u>Time Narrative</u>
02/02/22	Jara, Ana L.	0.10	Follow-up with M. Schamel re: Skadden meeting and meeting with client

TIMEKEEPER SUMMARY:

<u>Timekeeper Name</u>	<u>Hours Billed</u>	<u>Rate</u>	<u>Bill Amount</u>
Jara, Ana L.	0.10	\$485.00	\$48.50
TOTAL ALL TIMEKEEPERS	0.10		\$48.50

THERE ARE NO DISBURSEMENTS FOR THIS MATTER



Lowenstein Sandler LLP
 New York Palo Alto New Jersey Utah Washington, DC
 T: 973 597 2500 F: 973 597 2400
 Tax ID # 46-0920520

VIA EMAIL: manos@gatech.edu

March 23, 2022

Invoice Number: 1042432
 File No: 40637-3

Manos Antonakakis
 Georgia Institute of Technology
 North Avenue
 Atlanta, GA 30332

-REMITTANCE COPY-

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For professional services rendered through February 28, 2022 in connection with Subpoena:

Counsel Fee	\$48.50
Total This Invoice	\$48.50

Payable on Receipt Please reference Account Number: 40637; Invoice Number: 1042432	
<p style="text-align: center;"><u>Check Payment</u></p> <p>Check Payable to: Lowenstein Sandler LLP One Lowenstein Drive Roseland, New Jersey 07068</p>	<p style="text-align: center;"><u>Wire/ACH Transfer Instructions</u></p> <p>Bank Name: Citibank N.A. Account Name: Lowenstein Sandler LLP ABA ABA/Routing Number: 021000089 Account Number: [REDACTED] SWIFT Code: CITIUS33</p>

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

Sent on: Friday, September 10, 2021 3:51:33 PM

To: McLaughlin, Steven W<swm@gatech.edu>; Abdallah, Chaouki T<ctabdallah@gatech.edu>; Keromytis, Angelos D<angelos@gatech.edu>

Subject: As the dust slowly settles

Hey Steve and Chaouki,

As the dust slowly settles, and everybody gets a very clear picture of this situation we will need to think about how we move forward.

In meetings I had with both of you, and as I originally identified with this email, we need to come up with a plan that describes how this research can continue in GT yet eliminate as much of the fly-by risk from all parties involved. From what took place over the last two months one thing is clear in my mind; I cannot keep doing things the way we have been doing them at GT. I love GT dearly, I have made numerous personal and financial sacrifices for GT, but the risk is simply too high for me. As Chaouki also acknowledged in one of our recent meetings, the risk is getting too high for GT as well. Not because we are doing something illegal --- it is just the nature of the attribution research our team is engaged in.

In my mind I see a single realistic path forward. The riskiest components of this entire research area (namely; commercial data acquisition and data access) will have to be moved outside GT with the explicit blessing of GT. Decoupling certain research areas from top schools has been done before with great success (i.e., look at what UCB did with ICSI). In our case, we simply have to take advantage of the EA transition vehicle and technology spinoff from GT that we have set up already; VLI.

VLI as you very well know is Angelos' and mine technology spinoff so we have to manage all possible COI with great caution. But I do not think this is a showstopper.

But again, at the end of the day, VLI MUST hold the bulk of data already (and inevitably the bulk of the risk) already because it has been set up to serve the operational needs of DoD when it comes to the EA technology. In my mind, it makes no sense to duplicate this risk in GT. So the million dollar question is the following: How can we keep the risk contained at VLI while enabling more research in GT?

Do we need a blanket COI about how people can work with VLI's data in GT? How can GT and VLI jointly bid on proposals as primes --- so we can keep paying the GRAs in GT and at the same time have experts in the field manage the risk and the operational aspects of the technology transition at VLI? How can we create the proper dynamic between VLI and GT where GT remains the leading research unit in this space and GT clearly acknowledges VLI as the de facto transition vehicle for this research? How can the IP created in GT, by GT researchers yet with data that VLI holds can then be licensed by VLI or the inventor of the technology without throwing VLI's interest under the bus (from a technology and competition point of view)?

We are probably breaking new grounds here and I am not sure if and how any of these are even possible. That being said, I do think that this is a well worth problem spending some time thinking about.

I do not want to give up GT, I do not want to allow a politically motivated body of the DoJ to take away a research area from GT --- a research area that was created by people in this email thread. That is simply unAmerican. But, I cannot be blind and ignorant anymore about what happened the last two months and what will almost certainly happen again in the years to come as political tensions rise.

To that end I would like to set up a meeting as early as possible with all of you to discuss what is possible and what is not. If a mutually beneficial solution that reduces or at least significantly manages the risk for all parties involved can be identified, we should then loop in legal or anyone else necessary to start writing things down in a MoU.

Gentlemen, as I have said before, this is a research area Angelos and I created. We cannot simply walk away from it. Thanks, Manos

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

Date: Saturday, July 24, 2021 at 11:32 AM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thank you for your thoughtful email. I know these last few weeks have been a whirlwind. I will ask my assistant to reach out on Monday to schedule time for all of us to talk further.

Ling-Ling

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

Sent: Saturday, July 24, 2021 10:50 AM

To: McLaughlin, Steven W; Abdallah, Chaouki T; Nie, Ling-Ling

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hey Steve, Chaouki and Ling-Ling,

Hope you are doing great.

I have not been bothering you about this because I have been told by Christian (who is an absolute Rock star!) that Ling-Ling (or someone in her team) has been communicating to you what is going on with this situation.

This email is not about me explaining to you that I have done nothing wrong. I suspect that now that Christian has all the information he needs he can independently arrive at that conclusion and communicate what needs to be communicated to you.

This email is about the key question, "And now what?"

From where I stand, and for the first time in my life I felt that I am being investigated by law enforcement because of my ideas and the work I have done for the USG/DoD. For the first time since the moment I landed in Dulles international airport on October 1st of 2004, I had a serious discussion with my wife about moving back to Greece. Most importantly, however, I brought unnecessary attention from the DoJ in my working environment. This besides potentially hurting my reputation within GT (even if it is from an optics point of view) it also personally disappoints me greatly, because as a GT PhD student (2006-2012) and now as a faculty (2014-now) I always had as a goal to bring good news, recognition and success to GT --- and certainly not the attention of a special council.

If I make an attempt to come in your shoes, it would be absolutely reasonable for all of you to have questions about the risk that my research (and perhaps even myself) could bring to the Institute in the future. Therefore, when the dust settles I would like to have a discussion with all of you about the following two key open questions:

1. First and foremost, how do you feel about my actions now that GT legal has a plethora of my emails and after I spent countless hours explaining to everyone why I did what I did at the time I did it? If you think I did something unethical (not necessarily illegal) I will work with GT to smoothly (see running projects, students, SOW deliverables, etc.) or otherwise transition out. You have my word on this.
2. Big data analysis and machine learning for attack attribution is the future. After all these events with this politically driven inquisition, I need to see if there is a place where I can keep working on this research space that I invented over the last 5 years through my work in EA. What I would like to know is how GT upper management and legal feels about my line of research after all these events? Is GT a place that would welcome more innovation in this space, or this is simply not your (read is as GT's) cup of tea anymore?

Finally, I will leave you with an anecdote and a thought. During one of my interviews with the Special Counsel prosecutor, I was asked point blank by Mr. DeFilippis, "Do you believe that DARPA should be instructing you to investigate the origins of a hacker (Guccifer_2.0) that hacked a political entity (DNC)?" Let that sync for a moment, folks. Someone hacked a political party (DNC, in this case), in the middle of an election year (2016), and the lead investigator of DoJ's special council would question whether US researchers working for DARPA should conduct investigations in this matter is "acceptable"! While I was tempted to say back to him "What if this hacker hacked GOP? Would you want me to investigate him then?", I kept my cool and I told him that this is a question for DARPA's director, and not for me to answer.

Steve, Chaouki and Ling-Ling; please, try to imagine a "United States of America" where investigations and prosecutions are determined by ideas and political beliefs. This has been tried before in human history and the results of it was forced labor and Gulags.

Folks, I strongly believe we will need this type of research and much more innovation in this space to preserve our democracy. This is factually true for a single yet fundamental reason: data driven scientific attribution is unbiased politically. Data belongs to no political party. Our nation's adversaries will keep attacking our country --- I am certain of this because their attacks simply work and are tremendously impactful to our society.

Thank you and have a great weekend.

PS. I am writing this email on a weekend because this is my first downtime since July 2nd when I received the subpoena.

Thanks, Manos

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

Date: Friday, July 2, 2021 at 7:50 PM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>, "Wasch, Kate" <kate.wasch@legal.gatech.edu>, "Lunon, Darryl" <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thanks for forwarding. I'm copying Kate's correct email address and adding Darryl. We will confer internally

and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

Hope you are doing great! Evidently I need to appear in front of a Grand Jury on July 15th. Any idea if I should talk with GT counsel before or if anyone from GT should be with me in this testimony?

This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>

Sent: Friday, July 2, 2021 4:28 PM

To: Antonakakis, Manos

Cc: kate.wesch@legal.gatech.edu; Fuhrman, Tim (JMD)

Subject: FGJ Subpoena for Manos Antonakakis

Dear Mr. Antonakakis - This is Jack Eckenrode, an Investigator with the US Justice Department. Together with my colleague Tim Fuhrman, copied here, with whom you may have had previous contact, we are attaching a federal grand jury subpoena seeking your testimony in Washington, DC on July 15, 2021 at 1:00pm. You should feel free to contact either one of us in the event that you have any questions related to the subpoena or your appearance.

Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

From: McLaughlin, Steven W<sm140@gatech.edu>
Sent on: Sunday, July 25, 2021 1:51:00 PM
To: Antonakakis, Manos<manos@gatech.edu>
Subject: FW: FGJ Subpoena for Manos Antonakakis

Hi Manos

Can we catch up at 10am tomorrow morning? Did not get an update from them so just want to catch up.

Thx

Steve

Steve McLaughlin

Provost and Executive Vice President for Academic Affairs

Georgia Institute of Technology

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

Date: Saturday, July 24, 2021 at 11:32 AM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

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Ling-Ling

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Sent: Saturday, July 24, 2021 10:50 AM

To: McLaughlin, Steven W; Abdallah, Chaouki T; Nie, Ling-Ling

Subject: Re: FGJ Subpoena for Manos Antonakakis

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Thank you and have a great weekend.

PS. I am writing this email on a weekend because this is my first downtime since July 2nd when I received the subpoena.
Thanks, Manos

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

Date: Friday, July 2, 2021 at 7:50 PM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>, "Wasch, Kate" <kate.wasch@legal.gatech.edu>, "Lunon, Darryl" <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thanks for forwarding. I'm copying Kate's correct email address and adding Darryl. We will confer internally and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

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This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>

Sent: Friday, July 2, 2021 4:28 PM

To: Antonakakis, Manos

Cc: kate.wesch@legal.gatech.edu; Fuhrman, Tim (JMD)

Subject: FGJ Subpoena for Manos Antonakakis

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Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

From: Thrash, Sherryll D<sherryll.thrash@carnegie.gatech.edu>
Sent on: Monday, July 26, 2021 1:19:16 PM
To: Antonakakis, Manos<manos@gatech.edu>
Subject: FW: FGJ Subpoena for Manos Antonakakis

Dear Manos Antonakakis:

This message is to acknowledge receipt of your email. I will be in touch soon to schedule a meeting.

Kind regards,
Sherryll

SHERRYLL D. THRASH Administrative Manager &
Assistant to the VP & General Counsel
Georgia Institute of Technology
Office of the General Counsel
221 Uncle Heinie Way | Lyman Hall, Suite 305
Atlanta, GA 30332-0257
☎ O: (404) 385.5673 | M: (470) 330.5127
✉: sherryll.thrash@carnegie.gatech.edu

From: Antonakakis, Manos <manos@gatech.edu>
Date: Saturday, July 24, 2021 at 10:50 AM
To: McLaughlin, Steven W <swm@gatech.edu>, Abdallah, Chaouki T <ctabdallah@gatech.edu>, Nie, Ling-Ling <linglingnie@gatech.edu>
Subject: Re: FGJ Subpoena for Manos Antonakakis

Hey Steve, Chaouki and Ling-Ling,
Hope you are doing great.

