



SOUTHEASTERN LEGAL FOUNDATION
Rebuilding the American Republic®

November 2, 2020

VIA EMAIL

Mr. Paul Mussenden
Assistant United States Attorney
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Washington, D.C. 20530
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Re: *John Solomon v. U.S. Department of State*
Case 1:19-cv-02019-TNM, U.S. District Court for the District of Columbia

Dear Paul,

I am writing to follow up on our discussions regarding the State Department's incomplete and inadequate search for records responsive to Mr. Solomon's May 6, 2019 FOIA request, and its failure to meet the last two agreed upon production dates.

Nearly 18 months ago, Mr. Solomon submitted a FOIA request to the State Department seeking:

[A]ll the records – including but not limited to calendar notations, emails, memos, phone messages, entry records and cables – concerning contacts between representatives of Blue Star Strategies and the State Department, including the U.S. embassy in Kiev, between March 2015 and February 2017. These contacts should include [sic] but not be limited to those of Blue Star employees Karen Tramontino, Sally Painter, Etienne Bodard and John Buretta. These records should include but not be limited to any mentions of Burisma Holdings, Hunter Biden, Devon Archer, Rosemont Seneca and an audit of monies involving these figures.

When the State Department failed to respond to Mr. Solomon's FOIA request, he was forced to file a federal lawsuit. That was 16 months ago.

Mr. Solomon has litigated this case in good faith – faith that the State Department and that our federal government would uphold its obligation to the American public, would make good on its promises of transparency, and satisfy its statutory obligations. When the State Department asked Mr. Solomon to agree to a rolling production, he did so. But he did so with the expectation that the State Department would uphold its end of the agreement and produce records on the agreed upon dates.

Unfortunately, the State Department has not upheld its promises. After making numerous productions past the agreed upon dates, the State Department stopped making productions all

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together. For reasons that have never been explained, the State Department failed to make a production at the end of September 2020 as promised. And days after confirming that the State Department would meet its promise to produce **all** responsive records by October 31, 2020, you notified me on October 30 that the agency would not be making any further productions until after the election.

These delays are unacceptable. The State Department's decision to withhold communications between Hunter Biden, his companies, and his associates and the Ukrainian government can only be seen as an attempt to influence and interfere with tomorrow's presidential election. The American public has a right and a need to know about those communications – especially given what has recently been confirmed regarding his business dealings with China. Instead of producing records that clearly exist, the State Department has inexplicably withheld those records from the American public for 18 months.

If the State Department does not produce the remaining responsive records to Mr. Solomon by November 6, we will be forced to file a motion with the court to compel production.

Sincerely,



Kimberly S. Hermann
General Counsel
Southeastern Legal Foundation