

Exhibit B

Civil Action No. 25-cv-0952 (CKK)
(Lead Case: No. 25-cv-00946 (CKK))

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Chris Dodge

From: Chris Dodge
Sent: Saturday, July 12, 2025 6:09 PM
To: Kies, Marianne F (CIV); Anna Baldwin
Cc: O'Hickey, Bridget K (CIV); Lali Madduri; Aria Branch; Jacob Shelly; Jimmy Pinchak; Tyler Bishop; Harleen Gambhir; dlang@campaignlegalcenter.org; Pooja Chaudhuri; Eliza Sweren-Becker; Leah Aden; Heather Szilagyi; Sophia Lakin; Brent Ferguson; Farby, Lesley (CIV)
Subject: Re: [EXTERNAL] Re: LULAC v. EOP, 1:25-cv-946 (D.D.C.); Interrogatories

Counsel,

Thank you for conferring yesterday regarding our interrogatories, which we served over two weeks ago, on June 27. During our call, you confirmed for the first time that Defendants do not intend to serve specific, written objections--or any responses whatsoever--to our interrogatories. Instead, you took the position that our interrogatories, as a whole, are not proportional to the needs of the case, thus relieving you of *any* duty to respond. Notably, however, you did not identify specific interrogatories that you believed to be overbroad or irrelevant.

As we explained on the call, our interrogatories are proportional to the needs of the case and consistent with the Court's scheduling order. This suit involves several dozen defendants who have been tasked by the President with enforcing several dozen commands in an executive order. Our interrogatories seek information about each agency's efforts to implement the executive order so that we may understand the "contours" of such implementation. As we further explained, the number of interrogatories served is simply a function of the number of named defendants and provisions at issue—the interrogatories largely all boil down to a request for information about each agency's implementation efforts. When asked if you disagreed with that fact, you demurred and did not identify any specific interrogatory that went further field.

We also highlighted on the call that *specific* objections to *specific* interrogatories are required under Rule 33, and that such objections would aid the Court in resolving any dispute between the parties. When asked if you would provide such tailored objections, you refused. This refusal to provide concrete objections is unfortunate and frustrates our ability to tailor or revise our interrogatories in response to specific concerns. And in view of your categorical refusal to provide specific objections—and our July 18 deadline for seeking relief from the Court—we regrettably have no choice but to take this issue to the Court now. We therefore intend to file a motion to compel on or before July 18.

While it appears the parties are firmly at an impasse, we remain open to further dialogue in the event that you reconsider your categorical refusal to provide *any* responses or specific objections to our discovery requests.

Best regards,
 Chris

Christopher D. Dodge
Counsel

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From: Kies, Marianne F (CIV) <Marianne.F.Kies@usdoj.gov>
Sent: Thursday, July 10, 2025 1:44 PM
To: Anna Baldwin <abaldwin@campaignlegalcenter.org>
Cc: Chris Dodge <cdodge@elias.law>; O'Hickey, Bridget K (CIV) <Bridget.K.O'Hickey@usdoj.gov>; Lali Madduri <lmadduri@elias.law>; Aria Branch <abranh@elias.law>; Jacob Shelly <jshelly@elias.law>; Jimmy Pinchak <jpinchak@elias.law>; Tyler Bishop <tbishop@elias.law>; Harleen Gambhir <hgambhir@elias.law>; dlang@campaignlegalcenter.org <dlang@campaignlegalcenter.org>; Pooja Chaudhuri <pooja@statedemocracydefenders.org>; Eliza Sweren-Becker <sweren-beckere@brennan.law.nyu.edu>; Leah Aden <laden@naacpldf.org>; Heather Szilagyi <hszilagyi@campaignlegalcenter.org>; Sophia Lakin <slakin@aclu.org>; Brent Ferguson <bferguson@campaignlegalcenter.org>; Farby, Lesley (CIV) <Lesley.Farby@usdoj.gov>
Subject: Re: [EXTERNAL] Re: LULAC v. EOP, 1:25-cv-946 (D.D.C.); Interrogatories

Hi everyone,

Pleased to e-meet you all. Bridget is tied up this afternoon, but let's tentatively calendar for 2 pm tomorrow. I'll send an invitation and will circle back if the time doesn't work.