I have not been bothering you about this because I have been told by Christian (who is an absolute Rock star!) that Ling-Ling (or someone in her team) has been communicating to you what is going on with this situation. This email is not about me explaining to you that I have done nothing wrong. I suspect that now that Christian has all the information he needs he can independently arrive at that conclusion and communicate what needs to be communicated to you.

This email is about the key question, "And now what?"

From where I stand, and for the first time in my life I felt that I am being investigated by law enforcement because of my ideas and the work I have done for the USG/DoD. For the first time since the moment I landed in Dulles international airport on October 1st of 2004, I had a serious discussion with my wife about moving back to Greece. Most importantly, however, I brought unnecessary attention from the DoJ in my working environment. This besides potentially hurting my reputation within GT (even if it is from an optics point of view) it also personally disappoints me greatly, because as a GT PhD student (2006-2012) and now as a faculty (2014-now) I always had as a goal to bring good news, recognition and success to GT --- and certainly not the attention of a special council.

If I make an attempt to come in your shoes, it would be absolutely reasonable for all of you to have questions about the risk that my research (and perhaps even myself) could bring to the Institute in the future. Therefore, when the dust settles I would like to have a discussion with all of you about the following two key open questions:

1. First and foremost, how do you feel about my actions now that GT legal has a plethora of my emails and after I spent countless hours explaining to everyone why I did what I did at the time I did it? If you think I did something unethical (not necessarily illegal) I will work with GT to smoothly (see running projects, students, SOW deliverables, etc.) or otherwise transition out. You have my word on this.
2. Big data analysis and machine learning for attack attribution is the future. After all these events with this politically driven inquisition, I need to see if there is a place where I can keep working on this research space that I invented over the last 5 years through my work in EA. What I would like to know is how GT upper management and legal feels about my line of research after all these events? Is GT a place that would welcome more innovation in this space, or this is simply not your (read is as GT's) cup of tea anymore?

Finally, I will leave you with an anecdote and a thought. During one of my interviews with the Special Counsel prosecutor, I was asked point blank by Mr. DeFilippis, "Do you believe that DARPA should be instructing you to investigate the origins of a hacker (Guccifer_2.0) that hacked a political entity (DNC)?" Let that sync for a moment, folks. Someone hacked a political party (DNC, in this case), in the middle of an election year (2016), and the lead investigator of DoJ's special council would question whether US researchers working for DARPA should conduct investigations in this

From: "Antonakakis, Manos" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7E6B0AFC581E477DB35A37C3A3A79AEB-ANTONAKAKIS>

Sent on: Saturday, July 3, 2021 8:09:34 PM

To: Nie, Ling-Ling <linglingnie@gatech.edu>; McLaughlin, Steven W <swm@gatech.edu>; Abdallah, Chaouki T <ctabdallah@gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Lunon, Darryl <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hey Ling-Ling,

Dave's lawyer would like to talk to me. I am not sure about what,

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

Date: Friday, July 2, 2021 at 8:01 PM

To: Nie, Ling-Ling <linglingnie@gatech.edu>, McLaughlin, Steven W <swm@gatech.edu>, Abdallah, Chaouki T <ctabdallah@gatech.edu>, Wasch, Kate <kate.wasch@legal.gatech.edu>, Lunon, Darryl <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Much obliged, Ling-Ling.

Thanks, Manos

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

Sent: Friday, July 2, 2021 19:50

To: Antonakakis, Manos; McLaughlin, Steven W; Abdallah, Chaouki T; Wasch, Kate; Lunon, Darryl

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thanks for forwarding. I'm copying Kate's correct email address and adding Darryl. We will confer internally and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

Hope you are doing great! Evidently I need to appear in front of a Grand Jury on July 15th. Any idea if I should talk with GT counsel before or if anyone from GT should be with me in this testimony?

This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>

Sent: Friday, July 2, 2021 4:28 PM

To: Antonakakis, Manos

Cc: kate.wesch@legal.gatech.edu; Fuhrman, Tim (JMD)

Subject: FGJ Subpoena for Manos Antonakakis

Dear Mr. Antonakakis - This is Jack Eckenrode, an Investigator with the US Justice Department. Together with my colleague Tim Fuhrman, copied here, with whom you may have had previous contact, we are attaching a federal grand jury subpoena seeking your testimony in Washington, DC on July 15, 2021 at 1:00pm. You should feel free to contact either one of us in the event that you have any questions related to the subpoena or your appearance.

From: McLaughlin, Steven W <sm140@gatech.edu>
Sent on: Sunday, July 25, 2021 2:23:25 PM
To: Antonakakis, Manos <manos@gatech.edu>
Subject: Re: FGJ Subpoena for Manos Antonakakis

Will do - thx

Steve McLaughlin
Provost and Executive Vice President for Academic Affairs
Georgia Institute of Technology

From: "Antonakakis, Manos" <manos@gatech.edu>
Date: Sunday, July 25, 2021 at 9:19 AM
To: "McLaughlin, Steven W" <sm140@gatech.edu>
Subject: Re: FGJ Subpoena for Manos Antonakakis
Absolutely, Steve. You can call me anytime you want.
Thanks, Manos

From: McLaughlin, Steven W <sm140@gatech.edu>
Sent: Sunday, July 25, 2021 8:51:00 AM
To: Antonakakis, Manos <manos@gatech.edu>
Subject: FW: FGJ Subpoena for Manos Antonakakis
Hi Manos

Can we catch up at 10am tomorrow morning? Did not get an update from them so just want to catch up.

Thx

Steve

Steve McLaughlin
Provost and Executive Vice President for Academic Affairs
Georgia Institute of Technology

From: "Nie, Ling-Ling" <linglingnie@gatech.edu>
Date: Saturday, July 24, 2021 at 11:32 AM
To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>
Subject: Re: FGJ Subpoena for Manos Antonakakis
Hi Manos: Thank you for your thoughtful email. I know these last few weeks have been a whirlwind. I will ask my assistant to reach out on Monday to schedule time for all of us to talk further.
Ling-Ling

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Saturday, July 24, 2021 10:50 AM
To: McLaughlin, Steven W; Abdallah, Chaouki T; Nie, Ling-Ling
Subject: Re: FGJ Subpoena for Manos Antonakakis
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Finally, I will leave you with an anecdote and a thought. During one of my interviews with the Special Counsel prosecutor, I was asked point blank by Mr. DeFilippis, "Do you believe that DARPA should be instructing you to investigate the origins of a hacker (Guccifer_2.0) that hacked a political entity (DNC)?" Let that sync for a moment, folks. Someone hacked a political party (DNC, in this case), in the middle of an election year (2016), and the lead investigator of DoJ's special council would question whether US researchers working for DARPA should conduct investigations in this matter is "acceptable"! While I was tempted to say back to him "What if this hacker hacked GOP? Would you want me to investigate him then?", I kept my cool and I told him that this is a question for DARPA's director, and not for me to answer.

Steve, Chaouki and Ling-Ling; please, try to imagine a "United States of America" where investigations and prosecutions are determined by ideas and political believes. This has been tried before in human history and the results of it was forced labor and Gulags.

Folks, I strongly believe we will need this type of research and much more innovation in this space to preserve our democracy. This is factually true for a single yet fundamental reason: data driven scientific attribution is unbiased politically. Data belongs to no political party. Our nation's adversaries will keep attacking our country --- I am certain of this because their attacks simply work and are tremendously impactful to our society.

Thank you and have a great weekend.

PS. I am writing this email on a weekend because this is my first downtime since July 2nd when I received the subpoena. Thanks, Manos

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

Date: Friday, July 2, 2021 at 7:50 PM

To: "Antonakakis, Manos" <manos@gatech.edu>, "McLaughlin, Steven W" <swm@gatech.edu>, "Abdallah, Chaouki T" <ctabdallah@gatech.edu>, "Wasch, Kate" <kate.wasch@legal.gatech.edu>, "Lunon, Darryl" <dl91@gatech.edu>

Subject: Re: FGJ Subpoena for Manos Antonakakis

Hi Manos: Thanks for forwarding. I'm copying Kate's correct email address and adding Darryl. We will confer internally and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

Hope you are doing great! Evidently I need to appear in front of a Grand Jury on July 15th. Any idea if I should talk with GT counsel before or if anyone from GT should be with me in this testimony?

This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>
Sent: Friday, July 2, 2021 4:28 PM
To: Antonakakis, Manos
Cc: kate.wesch@legal.gatech.edu; Fuhrman, Tim (JMD)
Subject: FGJ Subpoena for Manos Antonakakis

Dear Mr. Antonakakis - This is Jack Eckenrode, an Investigator with the US Justice Department. Together with my colleague Tim Fuhrman, copied here, with whom you may have had previous contact, we are attaching a federal grand jury subpoena seeking your testimony in Washington, DC on July 15, 2021 at 1:00pm. You should feel free to contact either one of us in the event that you have any questions related to the subpoena or your appearance.

Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

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
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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

From: Fuller, Christian<christian.fuller@legal.gatech.edu>
Sent on: Tuesday, September 28, 2021 4:41:14 PM
To: Antonakakis, Manos<manos@gatech.edu>; Nie, Ling-Ling<linglingnie@gatech.edu>
CC: McLaughlin, Steven W<swm@gatech.edu>; Abdallah, Chaouki T<ctabdallah@gatech.edu>; Connolly, Robert<robert.connolly@police.gatech.edu>
Subject: RE: Krebs article on the SC

Thanks for sharing Manos. I will take a read of the articles with your thoughts in mind—although admittedly, I am not as familiar with Krebs.

And yes, we all want you and your family to remain safe. But I remain optimistic that this situation will pass, and the cloud of uncertainty will dissipate soon.

As always, feel free reach out to me directly with any concerns.

Christian

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Tuesday, September 28, 2021 8:36 AM
To: Fuller, Christian <christian.fuller@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>
Cc: McLaughlin, Steven W <swm@gatech.edu>; Abdallah, Chaouki T <ctabdallah@gatech.edu>; Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Krebs article on the SC

<https://twitter.com/briankrebs/status/1441044907922268166?s=21>

<https://krebsonsecurity.com/2021/09/lawsuits-indictments-revive-trump-alfa-bank-story/>

Not the best technical article, but good enough for non technical people to understand what is the core problem with the indictment. It is based on a technical argument that simply cannot be decided.

My thoughts after just reading this article from a very well respected journalist are:

- this entire technical incident is clearly not a clear cut. Five years since the first article surfaced still nobody can decide on this issue one way or another. This is effectively what I told the SC.
- This is a story that the entire security community is interested in. Krebs writes only about NatSec and Sec issues, so this alone shows that the SC was trying to frame me into saying that this incident was outside the network security work we should be doing at GT.
- I was really surprised to read (if true) that other universities that had researchers involved in analyzing the data (looks like very similar to what we did) refused to cooperate with the SC, yet I had to go through the hell I went through. Looks like a pure waste of time, especially since they refused to hear what I said. It is fair to assume that the fact that we worked with them probably caused us to be named in the indictment and the other universities were not named (because they didn't cooperate).

Perhaps a lesson to be learned from all these could be that academic freedom should be protected a bit better, especially until we have enough evidence that someone was involved into something clearly wrong.

Nearly four months after I "received" a subpoena, I still do not know what I possibly have done wrong in this case, I have a police car parked outside my house (the only good thing, actually — thanks Chief!), risking my entire reputation as a researcher because of the SC lies, my research team is freaking out (spent nearly 4 hours on calls yesterday calming them down without talking specifics) because of the conspiracy theories about what I have done in this case, and I am having to put my house in the market and relocate.

I do not think it is fair for me [REDACTED] to be in this situation because I was doing my job.

