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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

14 JOHN C. EASTMAN

15 Plaintiff,

16 vs.

17 BENNIE G. THOMPSON, *et al.*,

18 Defendants.

Case No. 8:22-cv-00099-DOC-DFM

**DECLARATION OF TIMOTHY J.
HEAPHY IN SUPPORT OF
CONGRESSIONAL DEFENDANTS’
BRIEF IN OPPOSITION TO
PLAINTIFF’S PRIVILEGE
ASSERTIONS**

Date: unscheduled
Time: 9:00 a.m.
Location: Courtroom 9D

1 I, Timothy J. Heaphy declare as follows:

2 1. I am Chief Investigative Counsel, Select Committee to Investigate the
3 January 6th Attack on the U.S. Capitol, U.S. House of Representatives.

4 2. I make this declaration in support of Congressional Defendants' Brief in
5 Opposition to Plaintiff's Privilege Assertions.

6 3. Pursuant to the Court's February 24, 2022, Order Granting in Part
7 Application to File Briefing Under Seal ([Dkt. 139](#)), I hereto include versions of the
8 attached exhibits with limited redactions to protect the personally identifiable information
9 of third parties and include unredacted versions of the attached exhibits under seal so that
10 they are visible to the Court.

11 4. Attached hereto as Exhibit A is a true and accurate copy of an email from
12 Kenneth Chesebro to John Eastman (via his Chapman University email account) on
13 January 4, 2021, produced to the Select Committee to Investigate the January 6th Attack
14 on the U.S. Capitol as Chapman004708.

15 5. Attached hereto as Exhibit B is a true and accurate copy of an email from
16 John Eastman (via his Chapman University email account) to Rudolph Giuliani on
17 December 7, 2020, and its attachment, produced to the Select Committee to Investigate
18 the January 6th Attack on the U.S. Capitol as Chapman025124 and Chapman025125.

19 6. Attached hereto as Exhibit C is a true and accurate copy of an email on
20 December 3, 2020, from John Eastman (via his Chapman University email account) to
21 [REDACTED] produced to the Select Committee to Investigate the January 6th Attack on
22 the U.S. Capitol as Chapman021806.

23 7. Attached hereto as Exhibit D is a true and accurate copy of an email on
24 December 19, 2020, from John Eastman (via his Chapman University email account) to
25 [REDACTED] produced to the Select Committee to Investigate the January 6th Attack on
26 the U.S. Capitol as Chapman043035.

27 8. Attached hereto as Exhibit E is a true and accurate copy of an email from
28 John Eastman (via his Chapman University email account) to Kenneth Chesebro on

DECLARATION OF TIMOTHY J. HEAPHY

1 December 23, 2020, and its attachment, produced to the Select Committee to Investigate
2 the January 6th Attack on the U.S. Capitol as Chapman052938 and Chapman052939.

3 9. Attached hereto as Exhibit F is a true and accurate copy of an email from
4 John Eastman (via his Chapman University email account) to [REDACTED] on
5 December 23, 2020, and its attachment, produced to the Select Committee to Investigate
6 the January 6th Attack on the U.S. Capitol as Chapman053475 and Chapman053476.

7 10. Attached hereto as Exhibit G is a true and accurate copy of an email from
8 John Eastman (via his Chapman University email account) to [REDACTED] on January
9 10, 2021, produced to the Select Committee to Investigate the January 6th Attack on the
10 U.S. Capitol as Chapman063984.

11 11. Attached hereto as Exhibit H is a true and accurate copy of an email from
12 Cleta Mitchell to John Eastman (via his Chapman University email account) on January
13 3, 2021, produced to the Select Committee to Investigate the January 6th Attack on the
14 U.S. Capitol as Chapman062725.

15 12. Attached hereto as Exhibit I is a true and accurate copy of an email from
16 Cleta Mitchell to John Eastman (via his Chapman University email account) on
17 November 5, 2020, produced to the Select Committee to Investigate the January 6th
18 Attack on the U.S. Capitol as Chapman006671.

19 13. Attached hereto as Exhibit J is a true and accurate copy of an email from
20 [REDACTED] to [REDACTED] and [REDACTED] on November 28, 2020, and its
21 attachment, produced to the Select Committee to Investigate the January 6th Attack on
22 the U.S. Capitol as [REDACTED].

23 14. Attached hereto as Exhibit K is a true and accurate copy of an email from
24 John Eastman (via his Chapman University email account) to [REDACTED] on
25 November 6, 2020, produced to the Select Committee to Investigate the January 6th
26 Attack on the U.S. Capitol as Chapman002791.

27 15. Attached hereto as Exhibit L is a true and accurate copy of an email from
28 John Eastman (via his Chapman University email account) to [REDACTED] and

1 [REDACTED] on November 9, 2020, and its attachment, produced to the
2 Select Committee to Investigate the January 6th Attack on the U.S. Capitol as
3 Chapman007670 and Chapman007671.

4 16. Attached hereto as Exhibit M is a true and accurate copy of an email from
5 [REDACTED] to [REDACTED] on December 4, 2020, and its attachment, produced to the
6 Select Committee to Investigate the January 6th Attack on the U.S. Capitol as CTRL
7 0000071098_00071 and CTRL 0000071098_00072.

8 17. Attached hereto as Exhibit N is a true and accurate copy of an email from
9 John Eastman (via his University of Colorado email account) to [REDACTED] on
10 November 9, 2020, and its attachment, produced to the Select Committee to Investigate
11 the January 6th Attack on the U.S. Capitol as CU-CORA-001079 and CU-CORA-
12 001082.

13 18. Attached hereto as Exhibit O is a true and accurate copy of an email from
14 [REDACTED] to John Eastman (via his University of Colorado email account) on
15 December 4, 2020, produced to the Select Committee to Investigate the January 6th
16 Attack on the U.S. Capitol as CU-CORA-001086.

17 19. Attached hereto as Exhibit P is a true and accurate copy of a declaration of
18 Charles Stewart III originally filed in *Trump v. Raffensperger*.

19 20. Attached hereto as Exhibit Q is a true and accurate copy of an affidavit of
20 Bryan Geels originally filed in *Trump v. Raffensperger*.

21 21. Attached hereto as Exhibit R is a true and accurate copy of a declaration of
22 Mark Alan Davis originally filed in *Trump v. Raffensperger*.

23 22. Attached hereto as Exhibit S is a true and accurate copy of an email from
24 [REDACTED] to Rudolph Giuliani, [REDACTED], Bernard Kerik, Stephen Bannon, and
25 [REDACTED], on January 4, 2021, produced to the Select Committee to Investigate the
26 January 6th Attack on the U.S. Capitol as [REDACTED]. The attachment to
27 this email includes voluminous personally identifiable information of uninvolved third
28

1 parties and has not been included. The attachment will be provided to the Court if it so
2 requests.

3 23. Attached hereto as Exhibit T is a true and accurate copy of certain pages of
4 the transcript of the interview of Richard Donoghue by the Select Committee to
5 Investigate the January 6th Attack on the U.S. Capitol on October 1, 2021.

6 24. Attached hereto as Exhibit U is a true and accurate copy of a report by J.
7 Alex Halderman from March 26, 2021.

8 25. Attached hereto as Exhibit V is a true and accurate copy of an email from
9 [REDACTED] to Casey Lucier on March 10, 2022.

10 26. I declare under penalty of perjury that the foregoing is true and correct, to
11 the best of my knowledge.

12
13 Executed on May 26, 2022, in Washington, DC.

14
15 /s/ Timothy J. Heaphy
16 Timothy J. Heaphy
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