Regards,
Marianne

Sent from my iPhone

On Jul 10, 2025, at 1:16 PM, Anna Baldwin <abaldwin@campaignlegalcenter.org> wrote:

Counsel,

The LULAC plaintiffs are, of course, also glad to meet and can do so tomorrow at 2pm. However, we want to make clear that conferring in no way obviates defendants' obligation to provide timely responses to the interrogatories as served by tomorrow. Defendants have not yet identified any specific objections. And so even as we meet, we fully expect individualized responses to each interrogatory, providing the responsive information that you would agree is proportional and therefore required even as we attempt to confer over any other scope objections (which defendants, again, have not yet

actually laid out). A blanket objection to responding is not consistent with the federal or local rules.

Best,
Anna

From: Chris Dodge <cdodge@elias.law>

Sent: Thursday, July 10, 2025 12:42 PM

To: O'Hickey, Bridget K (CIV) <Bridget.K.O'Hickey@usdoj.gov>; Lali Madduri <lmadduri@elias.law>; Aria Branch <abranh@elias.law>; Jacob Shelly <jshelly@elias.law>; Jimmy Pinchak <jpinchak@elias.law>; Tyler Bishop <tbishop@elias.law>; Harleen Gambhir <hgambhir@elias.law>; Anna Baldwin <abaldwin@campaignlegalcenter.org>; Danielle Lang <dlang@campaignlegalcenter.org>; Pooja Chaudhuri <pooja@statedemocracydefenders.org>; Eliza Sweren-Becker <sweren-beckere@brennan.law.nyu.edu>; Leah Aden <laden@naacpldf.org>; Sophia Lakin <slakin@aclu.org>
Cc: Farby, Lesley (CIV) <Lesley.Farby@usdoj.gov>; Kies, Marianne F (CIV) <Marianne.F.Kies@usdoj.gov>
Subject: Re: LULAC v. EOP, 1:25-cv-946 (D.D.C.); Interrogatories

Counsel,

We are, of course, glad to confer, but we wish to reiterate several points from our prior email.

First, you have not yet provided us a single specific objection to our interrogatories, which were served nearly two weeks ago. Accordingly, you have not provided us any particular issue to confer upon, which will unfortunately limit the usefulness of any call at this juncture. To the extent you simply wish to confer about the number of interrogatories, we have already explained why that objection is misplaced.

Second, your global, boilerplate objection does not satisfy the requirements of Rule 33. Accordingly, we continue to expect that your clients will provide responses and *specific* objections by tomorrow, in keeping with the Court's order. If you do not intend to comply with the Court's order, please advise us of that immediately so that we may prepare to take this issue to the Court.

As to conferring tomorrow, we are not available at 12pm, but can speak at 2pm ET. Please let us know if that works.

Thanks,
Chris

Christopher D. Dodge

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From: O'Hickey, Bridget K (CIV) <Bridget.K.O'Hickey@usdoj.gov>
Sent: Thursday, July 10, 2025 11:15 AM
To: Chris Dodge <cdodge@elias.law>; Lali Madduri <lmadduri@elias.law>; Aria Branch <abbranch@elias.law>; Jacob Shelly <jshelly@elias.law>; Jimmy Pinchak <jpinchak@elias.law>; Tyler Bishop <tbishop@elias.law>; Harleen Gambhir <hgambhir@elias.law>; Anna Baldwin <abaldwin@campaignlegalcenter.org>; dlang@campaignlegalcenter.org <dlang@campaignlegalcenter.org>; Pooja Chaudhuri <pooja@statedemocracydefenders.org>; Eliza Sweren-Becker <sweren-beckere@brennan.law.nyu.edu>; Leah Aden <laden@naacpldf.org>; Sophia Lakin <slakin@aclu.org>
Cc: Farby, Lesley (CIV) <Lesley.Farby@usdoj.gov>; Kies, Marianne F (CIV) <Marianne.F.Kies@usdoj.gov>
Subject: RE: LULAC v. EOP, 1:25-cv-946 (D.D.C.); Interrogatories

Dear Counsel,

We would like to confer about this matter. Are you available to meet and confer tomorrow at 12?