Thanks, Manos

From: Antonakakis, Manos<manos@gatech.edu>
Sent on: Thursday, August 5, 2021 5:42:09 PM
To: Abdallah, Chaouki T<ctabdallah@gatech.edu>
Subject: Re: USCC/DoD and GT Research opportunity

Thanks Chaouki.

HARASMENT. Clear and obvious, harassment at this point because we have given them in black and white all they wanted and there is nothing there.

Manos

From: Abdallah, Chaouki T <ctabdallah@gatech.edu>
Date: Thursday, August 5, 2021 at 12:40 PM
To: Antonakakis, Manos <manos@gatech.edu>
Subject: Re: USCC/DoD and GT Research opportunity

Will reach out to Angelos today...

Sent from Chaouki's iPhone

On Aug 5, 2021, at 12:31 PM, Antonakakis, Manos <manos@gatech.edu> wrote:

Ana, Mark, Christian and GT Leadership,

The United States Cyber Command (USCC) is interested in exploring the possibility of adapting across the entire DoD the analytical and machine learning framework (Rhamnousia) I built as part of the DARPA Enhanced Attribution project. They would like me to prepare a session about this topic at the end of August.

To the best of my knowledge, not even highly classified things developed at GTRI have such DoD-wide (potential) impact. As you can imagine (looking at you virtually GT Leadership) such a session could benefit GT immensely in the years to come --- if I can prepare this session in the way it needs to be prepared. Therefore, and before I accept this invitation, I would like to be certain that I could have peace and quiet for at least a few weeks running up to this meeting.

Given that the DOJ inquisition/harassment against me and my research is still in full throttle, what would be your (legal?) advice here? Should I say yes, and potentially become unavailable to any further clarification requests and meetings from DOJ or should I say no and keep assisting this legal process so we can get this behind us as soon as humanly possible?

PS. In other news, Angelos was also served a subpoena (by the same prosecutor) today, at his residence, [REDACTED]. It might not be a bad idea for someone from GT to reach out to him, even if it is just for emotional support.

Thanks,

—

Manos Antonakakis, Ph.D. | manos@gatech.edu
College of Engineering Dean's Professorship Chair and Associate Professor
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School of Electrical and Computer Engineering | Georgia Institute of Technology
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From: Antonakakis, Manos <manos@gatech.edu>
Date: Thursday, August 5, 2021 at 12:05 PM
To: Schneck, Christopher (contr-i2o) <christopher.schneck.ctr@darpa.mil>, angelos@voreas.io <angelos@voreas.io>
Cc: Kline, Allison <allison.kline@darpa.mil>
Subject: Re: Draft Agenda JCWA Technical Offsite

Given that the DOJ inquisition/harassment against me and my research is still in full throttle, what would be your (legal?) advice here? Should I say yes, and potentially become unavailable to any further clarification requests and meetings from DOJ or should I say no and keep assisting this legal process so we can get this behind us as soon as humanly possible?

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To: Schneck, Christopher (contr-i2o) <christopher.schneck.ctr@darpa.mil>, angelos@voreas.io <angelos@voreas.io>

Cc: Kline, Allison <allison.kline@darpa.mil>

Subject: Re: Draft Agenda JCWA Technical Offsite

Hey Chris and Allison,

If USCC is interested in adopting the Rhamnusia framework across DoD, that would be an amazingly big deal for my research, GT and potentially the entire IC. Let me talk to the lawyers and see if I can be left alone for two three weeks so I can prepare for such an important meeting with the USCC.

Sorry to say this but, these days the lawyers take priority over USCC, DARPA, my research and what is in the best interest of the national security.

Thanks,

—

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From: Schneck, Christopher (contr-i2o) <christopher.schneck.ctr@darpa.mil>

Date: Thursday, August 5, 2021 at 8:35 AM

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

Cc: Kline, Allison <allison.kline@darpa.mil>

Subject: FW: Draft Agenda JCWA Technical Offsite

Manos and Angelos,

There is a USCYBERCOM Technical Offsite coming up 24-26 August and I would like to request that GT and VLI support DARPA for portions of this event. For the 24th, I'd like Jeremy to demo Delphi, a full walk through of the Gamaredon battlespaces. It wont be the full 2 hrs but we will turn it over to him at some point.

Manos, they are also very interested in the Rhamnusia framework because part of this discussion is related to data fabrics and re-factoring the BDP. Currently, they have requested a presentation early next week to go over your work. Based off that discussion, they may invite you to talk at the Offsite as well.

All of this can be done over Zoom or Microsoft Teams. Please let me know if you can support.

V/r,

Chris Schneck

DARPA I2O SETA

571-218-4429 (office)

571-524-3821 (cell)

From: "Antonakakis, Manos" </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e6b0afc581e477db35a37c3a3a79aeb-Antonakakis>
Sent on: Thursday, August 5, 2021 5:31:05 PM
To: Jara, Ana<AJara@lowenstein.com>; Schamel, Mark<MSchamel@lowenstein.com>; Fuller, Christian<christian.fuller@legal.gatech.edu>
CC: Abdallah, Chaouki T<ctabdallah@gatech.edu>; McLaughlin, Steven W<swm@gatech.edu>; Nie, Ling-Ling<linglingnie@gatech.edu>
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Hey Chris and Allison,

If USCC is interested in adopting the Rhamnousia framework across DoD, that would be an amazingly big deal for my research, GT and potentially the entire IC. Let me talk to the lawyers and see if I can be left alone for two three weeks so I can prepare for such an important meeting with the USCC.

Sorry to say this but, these days the lawyers take priority over USCC, DARPA, my research and what is in the best interest of the national security.

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: Schneck, Christopher (contr-i2o) <christopher.schneck.ctr@darpa.mil>
Date: Thursday, August 5, 2021 at 8:35 AM

From: "Antonakakis, Manos" </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e6b0afc581e477db35a37c3a3a79aeb-Antonakakis>
Sent on: Tuesday, July 6, 2021 4:13:18 PM
To: Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Chief, hope you are doing great. This finally ended up in a Subpoena. Still nobody knows what they want for us.

Crazy stuff.

Manos

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Tuesday, July 6, 2021 11:10 AM
To: Lunon, Darryl
Cc: Nie, Ling-Ling; Wasch, Kate
Subject: Re: FGJ Subpoena for Manos Antonakakis

Thank you Darryl for the update.

We still do not know what they want me to testify about or whether or not I am the target of the investigation, correct? Also, we have no idea if this can be done over the phone/zoom, right?

Just so you know, if I have to physically be in DC, I will likely be forced to drive up. My wife is in her 11th week, and I will not be taking any risks with the Delta variance despite the fact that we are both vaccinated.

Thanks, Manos

From: Lunon, Darryl <dl91@gatech.edu>
Sent: Tuesday, July 6, 2021 10:58 AM
To: Antonakakis, Manos
Cc: Nie, Ling-Ling; Wasch, Kate
Subject: RE: FGJ Subpoena for Manos Antonakakis

Good morning Manos,

Hoping you enjoyed your holiday weekend.

I just wanted to inform you that OGC has notified the Attorney General's office that you were requested to testify at a Grand Jury. The AG and OGC are determining how best to assist you. As soon as we receive the way forward from the AG, we will contact you. We anticipate hearing back within the next 48 hours.

Darryl

From: Lunon, Darryl
Sent: Sunday, July 4, 2021 4:50 PM
To: Antonakakis, Manos <manos@gatech.edu>
Cc: Nie, Ling-Ling <linglingnie@gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>
Subject: RE: FGJ Subpoena for Manos Antonakakis

Good afternoon Manos,

Thank you for continuing to keep our office informed. After we discuss internally, If you are available, we will contact you

the first of next week to discuss.

If you receive any other contact, please continue to let us know. Enjoy the rest of your holiday weekend.

Darryl

Very Respectfully,

Darryl W. Lunon, II | CE '99
Deputy General Counsel &
Chief Ethics and Compliance Officer
Georgia Institute of Technology
[cid:image001.png@01D5E1AF.0C6BB790]

Notice: 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: Nie, Ling-Ling <linglingnie@gatech.edu<mailto:linglingnie@gatech.edu>>
Sent: Saturday, July 3, 2021 6:57 PM
To: Lunon, Darryl <dl91@gatech.edu<mailto:dl91@gatech.edu>>; Wasch, Kate
<kate.wasch@legal.gatech.edu<mailto:kate.wasch@legal.gatech.edu>>
Subject: Fwd: FGJ Subpoena for Manos Antonakakis

From: Antonakakis, Manos <manos@gatech.edu<mailto:manos@gatech.edu>>
Sent: Saturday, July 3, 2021 12:24 PM
To: Nie, Ling-Ling; Wasch, Kate
Subject: Re: FGJ Subpoena for Manos Antonakakis

Hey Ling-Ling/Kate,

Dave informed me that his lawyer Mark Rasch would like to talk to me. Not sure what he wants to talk to me about, but I suspect it might be related with the Subpoena I just received. Should I answer his call or you are in communication with him (about Dave) and I do not need to talk to him directly?

Sorry, but I am disconnected with this case and to be honest surprised with the Subpoena request. I do not want to do something wrong that complicates the situation even further.

Thanks, Manos

From: Nie, Ling-Ling <linglingnie@gatech.edu<mailto:linglingnie@gatech.edu>>
Date: Friday, July 2, 2021 at 7:50 PM
To: Antonakakis, Manos <manos@gatech.edu<mailto:manos@gatech.edu>>, McLaughlin, Steven W
<swm@gatech.edu<mailto:swm@gatech.edu>>, Abdallah, Chaouki T
<ctabdallah@gatech.edu<mailto:ctabdallah@gatech.edu>>, Wasch, Kate
<kate.wasch@legal.gatech.edu<mailto:kate.wasch@legal.gatech.edu>>, Lunon, Darryl
<dl91@gatech.edu<mailto:dl91@gatech.edu>>
Subject: Re: FGJ Subpoena for Manos Antonakakis
Hi Manos: Thanks for forwarding. I'm copying Kate's correct email address and adding Darryl. We will confer internally and come back to you early next week as there are some people who are out of the office for the holiday weekend that we will need to loop in.

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

Sent: Friday, July 2, 2021 2:39 PM

To: McLaughlin, Steven W; Abdallah, Chaouki T; kate.wesch@legal.gatech.edu <mailto:kate.wesch@legal.gatech.edu>; Nie, Ling-Ling

Subject: Fw: FGJ Subpoena for Manos Antonakakis

Hey Steve/Chaouki/Kate/Ling-Ling,

Hope you are doing great! Evidently I need to appear in front of a Grand Jury on July 15th. Any idea if I should talk with GT counsel before or if anyone from GT should be with me in this testimony?

This is a first for me so I am not sure what to do next.

Thanks, Manos

From: Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov <mailto:John.Eckenrode@usdoj.gov>>

Sent: Friday, July 2, 2021 4:28 PM

To: Antonakakis, Manos

Cc: kate.wesch@legal.gatech.edu <mailto:kate.wesch@legal.gatech.edu>; Fuhrman, Tim (JMD)

Subject: FGJ Subpoena for Manos Antonakakis

Dear Mr. Antonakakis - This is Jack Eckenrode, an Investigator with the US Justice Department. Together with my colleague Tim Fuhrman, copied here, with whom you may have had previous contact, we are attaching a federal grand jury subpoena seeking your testimony in Washington, DC on July 15, 2021 at 1:00pm. You should feel free to contact either one of us in the event that you have any questions related to the subpoena or your appearance.

Also copied for her awareness is Kate Wasch, legal counsel from Georgia Tech.

