

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUNIZ, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, JOHN DOE, and THOMAS
BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS' MOTION TO COMPEL AND FOR SANCTIONS
AGAINST DEFENDANT JAMES FIELDS**

INTRODUCTION

On the last day of party document discovery, Defendant James Fields admitted he destroyed correspondence between himself and Defendant Vanguard America without producing it. That plainly and admittedly spoliated evidence was critical to this case because, among other things, it would have directly refuted both Fields's and Vanguard America's claims that they had never communicated, nor been associated with each other – a key element of the conspiracy.

Equally troubling is that, after nearly two years of discovery, Fields has produced zero documents in this case. He refuses to comply with the Court's discovery orders directing him to produce documents, identify and give access to his social media accounts, and instruct social media companies to release his messages to Plaintiffs. And, just weeks ago, Fields revealed for the first time that he will not comply with the Court's orders directing all "Defendants" to produce certain discovery, because he claims the Court's orders do not apply to him.

Fields also refuses to comply with Plaintiffs' written discovery requests. He has failed to answer discovery, has given insufficient answers, and has asserted baseless and nonsensical objections and responses – claiming, for example, that he need not produce documents that are in his attorneys' possession, need not produce documents created by anyone other than himself, and that documents regarding his racial violence and hatred are irrelevant unless they specifically mention the Charlottesville Unite the Right Rally on August 11 and 12, 2017 (the "Rally").

By any measure, Plaintiffs have been extremely patient with Fields. Because he is incarcerated, they have given him substantial leeway on the timing of his discovery responses and compliance with Court orders. Plaintiffs have indulged his counsel's representations that discovery delays have resulted from the logistical difficulty of communicating from prison, and have tolerated Fields's substantial procrastination in providing any discovery. In contrast, Fields

has used this courtesy as an opportunity to spoliage evidence and stonewall discovery. His complete refusal to produce *any* documents or comply with *any* discovery orders illustrates he has no intention of complying with his legal obligations. Accordingly, the Court should sanction Fields and award Plaintiffs the relief requested herein, including:

(1) deem authentic for purposes of Federal Rule of Evidence 901 any documents that Plaintiffs have a good-faith basis to believe Fields created, including all documents that appear to be from his social media accounts; and

(2) instruct the jury that Fields intentionally withheld documents and information and destroyed correspondence, including correspondence with Vanguard America, while he had a legal duty to preserve it, and that the jury may draw adverse inferences from that fact, including that Fields chose to withhold and destroy such documents and information because they contained evidence that Fields conspired to plan racially-motivated violence at the Rally.

While this Motion is filed as both a motion to compel and a motion for sanctions, it is clear Fields has not and will not produce discovery, and thus, the Court should impose sanctions. If the Court determines that Fields should be permitted another opportunity to produce, however, Plaintiffs ask that it be on a very short deadline, that sanctions be imposed when he fails to meet the deadline, and that Fields be sanctioned for the spoliation to which he has already admitted.

BACKGROUND

A. Fields Refuses to Comply with Plaintiffs' First Set of Discovery.

On January 25, 2018, Plaintiffs served Fields with a first set of document requests and interrogatories. *Exhibits A, B.* On April 16, 2018, Fields served his responses, in which he largely objected, did not respond, and/or otherwise failed to produce responsive information. *Exhibits C, D.* Fields refused to produce information based on objections that have no merit.

1. Fields Refuses to Produce Information Relating to Social Media.

Fields conceded he has social media accounts that contain relevant information. He identified a Twitter account and a Facebook account he used, and acknowledged he “liked and

retweeted and/or reposted the tweets and/or posts of others regarding the Rally.” *Exhibit C*, Nos. 3-6; *Exhibit D*, Nos. 1, 3; *Exhibit E*, No. 1. Fields also admitted he “follow[ed]” other co-defendants on social media (including YouTube and Twitter), recalls “reporting, retweeting, and/or liking items from their accounts,” “‘tagging’ David Duke” and “following Augustus Sol Invictus and Peinovich” on Twitter. *Exhibit C*, Nos. 5-6.

Despite this, Fields has not produced any documents from social media. He stated he “does not have the capability to access his social media accounts to provide complete responsive information.” *Id.*, Nos. 1-3, 5-6. During the meet and confer, however, Fields’s counsel explained he never asked Fields for his login information. It was not until February 5, 2020 – the deadline for Fields to produce all discovery material – that counsel asked Fields for his passwords. *Exhibit F*. Now, Fields says he cannot remember them, perhaps because he waited two years after Plaintiffs requested this information to try and produce it. *Id.*

Fields also admitted he has *undisclosed* social media accounts, including a Discord account. *Exhibit C*, Nos. 1, 5. But, he refuses to identify the accounts, disclose his user “handle” (*i.e.*, the name he used on the account), or produce documents from them. *E.g., id.*, No. 5 (“Fields specifically objects to providing information regarding any other Twitter accounts or social media accounts that he maintained or used prior to the summer of 2017 and that were never used to communicate about the Rally.”). Importantly, Fields’s undisclosed accounts contain highly relevant and critical information. Among the social media accounts he failed to disclose (and still has not disclosed) is his Instagram account. *Id.*, No. 5 (identifying only Twitter and Facebook). Plaintiffs discovered Fields has an Instagram account because a document used at Fields’s criminal trial shows Fields posted a message on Instagram captioned “When I see protesters blocking,” with an image of a vehicle striking a crowd of protesters.