Best,

Bridget

From: Chris Dodge <cdodge@elias.law>
Sent: Wednesday, July 9, 2025 10:58 PM
To: O'Hickey, Bridget K (CIV) <Bridget.K.O'Hickey@usdoj.gov>; Lali Madduri <lmadduri@elias.law>; Aria Branch <abbranch@elias.law>; Jacob Shelly <jshelly@elias.law>; Jimmy Pinchak <jpinchak@elias.law>; Tyler Bishop <tbishop@elias.law>; Harleen Gambhir <hgambhir@elias.law>; Anna Baldwin <abaldwin@campaignlegalcenter.org>; dlang@campaignlegalcenter.org; Pooja Chaudhuri <pooja@statedemocracydefenders.org>; Eliza Sweren-Becker <sweren-beckere@brennan.law.nyu.edu>; Leah Aden <laden@naacpldf.org>; Sophia Lakin <slakin@aclu.org>
Cc: Farby, Lesley (CIV) <Lesley.Farby@usdoj.gov>; Kies, Marianne F (CIV) <Marianne.F.Kies@usdoj.gov>
Subject: [EXTERNAL] Re: LULAC v. EOP, 1:25-cv-946 (D.D.C.); Interrogatories

Counsel,

We write to correct numerous inaccuracies and deficiencies in your email below, as well as to confirm that your clients intend to provide timely interrogatory responses by July 11, in compliance with the Court's scheduling order.

First, your email is simply wrong in asserting the Democratic Party Plaintiffs have issued more interrogatories than permitted under the Federal Rules. By its plain terms, Rule 33 permits service of up to 25 interrogatories "on any . . . Party," meaning *per party*. See, e.g., *St. Paul Fire & Marine Ins. Co. v. Birch, Stewart, Kolasch & Birch, LLP*, 217 F.R.D. 288, 289 (D. Mass. 2003); *Adlerstein v. United States Customs & Border Prot.*, 342 F.R.D. 269, 272

(D. Ariz. 2022) (collecting authority). Any other construction would make no sense in this case, where the Democratic Party Plaintiffs have sued 25 defendants, each of whom has discrete responsibilities under the Executive Order. We are plainly not restricted to serving a *single* interrogatory per Defendant. And, as your own email acknowledges, the Democratic Party Plaintiffs have in fact served fewer than two interrogatories per named Defendant.

Second, for similar reasons, your proportionality objection is misguided. Of the interrogatories served by the Democratic Party Plaintiffs, many are *identical* as to each agency defendant. Indeed, the Democratic Party Plaintiffs served two common interrogatories to each Defendant seeking information about their implementation of the Executive Order; that alone accounts for 20 of the interrogatories at issue. Other interrogatories are also significantly overlapping. For example, we served identical interrogatories to each agency defendant responsible for enforcing Section 2(d) of the Executive Order. See, e.g., DOI Interrogatory No. 3; SBA Interrogatory No. 3; DOI Interrogatory No. 3; DOD Interrogatory No. 3. The remaining interrogatories are similarly overlapping or are tailored to the specific commands issued to each agency in the President's Executive Order.