From: Antonakakis, Manos<manos@gatech.edu>
Sent on: Sunday, October 17, 2021 4:40:29 PM
To: Fuller, Christian<christian.fuller@legal.gatech.edu>; Schamel, Mark<MSchamel@lowenstein.com>; Jara, Ana<AJara@lowenstein.com>
CC: McLaughlin, Steven W<swm@gatech.edu>; Abdallah, Chaouki T<ctabdallah@gatech.edu>; Nie, Ling-Ling<linglingnie@gatech.edu>
Subject: FW: New subpoenas
Attachments: second.pdf (2.17 MB), first.pdf (2.05 MB)

For the record, please find attached the two subpoenas that was served in my house not two hours ago. Hopefully I can get some guidance from legal soon.
Thanks, Manos

From: "Antonakakis, Manos" <manos@gatech.edu>
Date: Sunday, October 17, 2021 at 10:14 AM
To: "Schamel, Mark" <MSchamel@lowenstein.com>, "Jara, Ana" <AJara@lowenstein.com>
Cc: "Fuller, Christian" <christian.fuller@legal.gatech.edu>
Subject: New subpoenas

Folks, I just received two new subpoenas: one for deposition and one to produce evidence. This is Alfa bank related. Can you please give me a call at your earliest convenience to discuss what I should do next?
Thanks, Manos

From: Antonakakis, Manos <manos@gatech.edu>
Sent on: Thursday, July 8, 2021 4:07:13 PM
To: Connolly, Robert <robert.connolly@police.gatech.edu>
Subject: Fw: Response to Subpoena

Just FYI- Chief. I forwarded this to Ling-Ling and Kate.

Thanks, Manos

From: Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>
Sent: Thursday, July 8, 2021 10:54 AM
To: Antonakakis, Manos
Cc: Wasch, Kate
Subject: Response to Subpoena

Professor Antonakakis- as a follow up to the email containing a subpoena for your testimony on Thursday, July 15th to a sitting grand jury in the District of Columbia, sent to you by my colleague, Jack Eckenrode, last Friday, July 2nd and the two voicemails I left on your work phone last Friday, July 2nd and yesterday, July 7th, to which we have not received any response, I am sending this email to determine if you will accept service of the referenced subpoena. In the event we do not receive a timely response from you regarding this matter, it may be necessary to serve you personally at your residence or place of employment. You may respond to this email address or contact me on one of the telephone numbers listed below. I have also copied Kate Wasch of Georgia Tech's Legal Affairs Department regarding this matter.

Timothy J. Fuhrman
Investigator
Durham Special Counsel Team
202-616-1470 (Office)
202-532-3557 (Cell)
202-307-2388 (SCIF)

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

Sent on: Tuesday, September 28, 2021 1:36:05 PM

To: Fuller, Christian<christian.fuller@legal.gatech.edu>; Nie, Ling-Ling<linglingnie@gatech.edu>

CC: McLaughlin, Steven W<swm@gatech.edu>; Abdallah, Chaouki T<ctabdallah@gatech.edu>;
Connolly, Robert<robert.connolly@police.gatech.edu>

Subject: Krebs article on the SC

<https://twitter.com/briankrebs/status/1441044907922268166?s=21>

<https://krebsonsecurity.com/2021/09/lawsuits-indictments-revive-trump-alfa-bank-story/>

Not the best technical article, but good enough for non technical people to understand what is the core problem with the indictment. It is based on a technical argument that simply cannot be decided.

My thoughts after just reading this article from a very well respected journalist are:

- this entire technical incident is clearly not a clear cut. Five years since the first article surfaced still nobody can decide on this issue one way or another. This is effectively what I told the SC.
- This is a story that the entire security community is interested in. Krebs writes only about NatSec and Sec issues, so this alone shows that the SC was trying to frame me into saying that this incident was outside the network security work we should be doing at GT.
- I was really surprised to read (if true) that other universities that had researchers involved in analyzing the data (looks like very similar to what we did) refused to cooperate with the SC, yet I had to go through the hell I went through. Looks like a pure waste of time, especially since they refused to hear what I said. It is fair to assume that the fact that we worked with them probably caused us to be named in the indictment and the other universities were not named (because they didn't cooperate).

Perhaps a lesson to be learned from all these could be that academic freedom should be protected a bit better, especially until we have enough evidence that someone was involved into something clearly wrong.

Nearly four months after I "received" a subpoena, I still do not know what I possibly have done wrong in this case, I have a police car parked outside my house (the only good thing, actually — thanks Chief!), risking my entire reputation as a researcher because of the SC lies, my research team is freaking out (spent nearly 4 hours on calls yesterday calming them down without talking specifics) because of the conspiracy theories about what I have done in this case, and I am having to put my house in the market and relocate.

I do not think it is fair for me and especially [REDACTED] to be in this situation because I was doing my job.

Thanks, Manos

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

Sent on: Sunday, October 17, 2021 3:14:24 PM

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

CC: Fuller, Christian<christian.fuller@legal.gatech.edu>

Subject: New subpoenas

Folks, I just received two new subpoenas: one for deposition and one to produce evidence. This is Alfa bank related. Can you please give me a call at your earliest convenience to discuss what I should do next?

Thanks, Manos

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

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.

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.

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.

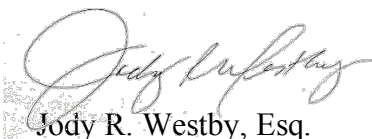
We are happy to address any concerns that you may have in this regard, but it seems clear to us that a person employed as a security researcher who conducts security research for his employer, and also brings millions of dollars in research grants to the school from this research, is acting within the 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

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,

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

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October 11, 2021

Christian Fuller, Esq.
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Georgia Institute of Technology
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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

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
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
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

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).

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

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
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
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
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 "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.

>

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.

> 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

>
> 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.

- >
- > 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.

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: EYoung@LAW.GA.GOV
Sent: Tuesday, July 27, 2021 2:14 PM
To: MSchamel@lowenstein.com
Subject: Georgia Tech subpoena response

Mr. Schamel,

I'm working on Georgia Tech's subpoena response and have a few questions to run by you. Would you be available for a quick call this afternoon?

Thanks,
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

From: Schamel, Mark <MSchamel@lowenstein.com>
Sent: Tuesday, July 20, 2021 3:23 PM
To: Fuller, Christian; Jara, Ana
Cc: Elizabeth Young
Subject: RE: 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.

Excellent. Thank you. Our plan is to send you a list of the dozen or so documents we would like to turn over to the special counsel. If you would not mind having those pulled and confirm, we will either forward a copy from you, or we can simply make our own informal production and send you a copy.

Whatever is easiest for you.

Mark

Mark E. Schamel
Partner
Lowenstein Sandler LLP

T: 202.753.3805

M: 202.841.3401

F: 973.597.2400



From: Fuller, Christian
Sent: Tuesday, July 20, 2021 3:10 PM
To: Schamel, Mark ; Jara, Ana
Cc: Elizabeth Young
Subject: FW: DARPA

Mark and Ana—

Following up on my chat with Mark a moment ago, DARPA's general counsel forwarded this response to Georgia Tech (see below). Based on the response, Georgia Tech can give authorization for Manos to release any unclassified, DARPA-related records that are considered Georgia Tech's property, pursuant to the DOJ investigative subpoena. My understanding is that Manos 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>
Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjames@fbi.gov>; Bennett, Wes <wes.bennett@darpa.mil>; Smith, Darin <Darin.Smith@darpa.mil>
Subject: RE: DARPA

Ms. Young:

Thank you for your diligence in protecting DARPA-related records and other documents from unauthorized use or disclosure.

I have discussed this matter with Wes Bennett, the Director of the DARPA Contracts Management Office. Mr. Bennett is info-copied on this message. We request that you cooperate with the Department of Justice (DoJ) by immediately providing them with all DARPA-related unclassified documents and records in your possession and that are requested by their subpoena.

If DoJ has requested DARPA-related classified documents and records in your possession, release should be coordinated with Mr. Darin Smith, DARPA Security & Intelligence Directorate. Mr. Smith is info-copied on this message.

Please contact me if I can assist you.

Crane Lopes, Ph.D.
General Counsel
DARPA
Off | 571.218.4887 ☎
Mob | 571.239.5084



Creating **BREAKTHROUGH TECHNOLOGIES**
For National Security

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Tuesday, July 20, 2021 10:51 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>

Cc: 'Fuller, Christian' <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Ling-Ling Nie (linglingnie@gatech.edu) <linglingnie@gatech.edu>; Lopes, Crane <Crane.Lopes@darpa.mil>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjames@fbi.gov>

Subject: DARPA

Ms. Young,

Thank you very much for our call earlier today. On that call, you requested that we provide assurance that the Defense Advanced Research Projects Agency (DARPA) has no objection to Georgia Tech's providing documents and other records in response to our federal grand jury subpoena that relate to a contract between Georgia Tech and DARPA. I am copying Crane Lopes, General Counsel of DARPA. Mr. Lopes and DARPA have been fully cooperative with and supportive of our investigative efforts. On a phone call that occurred a few minutes ago, Mr. Lopes has assured me again that DARPA has no objections to Georgia Tech's provision of any records or information (both classified and unclassified) to our team and to the grand jury.

As noted, federal law requires you to provide such records regardless of any potentially applicable contractual restrictions.

Please let me know if you have any questions. We would appreciate if you could also please confirm that you consent to the two Georgia Tech employees we discussed providing responsive records that they have identified. Thank you.

Andrew J. DeFilippis
Assistant Special Counsel
U.S. Department of Justice
(646) 530-0087

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

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Tuesday, July 20, 2021 10:51 AM
To: Elizabeth Young
Cc: 'Fuller, Christian'; Wasch, Kate; Ling-Ling Nie (linglingnie@gatech.edu); Lopes, Crane; Keilty, Michael (USANYE); Patel, Neeraj (USACT); Scarpelli, Anthony (USADC); Eckenrode, John (JMD); Aldenberg, William B.(NH) (FBI); Maddock, Adam M. (CyD) (FBI); James, Ryan Joseph (INSD) (FBI)
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Please let me know if you have any questions. We would appreciate if you could also please confirm that you consent to the two Georgia Tech employees we discussed providing responsive records that they have identified. Thank you.

Andrew J. DeFilippis
Assistant Special Counsel
U.S. Department of Justice
(646) 530-0087

From: eyoung@law.ga.gov
Sent: Wednesday, July 28, 2021 11:02 AM
To: eyoung@law.ga.gov; andrew.defilippis@usdoj.gov
Subject: Link to Kiteworks Folder

Kiteworks

Elizabeth Young sent a message related to the "Georgia Tech - Documents Produced in Response to Grand Jury Subpoena" folder

[Access folder](#)

Here is a link to a Kiteworks folder containing Georgia Tech's production of documents in response to the Grand Jury Subpoena:

[Redacted link]

Secured by **Kiteworks**

This message requires that you sign in to access the folder and any files in it.

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)

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 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

To: Jody R Westby
Cc: Elizabeth Young ; Mark Rasch
; 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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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
Sent: Tuesday, July 20, 2021 11:23
PM
To: DeFilippis, Andrew (USANYS)
Cc: Elizabeth Young ; Mark Rasch
; 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) 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://www.globalcyberlegal.com>

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
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we have this call to ensure timely
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the subpoenas. Thanks very much.

The Special Counsel Team

>> 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.

>>

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>>

>> 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.

>>

>> Thank 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 28, 2021 6:37 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.

>>

>>

>>>> 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
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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 /
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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-a>
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>>>> d & 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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From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Wednesday, July 28, 2021 11:39 AM
To: Elizabeth Young
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); Moak, Joyce (JMD); Royce, Jane (JMD); Royce, Jane (USACT)
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,

Thank you. We will discuss your assertions below. Can you please add Joyce Moak and Jane Royce (copied) to the Kiteworks site? Also, we have been informed that there is an internal chat system at Georgia Tech. Did you search that system for responsive records? If not, please do so. Also, can you assure us that you searched and produced any pertinent Georgia Tech documents in the custody of Angelos Keromytis and other employees or students involved in the DARPA contract? If not, please ensure that you conduct searches to include documents of all relevant persons. As we noted, the categories of documents we provided to you on our call were not an exclusive list and you are obligated to search for documents more broadly to comply with the subpoena.

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:

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>>> Subject: Re: Call Tomorrow (Special Counsel Investigation)

>>>

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>>>

>>>

>>> Beth,

>>> We hope all is well. Can you let us know some times tomorrow when you would be available for an update call?

>>>

>>> Thank you.

>>>

>>>

>>>

>>>> On Jul 21, 2021, at 8:07 AM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>>>> I'm available for a call at 3:30 today. Please let me know what number you'd like me to call.

>>>> 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

>>>> -----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?

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>>>> To: DeFilippis, Andrew (USANYS) <ADeFilippis@usa.doj.gov>

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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>
>>>> 1
>>>> f
>>>> 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:
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>>>>> 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: Elizabeth Young <eyoung@law.ga.gov>
Sent: Wednesday, July 21, 2021 8:07 AM
To: 'DeFilippis, Andrew (USANYS)'; Jody R Westby
Cc: Mark Rasch; 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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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

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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>

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The Special Counsel Team

>> 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.

>>

>> Thank 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

>>

>>

>>

>>

>>

>>

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

>> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

>> Sent: Wednesday, July 28, 2021 6:37 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)

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>> <Neeraj.Patel@usdoj.gov>

>> Subject: Re: Call Tomorrow (Special Counsel Investigation)

>>

>>>> <christian.fuller@legal.gatech.edu>; Wasch, Kate
>>>> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)
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>>>> c
>>>> 1
>>>> f
>>>> 6
>>>> b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069

>>>> d & u = <http%3A%2F%2Fwww.globalcyberlegal.com%2F>

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From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Tuesday, July 20, 2021 4:40 PM
To: Elizabeth Young
Cc: Lopes, Crane; Fuller, Christian; Wasch, Kate; Ling-Ling Nie (linglingnie@gatech.edu); Keilty, Michael (USANYE); Patel, Neeraj (USACT); Scarpelli, Anthony (USADC); Eckenrode, John (JMD); Aldenberg, William B. (NH) (FBI); Maddock, Adam M.(CyD) (FBI); James, Ryan Joseph (INSD) (FBI); Bennett, Wes; Smith, Darin
Subject: Re: DARPA
Attachments: image002.jpg; image004.png; image005.png; image007.jpg

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Thanks very much, all. We greatly appreciate your quick responses. Ms. Young, we will be in touch once we have received and reviewed the documents and can discuss any further records searches at that time.

Thanks again.

On Jul 20, 2021, at 4:11 PM, Elizabeth Young wrote:

Mr. Lopes,

Thank you for confirming that Georgia Tech may produce documents responsive to the DOJ's subpoena without running afoul of any obligations it may have to DARPA/DOD to safeguard confidential or classified information. Georgia Tech therefore is authorizing the release of responsive materials that have been identified by the employees involved directly to the DOJ.

It is our understanding from conversations with the employees' counsel that the documents that are about to be produced do not contain any classified information. To the extent that the DOJ might seek production of additional documents from Georgia Tech in the future, we will take appropriate steps to determine whether any responsive documents are classified and, if so, will coordinate with Mr. Smith regarding production.

Mr. DeFilippis, if you require anything further from Georgia Tech in order to fulfill its obligations under the subpoena beyond the above statement affirming that Tech is authorizing release of the records that have been compiled by the employees, please let me know.

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

From: Lopes, Crane

Sent: Tuesday, July 20, 2021 2:16 PM

To: DeFilippis, Andrew (USANYS) ; Elizabeth Young

Cc: 'Fuller, Christian' ; Wasch, Kate ; Ling-Ling Nie (linglingnie@gatech.edu) ; Keilty, Michael (USANYE) ; Patel, Neeraj (USACT) ; Scarpelli, Anthony (USADC) ; Eckenrode, John (JMD) ; Aldenberg, William B. (NH) (FBI) ; Maddock, Adam M. (CyD) (FBI) ; James, Ryan Joseph (INSD) (FBI) ; Bennett, Wes ; Smith, Darin

Subject: RE: DARPA

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Ms. Young:

Thank you for your diligence in protecting DARPA-related records and other documents from unauthorized use or disclosure.

I have discussed this matter with Wes Bennett, the Director of the DARPA Contracts Management Office. Mr. Bennett is info-copied on this message. We request that you cooperate with the Department of Justice (DoJ) by immediately providing them with all DARPA-related unclassified documents and records in your possession and that are requested by their subpoena.


If DoJ has requested DARPA-related classified documents and records in your possession, release should be coordinated with Mr. Darin Smith, DARPA Security & Intelligence Directorate. Mr. Smith is info-copied on this message.

Please contact me if I can assist you.

Crane Lopes, Ph.D.

General Counsel

DARPA

Off | 571.218.4887 

Mob | 571.239.5084

Creating **BREAKTHROUGH TECHNOLOGIES**

For National Security

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

Sent: Tuesday, July 20, 2021 10:51 AM

To: Elizabeth Young <EYoung@LAW.GA.GOV>

Cc: 'Fuller, Christian' <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Ling-Ling Nie (linglingnie@gatech.edu) <linglingnie@gatech.edu>; Lopes, Crane <Crane.Lopes@darpa.mil>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjames@fbi.gov>

Subject: DARPA

Ms. Young,

Thank you very much for our call earlier today. On that call, you requested that we provide assurance that the Defense Advanced Research Projects Agency (DARPA) has no objection to Georgia Tech's providing documents and other records in response to our federal grand jury subpoena that relate to a contract between Georgia Tech and DARPA. I am copying Crane Lopes, General Counsel of DARPA. Mr. Lopes and DARPA have been fully cooperative with and supportive of our investigative efforts. On a phone call that occurred a few minutes ago, Mr. Lopes has assured me again that DARPA has no

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Monday, July 19, 2021 5:28 PM
To: Elizabeth Young
Cc: Fuller, Christian; Wasch, Kate; Ling-Ling Nie (linglingnie@gatech.edu)
Subject: Re: Georgia Tech Subpoena 7-19-2021
Attachments: image001.jpg; image002.png; image003.png

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Yes 10:00 am tomorrow is perfect. Thank you. We can use the dial-in below.

Dial-in

Conference ID: [REDACTED]

On Jul 19, 2021, at 1:53 PM, Elizabeth Young wrote:

Mr. DeFilippis,

I have been engaged to represent Georgia Tech and the University System of Georgia in responding to your 7/19 subpoena. I've been forwarded a copy of the subpoena and your email sent this afternoon. I look forward to discussing your suggestions for identifying responsive materials. Would tomorrow morning at 10 AM work for a call to discuss? If not, let me know what times would be better for you. Thank you,
Beth Young

Elizabeth (Beth) Young
Assistant Attorney General
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From: Elizabeth Young <eyoung@law.ga.gov>
Sent: Monday, August 2, 2021 1:08 PM
To: 'DeFilippis, Andrew (USANYS)'
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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
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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
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> <Neeraj.Patel@usdoj.gov>; Fuhrman, Tim (JMD) <Tim.Fuhrman@usdoj.gov>;
> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam
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> Subject: Rhannusia Logs

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>
>
> 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.

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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.

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> Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam

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From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 11:13 AM
To: kate.wasch@legal.gatech.edu
Subject: Accepted: Subpoena response
Attachments: attachment.ics

From: EYoung@LAW.GA.GOV
Sent: Thursday, July 29, 2021 11:07 AM
To: kate.wasch@legal.gatech.edu
Subject: Accepted: Subpoena
Attachments: attachment.ics

> 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:

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>

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> Thank 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 28, 2021 6:37 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>;

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>>>> Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch
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>>>> <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>
>>>> 1
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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

From: Elizabeth Young <eyoung@law.ga.gov>
Sent: Monday, July 19, 2021 1:53 PM
To: 'Andrew.DeFilippis@usdoj.gov'
Cc: 'Fuller, Christian'; Wasch, Kate; Ling-Ling Nie (linglingnie@gatech.edu)
Subject: Georgia Tech Subpoena 7-19-2021

Mr. DeFilippis,

I have been engaged to represent Georgia Tech and the University System of Georgia in responding to your 7/19 subpoena. I've been forwarded a copy of the subpoena and your email sent this afternoon.

I look forward to discussing your suggestions for identifying responsive materials. Would tomorrow morning at 10 AM work for a call to discuss? If not, let me know what times would be better for you.

Thank you,
Beth Young



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

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.

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> 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.

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> Thank you,

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> Beth Young

> Assistant Attorney General

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> <kate.wasch@legal.gatech.edu>; Eckenrode, John (JMD)

>>>> -----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

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>>>> Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Patel, Neeraj

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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-ac>

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>>>> b0176b0-2941286214a1b996&q=1&e=3db575fb-ac73-4426-bd1f-7b6d618c069d

>>>> & u = [http%3A%2F%2Fwww.globalcyberlegal.com%2F](http://www.globalcyberlegal.com)

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Jotonna Tulloch

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Beth Young
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mailto:eyoung@law.ga.gov
Georgia Department of Law
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Atlanta, Georgia 30334

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Sent: Wednesday, July 28, 2021 6:37 AM

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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?

>>> -----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:
>> 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-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)

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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 <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: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Thursday, July 29, 2021 10:35 AM
To: Garrison, William R; Lewis, Nate H; Contis, Didier M; Craig, Christopher A; Driskell, Griffin
Cc: Elizabeth Young; Neal, Alexander G
Subject: RE: Follow up questions regarding server search

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.

We have received a subpoena from the Department of Justice and are trying to figure out how to respond. We have not, to my knowledge, actually searched any servers in the lab.

From: Garrison, William R <wgarrison7@gatech.edu>
Sent: Thursday, July 29, 2021 10:32 AM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>; Lewis, Nate H <nate.lewis@security.gatech.edu>; Contis, Didier M <didier.contis@gatech.edu>; Craig, Christopher A <christopher.craig@security.gatech.edu>; Driskell, Griffin <cdriskell7@gatech.edu>
Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Neal, Alexander G <agneal7@gatech.edu>
Subject: Re: Follow up questions regarding server search

Hello!

What is this regarding? This is the first I'm hearing about any server search.

Also, I'm adding Alexander Neal, another member of our Operations team for the lab/center.

Thanks,

William Garrison | IT Support Pro Sr.
Astrolavos Lab (ECE) | KACB 3361
678-522-3808 | wgarrison7@gatech.edu

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Date: Thursday, July 29, 2021 at 10:28 AM
To: Lewis, Nate H <nate.lewis@security.gatech.edu>, Contis, Didier M <didier.contis@gatech.edu>, Craig, Christopher A <christopher.craig@security.gatech.edu>, Driskell, Griffin <cdriskell7@gatech.edu>, Garrison, William R <wgarrison7@gatech.edu>
Cc: Elizabeth Young <EYoung@LAW.GA.GOV>
Subject: RE: Follow up questions regarding server search

Thanks, Nate. I am adding them here.

From: Lewis, Nate H <nlewis6@gatech.edu>
Sent: Thursday, July 29, 2021 8:50 AM
To: Contis, Didier M <didier.contis@gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Craig, Christopher A <christopher.craig@security.gatech.edu>

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Thursday, July 29, 2021 11:55 AM
To: Antonakakis, Manos; Fuller, Christian
Cc: Elizabeth Young
Subject: RE: My sysadmin called me

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It's the same subpoena. We're just trying to get some information about the systems to use in our response.

From: Antonakakis, Manos <manos@gatech.edu>
Sent: Thursday, July 29, 2021 11:21 AM
To: Wasch, Kate <kate.wasch@legal.gatech.edu>; Fuller, Christian <christian.fuller@legal.gatech.edu>
Subject: My sysadmin called me

Hey Kate,

I just received a call from my sysadmin about a subpoena request. Is this something new or it relates to the documents I sent to Christian and my lawyers a week or so ago?

Thanks, Manos

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.