Third, your global objection to our interrogatories is deficient and noncompliant with Rule 33. Under that rule, the "grounds for objecting to an interrogatory must be stated with specificity." Fed. R. Civ. P. 33(b)(4). Your one-paragraph email response obviously fails to provide such specificity. Indeed, it only vaguely alludes to a single interrogatory. This complete lack of specificity frustrates the ability to meet and confer to resolve any properly raised objections as to a *particular* interrogatory. As to the *single* interrogatory you have alluded to, that interrogatory asks Defendants to "summarize" "non-privileged communications" regarding implementation of the Executive Order, including by summarizing "any actions or efforts" to implement the Executive Order. See Interrogatory No. 1 (all Defendants). That request is plainly in keeping with the Court's scheduling order, which permits Plaintiffs to obtain discovery regarding the "contours" of Defendants' implementation efforts. See ECF No. 141. To the extent you maintain any proportionality objection to that single interrogatory, Rule 33 still requires you to answer it "fully" save to the extent of your objection. See Fed. R. Civ. P. 33(b)(3). In other words, your boilerplate objection is not a permissible basis for categorically refusing to respond to that interrogatory—never mind the remaining interrogatories to which you raise no objection at all.

Finally, we ask you to immediately confirm that you intend to comply with the Court's July 11 deadline. To the extent you in fact have *specific* objections to *specific* interrogatories, the Rules make clear that it is your duty to answer each interrogatory to the fullest extent possible in keeping with your objection. See Fed. R. Civ. P. 33(b). If you refuse to answer *any* interrogatories on the basis of your legally flawed and boilerplate objection, we intend to raise this issue promptly with the Court.

Best regards,
Chris

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From: O'Hickey, Bridget K (CIV) <Bridget.K.O'Hickey@usdoj.gov>
Sent: Wednesday, July 9, 2025 10:30 AM
To: Lali Madduri <lmadduri@elias.law>; Aria Branch <abranche@elias.law>; Chris Dodge <cdodge@elias.law>; Jacob Shelly <jshelly@elias.law>; Jimmy Pinchak <jpinchak@elias.law>; Tyler Bishop <tbishop@elias.law>; Julie Zuckerbrod <jzuckerbrod@elias.law>; Anna Baldwin <abaldwin@campaignlegalcenter.org>;
dlang@campaignlegalcenter.org <dlang@campaignlegalcenter.org>; Pooja Chaudhuri <pooja@statedemocracydefenders.org>; Eliza Sweren-Becker <sweren-beckere@brennan.law.nyu.edu>; Leah Aden <laden@naacpldf.org>; Sophia Lakin <slakin@aclu.org>
Cc: Farby, Lesley (CIV) <Lesley.Farby@usdoj.gov>; Kies, Marianne F (CIV) <Marianne.F.Kies@usdoj.gov>
Subject: LULAC v. EOP, 1:25-cv-946 (D.D.C.); Interrogatories

Dear Counsel,

We write to confer regarding the interrogatories served by the Democratic Party Plaintiffs and the LULAC Plaintiffs pursuant to the Court's June 20, 2025, Scheduling Order in the above-referenced litigation. ECF 141. In that order, the Court authorized Plaintiffs to propound "targeted" factual interrogatories to efficiently resolve issues "regarding the ripeness and justiciability" of "certain" of Plaintiffs' claims. The Democratic Party Plaintiffs instead propounded 49 interrogatories—nearly double the amount allowed by Federal Rule of Civil Procedure 33(a)—seeking, *inter alia*, "all" communications related to "the Executive Order." (The LULAC Plaintiffs joined as to 27 of them.) The volume of the interrogatories violates Rule 26's proportionality requirement, and they are contrary to the Court's order in these particular cases, which allowed only "targeted" discovery on "certain" claims limited to the issues of ripeness and justiciability. Therefore, we cannot respond to the interrogatories as presently drafted. We request that you send a more limited set of interrogatories consistent with Rule 33 and the Court's order.

Please let us know if you would like to discuss; we are happy to jump on a call and talk further.

Best,

Bridget

Bridget K. O'Hickey

(202) 856-4511

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