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

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Thursday, July 29, 2021 11:12 AM
To: Elizabeth Young; Schamel, Mark; AJara@lowenstein.com
Subject: Subpoena response
Attachments: attachment.ics

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Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+ [REDACTED] United States, Atlanta

Phone Conference ID: [REDACTED]

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Help](#) | [Meeting options](#)

From: Wasch, Kate <kate.wasch@legal.gatech.edu>
Sent: Thursday, July 29, 2021 11:05 AM
To: Craig, Christopher A; Lewis,Nate H; Garrison, William R; Elizabeth Young; Neal,Alexander G
Subject: Subpoena
Attachments: attachment.ics

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.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+ [REDACTED] United States, Atlanta

Phone Conference ID: [REDACTED]

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Help](#) | [Meeting options](#)

From: Elizabeth Young <eyoung@law.ga.gov>
Sent: Tuesday, July 20, 2021 4:11 PM
To: 'Lopes, Crane'; DeFilippis, Andrew (USANYS)
Cc: 'Fuller, Christian'; Wasch, Kate; Ling-Ling Nie (linglingnie@gatech.edu); Keilty, Michael (USANYE); Patel, Neeraj (USACT); Scarpelli, Anthony (USADC); Eckenrode, John (JMD); Aldenberg, William B. (NH) (FBI); Maddock, Adam M. (CyD) (FBI); James, Ryan Joseph (INSD) (FBI); Bennett, Wes; Smith, Darin
Subject: RE: DARPA

Mr. Lopes,

Thank you for confirming that Georgia Tech may produce documents responsive to the DOJ's subpoena without running afoul of any obligations it may have to DARPA/DOD to safeguard confidential or classified information. Georgia Tech therefore is authorizing the release of responsive materials that have been identified by the employees involved directly to the DOJ.

It is our understanding from conversations with the employees' counsel that the documents that are about to be produced do not contain any classified information. To the extent that the DOJ might seek production of additional documents from Georgia Tech in the future, we will take appropriate steps to determine whether any responsive documents are classified and, if so, will coordinate with Mr. Smith regarding production.

Mr. DeFilippis, if you require anything further from Georgia Tech in order to fulfill its obligations under the subpoena beyond the above statement affirming that Tech is authorizing release of the records that have been compiled by the employees, please let me know.

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

From: Lopes, Crane
Sent: Tuesday, July 20, 2021 2:16 PM
To: DeFilippis, Andrew (USANYS) ; Elizabeth Young
Cc: 'Fuller, Christian' ; Wasch, Kate ; Ling-Ling Nie (linglingnie@gatech.edu) ; Keilty, Michael (USANYE) ; Patel, Neeraj (USACT) ; Scarpelli, Anthony (USADC) ; Eckenrode, John (JMD) ; Aldenberg, William B. (NH) (FBI) ; Maddock, Adam M. (CyD) (FBI) ; James, Ryan Joseph (INSD) (FBI) ; Bennett, Wes ; Smith, Darin
Subject: RE: 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.


Ms. Young:

Thank you for your diligence in protecting DARPA-related records and other documents from unauthorized use or disclosure.

I have discussed this matter with Wes Bennett, the Director of the DARPA Contracts Management Office. Mr. Bennett is info-copied on this message. We request that you cooperate with the Department of Justice (DoJ) by immediately providing them with all DARPA-related unclassified documents and records in your possession and that are requested by their subpoena.

If DoJ has requested DARPA-related classified documents and records in your possession, release should be coordinated with Mr. Darin Smith, DARPA Security & Intelligence Directorate. Mr. Smith is info-copied on this message.

Please contact me if I can assist you.

Crane Lopes, Ph.D.
General Counsel
DARPA
Off | 571.218.4887 
Mob | 571.239.5084



Creating **BREAKTHROUGH TECHNOLOGIES**
For National Security

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Tuesday, July 20, 2021 10:51 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: 'Fuller, Christian' <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Ling-Ling Nie (linglingnie@gatech.edu) <linglingnie@gatech.edu>; Lopes, Crane <Crane.Lopes@darpa.mil>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjames@fbi.gov>
Subject: DARPA

Ms. Young,

Thank you very much for our call earlier today. On that call, you requested that we provide assurance that the Defense Advanced Research Projects Agency (DARPA) has no objection to Georgia Tech's providing documents and other records in response to our federal grand jury subpoena that relate to a contract between Georgia Tech and DARPA. I am copying Crane Lopes, General Counsel of DARPA. Mr. Lopes and DARPA have been fully cooperative with and supportive of our investigative efforts. On a phone call that occurred a few minutes ago, Mr. Lopes has assured me again that DARPA has

From: Nie, Ling-Ling <linglingnie@gatech.edu>
Sent: Monday, July 19, 2021 5:55 PM
To: Elizabeth Young
Cc: Fuller, Christian; Wasch, Kate
Subject: Re: Georgia Tech Subpoena 7-19-2021

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.

Thank you Beth! I won't be able to join this call but either Christian or Kate will. We look forward to working with you again!

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Sent: Monday, July 19, 2021 5:27:34 PM
To: Elizabeth Young <EYoung@law.ga.gov>
Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>
Subject: Re: Georgia Tech Subpoena 7-19-2021

Yes 10:00 am tomorrow is perfect. Thank you. We can use the dial-in below.

Dial-in

Conference ID: [REDACTED]

On Jul 19, 2021, at 1:53 PM, Elizabeth Young <EYoung@law.ga.gov> wrote:

Mr. DeFilippis,

I have been engaged to represent Georgia Tech and the University System of Georgia in responding to your 7/19 subpoena. I've been forwarded a copy of the subpoena and your email sent this afternoon.

I look forward to discussing your suggestions for identifying responsive materials. Would tomorrow morning at 10 AM work for a call to discuss? If not, let me know what times would be better for you.

Thank you,
Beth Young

<image001.jpg>

Elizabeth (Beth) Young
Assistant Attorney General
Office of the Attorney General Chris Carr

From: Elizabeth Young <eyoung@law.ga.gov>
Sent: Wednesday, July 21, 2021 4:42 PM
To: 'Jody R Westby'
Cc: christian.fuller@legal.gatech.edu; Mark Rasch; Mark Rasch
Subject: RE: DARPA
Attachments: Georgia-Tech-Subpoena-July-14-2021 (002).pdf

Jody and Mark,

Attached please find a copy of the Special Counsel's most recent subpoena to Georgia Tech. Please note that the cover letter contains a strongly worded request not to disclose the subpoena (or Tech's compliance therewith), but I expressly confirmed with Special Counsel on our call today that this was not intended to prohibit Tech from sharing the subpoena with you and your client.

We have been given some instructions of where to begin looking for responsive documents and will begin by working with Dr. Antonakakis and other Tech employees to find responsive documents. I presume that as we go along we may end up needing your client's help finding the location of certain documents, and I'll reach out to you when/if that happens.

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: Wednesday, July 21, 2021 10:39 AM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: christian.fuller@legal.gatech.edu; Mark Rasch <rasch@globalcyberlegal.com>; Mark Rasch <[REDACTED]>
Subject: Re: 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.

Dear Elizabeth,

Thank you for your note. Georgia Tech needs to work out its production with the Special Counsel and if they need assistance, let us know. We are happy to assist, if necessary. We are available for a call between noon and 2:30 p.m. (have hard stop at 2:30 or after 4:00 p.m.)

Thank you,

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

----- 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>

Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjjames@fbi.gov>; Bennett, Wes <wes.bennett@darpa.mil>; Smith, Darin <Darin.Smith@darpa.mil>
Subject: RE: DARPA

Ms. Young:


Thank you for your diligence in protecting DARPA-related records and other documents from unauthorized use or disclosure.

I have discussed this matter with Wes Bennett, the Director of the DARPA Contracts Management Office. Mr. Bennett is info-copied on this message. We request that you cooperate with the Department of Justice (DoJ) by immediately providing them with all DARPA-related unclassified documents and records in your possession and that are requested by their subpoena.

If DoJ has requested DARPA-related classified documents and records in your possession, release should be coordinated with Mr. Darin Smith, DARPA Security & Intelligence Directorate. Mr. Smith is info-copied on this message.

Please contact me if I can assist you.

Crane Lopes, Ph.D.
General Counsel
DARPA

Off | 571.218.4887 
Mob | 571.239.5084

<image004.jpg>Creating BREAKTHROUGH TECHNOLOGIES For National Security

From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>

Sent: Tuesday, July 20, 2021 10:51 AM

To: Elizabeth Young <EYoung@LAW.GA.GOV>

Cc: 'Fuller, Christian' <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Ling-Ling Nie (linglingnie@gatech.edu) <linglingnie@gatech.edu>; Lopes, Crane <Crane.Lopes@darpa.mil>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjjames@fbi.gov>

Subject: DARPA

Ms. Young,

Thank you very much for our call earlier today. On that call, you requested that we provide assurance that the Defense Advanced Research Projects Agency (DARPA) has no objection to Georgia Tech's providing documents and other records in response to our federal grand jury subpoena that relate to a contract between Georgia Tech and DARPA. I am copying Crane Lopes, General Counsel of DARPA. Mr. Lopes and DARPA have been fully cooperative with and supportive of our investigative efforts. On a phone call that occurred a few minutes ago, Mr. Lopes has assured me again that DARPA has no objections to Georgia Tech's provision of any records or information (both classified and unclassified) to our team and to the grand jury.

As noted, federal law requires you to provide such records regardless of any potentially applicable contractual restrictions.

Please let me know if you have any questions. We would appreciate if you could also please confirm that you consent to the two Georgia Tech employees we discussed providing responsive records that they have identified. Thank you.

Andrew J. DeFilippis
Assistant Special Counsel
U.S. Department of Justice
(646) 530-0087
<image005.jpg>



United States Department of Justice

Special Counsel

*145 N Street Northeast
Room 3E.803
Washington, D.C. 20530*

July 14, 2021

Via Email

Georgia Institute of Technology
Georgia Tech Research Institute/Georgia Tech Research Corporations
C/O
Christian Fuller, Esq.

Re: Grand Jury Subpoena
USAO # 2020R01428

To Whom It May Concern:

Pursuant to a criminal investigation being conducted by the U.S. Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

You may comply with this grand jury subpoena by providing the requested records on or before the date indicated in the subpoena. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify. If you would like to appear in lieu of solely providing the records, please contact the undersigned Assistant Special Counsel.

Although you are not required to do so, **you are requested not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure could impede the investigation being conducted and thereby interfere with the enforcement of the law.**

UNITED STATES DISTRICT COURT
for the
District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Georgia Institute of Technology/Georgia Tech Research Institute/Georgia Tech Research Corporations
C/O Christian Fuller, Esq.

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3 rd Floor Grand Jury #21-02 333 Constitution Avenue, N.W. Washington, D.C. 20001	Date and Time: July 22, 2021 at 9:00 AM
--	--

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

You may provide the results directly to the Special Counsel's Office. If you choose to do so, we request that you send the returns to **Jack Eckenrode**, john.eckenrode@usdoj.gov, U.S. Department of Justice, 145 N Street, NE, Room 3E.803, Washington, DC 20530, by **July 29, 2021**. If, however, you wish to personally appear before the Grand Jury to provide the records, please contact the undersigned Assistant Special Counsel

Date: July 14, 2021

CLERK OF COURT


Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

Andrew J. DeFilippis
Assistant Special Counsel
U.S. Department of Justice
145 N Street, NE
Room 3E.803
Washington, DC 20530
Email: andrew.defilippis@usdoj.gov; Phone: (646) 530-0087

USAO #2020R01428

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena dated July 14, 2021, signed by Assistant Special Counsel Andrew J. DeFilippis, requesting specified records of the business named below.

Attached hereto are _____ pages of records regarding _____
(Brief description of type of documents being subpoenaed) responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

- (1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;
- (2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and
- (3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

(signature of declarant)

(name and title of declarant)

(name of business)

(business address)

(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

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).

From: Mark Rasch <[REDACTED]>
Sent: Wednesday, July 21, 2021 6:23 PM
To: Elizabeth Young
Cc: Jody R Westby; christian.fuller@legal.gatech.edu; Mark Rasch
Subject: Re: 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.

Beth

Just so you understand, the cover letter ALWAYS contains strongly worded warnings not to disclose the contents of a subpoena. That's because Rule 6(e) F. R. Crim. P. expressly says that "no obligation of secrecy may be imposed on a [grand jury] witness". It's common to make the request, but the law says the opposite. Just FYI.

Mark Rasch

From my cell

> On Jul 21, 2021, at 4:41 PM, Elizabeth Young <EYoung@law.ga.gov> wrote:

>

> Jody and Mark,

>

> Attached please find a copy of the Special Counsel's most recent subpoena to Georgia Tech. Please note that the cover letter contains a strongly worded request not to disclose the subpoena (or Tech's compliance therewith), but I expressly confirmed with Special Counsel on our call today that this was not intended to prohibit Tech from sharing the subpoena with you and your client.

>

> We have been given some instructions of where to begin looking for responsive documents and will begin by working with Dr. Antonakakis and other Tech employees to find responsive documents. I presume that as we go along we may end up needing your client's help finding the location of certain documents, and I'll reach out to you when/if that happens.

>

>

> 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

>

>

>

>
> <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
> 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

>
>
>
> ----- 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>
> Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate
> <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling
> <linglingnie@gatech.edu>; Keilty, Michael (USANYE)
> <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC)
> <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD)
> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)
> <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI)
> <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI)
> <rjames@fbi.gov>; Bennett, Wes <wes.bennett@darpa.mil>; Smith, Darin
> <Darin.Smith@darpa.mil>
> Subject: RE: DARPA
>
> Ms. Young:
>
> Thank you for your diligence in protecting DARPA-related records and other documents from unauthorized use or disclosure.
>
> I have discussed this matter with Wes Bennett, the Director of the DARPA Contracts Management Office. Mr. Bennett is info-copied on this message. We request that you cooperate with the Department of Justice (DoJ) by immediately providing them with all DARPA-related unclassified documents and records in your possession and that are requested by their subpoena.
>
> If DoJ has requested DARPA-related classified documents and records in your possession, release should be coordinated with Mr. Darin Smith, DARPA Security & Intelligence Directorate. Mr. Smith is info-copied on this message.
>
> Please contact me if I can assist you.
>
> Crane Lopes, Ph.D.
> General Counsel
> DARPA
> Off | 571.218.4887 📞
> Mob | 571.239.5084
>
> <image004.jpg>Creating BREAKTHROUGH TECHNOLOGIES For National Security
>
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>
> From: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
> Sent: Tuesday, July 20, 2021 10:51 AM
> To: Elizabeth Young <EYoung@LAW.GA.GOV>
> Cc: 'Fuller, Christian' <christian.fuller@legal.gatech.edu>; Wasch,
> Kate <kate.wasch@legal.gatech.edu>; Ling-Ling Nie
> (linglingnie@gatech.edu) <linglingnie@gatech.edu>; Lopes, Crane
> <Crane.Lopes@darpa.mil>; Keilty, Michael (USANYE)
> <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT)
> <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC)
> <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD)

> <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI)
> <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI)
> <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjjames@fbi.gov>
> Subject: DARPA
>
> Ms. Young,
>
> Thank you very much for our call earlier today. On that call, you requested that we provide assurance that the Defense Advanced Research Projects Agency (DARPA) has no objection to Georgia Tech's providing documents and other records in response to our federal grand jury subpoena that relate to a contract between Georgia Tech and DARPA. I am copying Crane Lopes, General Counsel of DARPA. Mr. Lopes and DARPA have been fully cooperative with and supportive of our investigative efforts. On a phone call that occurred a few minutes ago, Mr. Lopes has assured me again that DARPA has no objections to Georgia Tech's provision of any records or information (both classified and unclassified) to our team and to the grand jury.
>
> As noted, federal law requires you to provide such records regardless of any potentially applicable contractual restrictions.
>
> Please let me know if you have any questions. We would appreciate if you could also please confirm that you consent to the two Georgia Tech employees we discussed providing responsive records that they have identified. Thank you.
>
> Andrew J. DeFilippis
> Assistant Special Counsel
> U.S. Department of Justice
> (646) 530-0087
> <image005.jpg>
>
> <Georgia-Tech-Subpoena-July-14-2021 (002).pdf>

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.

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: Saturday, July 24, 2021 11:48 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.

Beth,
Here is additional information from David that may be helpful in putting together GT's response to the subpoenas:

Chiron Data

There is a host in the Enhanced Attribution lab called `chiron.astrolavos.gatech.edu` with a directory called:

```
/data/whois_parsed
```

This holds approximately 13TB of whois data obtained from a vendor, mostly in `json.gz` (compressed text) form. Uncompressed, the data might be around 130TB. Note: Not all this data would be relevant of course. However, it is very likely that many relevant domains are included in this data. One would have to write a program to search through this data.

There is an additional directory:

```
/data/whois
```

holding approximately 6TB of what appears to be the original (raw) whois data from a vendor.

Searches could be run for at least:

- All Trump owned domains
- Alfa Bank
- Spectrum Health
- Domo.com

Data Transfer Files

The files documenting when GT received data from Neustar for the Enhanced Attribution contract.

I hope this is helpful. Please let me know if you have questions.

Kind regards,

Jody

Jody R Westby, Esq.

Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

www.globalcyberlegal.com

On Jul 23, 2021, at 3:30 PM, Jody R Westby <westby@globalcyberlegal.com> wrote:

Beth,

At our direction, David made a list of documents/data sources that he thought would be responsive to the subpoena. They are:

DARPA whitepapers

Whitepaper on DNC attack attribution

Analysis of attacks of EOP (Executive Office of the President) networks

Whitepaper for DOJ on APT-29 related hackers, crypto coin transactions, and analysis that includes Yota-related domains

"Mueller List" - list of domains and indicators related to APT-28

BLU Phones directory of files

Rhamnousia chat logs

We may have further information after we are able to speak to our client, but not sure when that will be at this point. Hope this is helpful to you.

Kind regards,

Jody

Jody R Westby, Esq.

Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

www.globalcyberlegal.com

From: EYoung@LAW.GA.GOV
Sent: Monday, July 26, 2021 10:16 AM
To: westby@globalcyberlegal.com
Cc: [REDACTED] rasch@globalcyberlegal.com
Subject: RE: List of documents relevant to subpoena

Thanks for letting us know. Could David go ahead and search these sources for responsive documents directly? Or if not, could he suggest someone from their team other than Manos that he thinks has the access and capability to run these searches? Manos has already been asked to go above and beyond already and I'm reluctant to dump another request on him if we don't have to.



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: Saturday, July 24, 2021 11:48 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.

Beth,
Here is additional information from David that may be helpful in putting together GT's response to the subpoenas:

Chiron Data

There is a host in the Enhanced Attribution lab called chiron.astrolavos.gatech.edu with a directory called:

/data/whois_parsed

This holds approximately 13TB of whois data obtained from a vendor, mostly in json.gz (compressed text) form. Uncompressed, the data might be around 130TB. Note: Not all this data would be relevant of course. However, it is very likely that many relevant domains are included in this data. One would have to write a program to

search through this data.

There is an additional directory:

/data/whois

holding approximately 6TB of what appears to be the original (raw) whois data from a vendor.

Searches could be run for at least:

All Trump owned domains

Alfa Bank

Spectrum Health

Domo.com

Data Transfer Files

The files documenting when GT received data from Neustar for the Enhanced Attribution contract.

I hope this is helpful. Please let me know if you have questions.

Kind regards,

Jody

Jody R Westby, Esq.

Managing Principal

Global Cyber Legal LLC

+1.202.255.2700

westby@globalcyberlegal.com

www.globalcyberlegal.com

On Jul 23, 2021, at 3:30 PM, Jody R Westby <westby@globalcyberlegal.com> wrote:

Beth,

At our direction, David made a list of documents/data sources that he thought would be responsive to the subpoena. They are:

DARPA whitepapers

Whitepaper on DNC attack attribution

Analysis of attacks of EOP (Executive Office of the President) networks

Whitepaper for DOJ on APT-29 related hackers, crypto coin transactions, and analysis that includes Yota-related domains

"Mueller List" - list of domains and indicators related to APT-28

BLU Phones directory of files

Rhamnusia chat logs

We may have further information after we are able to speak to our client, but not sure when that will be at this point. Hope this is helpful to you.

Kind regards,

Jody

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

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.

(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: Saturday, July 24, 2021 11:48 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.

Beth,
Here is additional information from David that may be helpful in putting together GT's response to the subpoenas:

Chiron Data

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There is an additional directory:

`/data/whois`

holding approximately 6TB of what appears to be the original (raw) whois data from a vendor.

Searches could be run for at least:

All Trump owned domains
Alfa Bank
Spectrum Health
Domo.com

Data Transfer Files

The files documenting when GT received data from Neustar for the Enhanced Attribution contract.

I hope this is helpful. Please let me know if you have questions.

Kind regards,
Jody

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

+1.202.255.2700
westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 23, 2021, at 3:30 PM, Jody R Westby <westby@globalcyberlegal.com> wrote:

Beth,

At our direction, David made a list of documents/data sources that he thought would be responsive to the subpoena. They are:

DARPA whitepapers

Whitepaper on DNC attack attribution

Analysis of attacks of EOP (Executive Office of the President) networks Whitepaper for DOJ on APT-29 related hackers, crypto coin transactions, and analysis that includes Yota-related domains "Mueller List" - list of domains and indicators related to APT-28

BLU Phones directory of files

Rhamnusia chat logs

We may have further information after we are able to speak to our client, but not sure when that will be at this point. Hope this is helpful to you.

Kind regards,

Jody

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

> Beth,
> We hope all is well. Can you let us know some times tomorrow when you would be available for an update call?
>
> Thank you.
>
>
>
>> On Jul 21, 2021, at 8:07 AM, Elizabeth Young wrote:
>> I'm available for a call at 3:30 today. Please let me know what number you'd like me to call.
>> 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
>> -----Original Message-----
>> From: DeFilippis, Andrew (USANYS)
>> Sent: Wednesday, July 21, 2021 7:05 AM
>> To: Jody R Westby
>> Cc: Elizabeth Young ; Mark Rasch
>> ; 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)
>> 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
>> Sent: Tuesday, July 20, 2021 11:23 PM
>> To: DeFilippis, Andrew (USANYS)
>> Cc: Elizabeth Young ; Mark Rasch
>> ; 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)
>> 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-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

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DIRECT FAX
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MKRAWIEC@SKADDEN.COM

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MOSCOW
MUNICH
PARIS
SÃO PAULO
SEOUL
SHANGHAI
SINGAPORE
TOKYO
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).

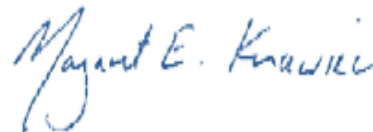
(cont'd)

#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


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.

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
www.globalcyberlegal.com

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Thank you.

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).

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Friday, July 23, 2021 3:30 PM
To: Elizabeth Young
Cc: Mark Rasch; Mark Rasch
Subject: 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.

Beth,
At our direction, David made a list of documents/data sources that he thought would be responsive to the subpoena. They are:

DARPA whitepapers

- Whitepaper on DNC attack attribution

- Analysis of attacks of EOP (Executive Office of the President) networks

- Whitepaper for DOJ on APT-29 related hackers, crypto coin transactions, and analysis that includes Yota-related domains

- "Mueller List" - list of domains and indicators related to APT-28

BLU Phones directory of files

Rhamnusia chat logs

We may have further information after we are able to speak to our client, but not sure when that will be at this point.

Hope this is helpful to you.

Kind regards,

Jody

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Friday, September 24, 2021 10:16 AM
To: Fuller, Christian
Cc: Elizabeth Young; rasch@globalcyberlegal.com
Subject: Re: Alfa Bank Subpoenas & Grand Jury Fees

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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).

Please let us know when you are available for a conversation.

Kind regards,
Jody

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Thank you.

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Monday, September 27, 2021 3:51 PM
To: Fuller, Christian
Cc: Elizabeth Young; rasch@globalcyberlegal.com
Subject: Re: Alfa Bank Subpoenas & Grand Jury Fees

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Christian,
Thanks. Tomorrow at 3:30 p.m. is good. I will send a Zoom link.
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.

On Sep 27, 2021, at 3:27 PM, Fuller, Christian <christian.fuller@legal.gatech.edu> wrote:

Hi Jody:

Let's talk tomorrow afternoon if you are available. Can we aim for 30 minutes any time between 3:30pm and 5pm? I hopefully should have most of any morning 'fires' put out by then.

Hope you enjoyed your weekend.

Christian

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

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Friday, September 24, 2021 10:16 AM
To: Fuller, Christian <christian.fuller@legal.gatech.edu>
Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; rasch@globalcyberlegal.com
Subject: Re: Alfa Bank Subpoenas & Grand Jury Fees

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!

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Jody

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Cc: Nie, Ling-Ling <linglingnie@gatech.edu>; Mark D. Rasch <rasch@globalcyberlegal.com>; Mark Rasch

<[REDACTED]>

Subject: Alfa Bank Subpoenas & Grand Jury Fees

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From: Elizabeth Young <eyoung@law.ga.gov>
Sent: Wednesday, July 21, 2021 10:43 AM
To: 'Jody R Westby'
Subject: RE: Call Tomorrow (Special Counsel Investigation)

Hi Jody,

Just letting you know that I was still copied on this email so that you can take me off of any future correspondence you might not want to include me in. I'll delete and disregard. Look forward to speaking with you soon.

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: Wednesday, July 21, 2021 10:31 AM
To: DeFilippis, Andrew (USANYS) <Andrew.DeFilippis@usdoj.gov>
Cc: Elizabeth Young <EYoung@LAW.GA.GOV>; Mark Rasch <rasch@globalcyberlegal.com>; 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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Andrew,

I have removed Georgia Tech from this email. Please do not characterize our response as uncooperative; it is not. You are asking us to inappropriately get involved in Georgia Tech's production. It is unfortunate that the Special Counsel Team was not pursuing the documents they requested from Georgia Tech since the initial subpoena last fall. Please work out their production with them. As noted below, we are happy to assist them as necessary. As you may recall, I am teaching a course from 11 a.m. to noon and am in the Uniform Law Commission meeting from 2:30 to 4:00 p.m. Can we talk after 4 p.m., just us and your team? Would be happy to.

Thank you.

Kind regards,

Jody

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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>
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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,
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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

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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

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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-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,

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

GLOBAL CYBER LEGAL LLC

4501 Foxhall Crescents NW
Washington, DC 20007

Phone: + 1.202.255.2700

Fax: +1.202.337-0063

October 5, 2021

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Nelson Mullins Riley & Scarborough, LLP
Lynn Financial Center
1905 NW Corporate Blvd,
Boca Raton, FL 33431
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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,

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Kind regards,

Jody

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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,

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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>

Cc: Fuller, Christian <christian.fuller@legal.gatech.edu>; Wasch, Kate <kate.wasch@legal.gatech.edu>; Nie, Ling-Ling <linglingnie@gatech.edu>; Keilty, Michael (USANYE) <Michael.Keilty@usdoj.gov>; Patel, Neeraj (USACT) <Neeraj.Patel@usdoj.gov>; Scarpelli, Anthony (USADC) <Anthony.Scarpelli@usdoj.gov>; Eckenrode, John (JMD) <John.Eckenrode@usdoj.gov>; Aldenberg, William B. (NH) (FBI) <wbaldenberg@fbi.gov>; Maddock, Adam M. (CyD) (FBI) <ammaddock@fbi.gov>; James, Ryan Joseph (INSD) (FBI) <rjjames@fbi.gov>; Bennett, Wes <wes.bennett@darpa.mil>; Smith, Darin <Darin.Smith@darpa.mil>
Subject: RE: DARPA

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I have discussed this matter with Wes Bennett, the Director of the DARPA Contracts Management Office. Mr. Bennett is info-copied on this message. We request that you cooperate with the Department of Justice (DoJ) by immediately providing them with all DARPA-related unclassified documents and records in your possession and that are requested by their subpoena.

If DoJ has requested DARPA-related classified documents and records in your possession, release should be coordinated with Mr. Darin Smith, DARPA Security & Intelligence Directorate. Mr. Smith is info-copied on this message.

Please contact me if I can assist you.

Crane Lopes, Ph.D.
General Counsel
DARPA

Off | 571.218.4887 
Mob | 571.239.5084

<image004.jpg>Creating BREAKTHROUGH TECHNOLOGIES For National Security

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Sent: Tuesday, July 20, 2021 10:51 AM
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<image001.jpg>

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Kind regards,

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General Counsel
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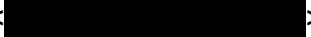
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Date: July 20, 2021 at 6:22:14 PM EDT

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Crane Lopes, Ph.D.

General Counsel

DARPA

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Creating **BREAKTHROUGH TECHNOLOGIES**

For National Security

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As noted, federal law requires you to provide such records regardless of any potentially applicable contractual restrictions.

Please let me know if you have any questions. We would appreciate if you could also please confirm that you consent to the two Georgia Tech employees we discussed providing responsive records that they have identified. Thank you.

Andrew J. DeFilippis

From: Elizabeth Young <eyoung@law.ga.gov>
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

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On Jul 23, 2021, at 1:27 PM, Elizabeth Young <EYoung@LAW.GA.GOV> wrote:

Hi Jody and Mark,

Special counsel asked GT to search specifically for any “white papers” related to the topics of their investigation. In September 2020 you emailed three white papers to Kate Walsh (see screenshot of email attached). These do seem like they are at least arguably responsive to the subpoena to GT, though it’s possible they might fall outside the scope of the subpoena depending on where they came from, what systems/servers they were stored on, etc.

In the absence of any objection, I thought perhaps we should provide them to the Special Counsel as it’s at least within the area of the inquiry, even if they might technically fall outside the scope of the subpoena somehow. If this causes a concern for any reason let me know so we can discuss. (I’m not contemplating including your email or the draft letter in the production, only the white papers).

Also, there’s a confidentiality stamp on those that I think were put on by your office, so if we do produce them I wanted to see if you wanted to get that taken off first.

Let me know your thoughts on this as soon as you can. I have a call scheduled with Andrew at 4:30 and it would be great to hear before then if your schedule permits, though I understand if that’s not possible.

Thank you,
Beth Young

<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

<Screenshot 2021-07-22 152848.png>

From: Jody R. Westby <westby@globalcyberlegal.com>
Sent: Friday, July 23, 2021 2:58 PM
To: Elizabeth Young
Subject: Re: GT subpoena question

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.

Ha ha. Yes, I know....very long week! Thank you very much!

Sent from my iPhone
Jody Westby, 202.255.2700

On Jul 23, 2021, at 2:33 PM, Elizabeth Young <EYoung@law.ga.gov> wrote:

Well, it's been a long week and I'm running on fumes...maybe should have just said I had no idea what you'd think about the suggestion, but did want to ask first before making any assumptions.

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: Friday, July 23, 2021 2:22 PM
To: Elizabeth Young <EYoung@LAW.GA.GOV>
Cc: Mark Rasch <rasch@globalcyberlegal.com>
Subject: Re: GT subpoena question

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, I hope you meant "concerned" instead of "unconcerned" below. Thanks again for asking!

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

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.

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
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+1.202.255.2700
westby@globalcyberlegal.com

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Let me know your thoughts on this as soon as you can. I have a call scheduled with Andrew at 4:30 and it would be great to hear before then if your schedule permits, though I understand if that’s not possible.

Thank you,
Beth Young

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<image002.png>

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Atlanta, Georgia 30334

<Screenshot 2021-07-22 152848.png>

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, July 27, 2021 2:39 PM
To: Elizabeth Young
Cc: Mark Rasch; Mark Rasch
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.

Cheers,
Jody

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westby@globalcyberlegal.com
www.globalcyberlegal.com

On Jul 26, 2021, at 11:29 AM, Jody R Westby <westby@globalcyberlegal.com> wrote:

Good morning, Beth,
David is enroute to DC for his meeting with the Special Counsel and testimony with the Grand Jury. He won't return to Atlanta until Friday. He can't suggest anyone to do this discovery and production. Manos was Principal Investigator for the project, so he would be the best person. He would know if anyone else is qualified to search. Sorry!

David has been doing some runs on the GT system to validate the findings in the white papers that were given to the government. The Special Counsel wants him to bring the runs with him so he can go over them with the Special Counsel's technical person. We will make a complete image of whatever he brings to give to you. We will also keep a copy for ourselves. Please advise if you have any issues with this.

Also, please advise whether Georgia Tech is willing to enter into a joint defense agreement with us so we can share information.

Cheers,
Jody

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On Jul 26, 2021, at 10:15 AM, Elizabeth Young <EYoung@LAW.GA.GOV> wrote:

Thanks for letting us know. Could David go ahead and search these sources for responsive documents directly? Or if not, could he suggest someone from their team other than Manos that he thinks has the access and capability to run these searches? Manos has already been asked to go above and beyond already and I'm reluctant to dump another request on him if we don't have to.

<image001.jpg>

<image002.png>

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

Sent: Saturday, July 24, 2021 11:48 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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Beth,

Here is additional information from David that may be helpful in putting together GT's response to the subpoenas:

Chiron Data

There is a host in the Enhanced Attribution lab called chiron.astrolavos.gatech.edu with a directory called:

/data/whois_parsed

This holds approximately 13TB of whois data obtained from a vendor, mostly in json.gz (compressed text) form. Uncompressed, the data might be around 130TB. Note: Not all this data would be relevant of course. However, it is very likely that many relevant domains are included in this data. One would have to write a program to

From: Jody R Westby <westby@globalcyberlegal.com>
Sent: Tuesday, July 27, 2021 12:30 PM
To: Elizabeth Young
Cc: Mark Rasch; Mark Rasch
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.

Elizabeth,
Could you give me a quick call? 202-255-2700 Thanks, Jody

Jody R Westby, Esq.
Managing Principal
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+1.202.255.2700
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From: Jody R Westby <westby@globalcyberlegal.com>

Sent: Saturday, July 24, 2021 11:48 PM

To: Elizabeth Young <EYoung@LAW.GA.GOV>

Cc: Mark Rasch <[REDACTED]> Mark Rasch <rasch@globalcyberlegal.com>

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There is an additional directory:

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Searches could be run for at least:

All Trump owned domains

Alfa Bank

Spectrum Health

Domo.com

Data Transfer Files

The files documenting when GT received data from Neustar for the Enhanced Attribution contract.

I hope this is helpful. Please let me know if you have questions.

Kind regards,

Jody

Jody R Westby, Esq.

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westby@globalcyberlegal.com

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On Jul 23, 2021, at 3:30 PM, Jody R Westby <westby@globalcyberlegal.com> wrote:

Beth,

At our direction, David made a list of documents/data sources that he thought would be responsive to the subpoena.

They are:

DARPA whitepapers

Whitepaper on DNC attack attribution

Analysis of attacks of EOP (Executive Office of the President) networks Whitepaper for DOJ on APT-29 related hackers, crypto coin transactions, and analysis that includes Yota-related domains "Mueller List" - list of domains and indicators related to APT-28

BLU Phones directory of files

Rhamnusia chat logs

We may have further information after we are able to speak to our client, but not sure when that will be at this point.

Hope this is helpful to you.

Kind regards,

Jody

Jody R Westby, Esq.

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From: Jody R Westby <westby@globalcyberlegal.com>
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Cc: Mark Rasch; Mark Rasch
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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

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! 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
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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.

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 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

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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

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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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Jody

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Cheers,
Jody

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> 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.
>