Exhibit G. A few months after posting that message, Fields did precisely what he posted – he ran his car into a crowd of protesters, killing one person and injuring scores of others.

2. Fields Refuses to Produce Documents He did not “Originally” Create.

In response to several discovery requests, Fields stated he “did not post any original information regarding the rally.” *Exhibit C*, Nos. 3-4. The requests, however, are not limited to seeking only “original information” Fields created. Rather, they encompass any responsive information whether “original” or otherwise. Indeed, Fields admits such information exists. He concedes he posted information that originated from other people (“he recalls liking or retweeting posts of others”) and admits it “related to the August 12 rally” – he just contends he does not need to produce it. *Id.*, Nos. 5-6.

3. Fields Refuses to Produce Documents From Public Sources.

Fields informed Plaintiffs he is “in possession of publicly available documents” that are responsive, including unidentified “newspaper and website articles or blog posts.” *Id.*, No. 1. Fields, however, has not produced or identified them.

4. Fields Refuses to Produce Documents Unless they Specifically Concern the Rally.

Plaintiffs requested Fields produce documents concerning violence, intimidation, or harassment of people on the basis of race, religion, or ethnicity. *Exhibit A*, No. 4. Fields answered with respect *only* to documents specifically concerning the Rally. *Exhibit C*, No. 4. In other words, if a document shows Fields advocating racial, ethnic, or religiously-motivated violence, but does not explicitly mention the Rally (like Fields’s Instagram post about hitting protesters with a car), Fields is withholding it.

5. Fields Refuses to Produce Documents Related to his Criminal Case.

Plaintiffs asked Fields to produce non-privileged documents about any lawsuit or arrest related to alleged racial or ethnically motivated conduct by him or anyone else. *Exhibit A*, No. 7. Fields made the amazing assertion that – despite the fact that he was convicted of murder for such conduct – he does not have any responsive documents. *Exhibit C*, No. 7. That, put simply, cannot be the case. Indeed, Fields later contradicted himself, as he admitted his criminal attorneys have such documents. *Exhibit H*. Yet, Fields refuses to produce them, claiming he does not “have access to documents in the possession of criminal counsel.” *Id.* Fields claims “non-disclosure agreements” prevent his criminal lawyers from producing documents in their possession. *Id.* According to Fields’s counsel, “[i]t remains our position that neither Mr. Fields nor I have custody or control of those documents.” *Id.*

B. Fields Failed to Respond to Plaintiffs’ Second Set of Interrogatories.

On October 29, 2019, Plaintiffs served Fields with a second set of interrogatories. *Exhibit I*. His answers were due on November 28, 2019. On February 3, 2020 – more than two months after the deadline – Fields’s counsel served interrogatory “answers” that were not signed by Fields, but were answered only by his counsel, who did not discuss the interrogatories with Fields. *See infra*, pp. 23-24.

C. Fields Refused to Comply with the Court’s Discovery Orders.

Because of Fields’s and the other Defendants’ discovery deficiencies, Plaintiffs obtained multiple Court orders directing Defendants, including Fields, to provide discovery. On January 23, 2020, Fields’s counsel argued for the first time in this case that the Court’s discovery orders do “not apply to Fields.” *Exhibit H*. As detailed below, these orders directed all defendants – including Fields – to provide discovery, and Fields has not complied with any of them.

1. The ESI Order.

On November 19, 2018, the Court entered an order (“ESI Order”) requiring “Defendants” to: (a) provide Plaintiffs with a certification identifying all electronic devices and social media accounts that contain potentially relevant documents, (b) make those electronic devices and social media accounts available to a discovery vendor to collect, (c) disclose to plaintiffs any search terms or date ranges used, and (d) produce to plaintiffs all non-privileged responsive documents from those electronic devices and social media accounts. ECF No. 383, pp. 7-9.

The ESI Order included several deadlines for Defendants to complete these tasks, ranging from 14 to 28 days. *Id.* While the Court ruled that those deadlines did not apply to Fields “[d]ue to his current incarceration,” it ordered Fields and Plaintiffs to “enter into a separate stipulation and proposed order as to the timing to be applied to Defendant Fields.” *Id.*, p. 7 n.2. Fields has never submitted such a proposed order or complied with any of these obligations, despite that party document discovery has now closed.

2. The Social Media Order.

On October 28, 2019, the Court entered an order (the “Social Media Order”) requiring “each Defendant” to (a) contact the ESI vendor “to determine what specific information, if any, the vendor needs to access that Defendant’s identified social media accounts and devices”; (b) “give the Vendor the last known credentials used to access the identified social media accounts, regardless of whether the Defendant currently has access to the platform, or whether an account is active, inactive, or inaccessible”; and (c) “provide information to access any social media account” and “consent to access stored electronic communications.” ECF No. 582.

The Court ruled “[e]ach Defendant is responsible for providing complete and accurate credentials (or consent) to access any social media accounts within the Defendant’s control that

may contain discoverable information.” *Id.* The Court also noted that “all represented Defendants” (*i.e.*, including Fields) appeared by telephone to discuss the Social Media Order. *Id.* Fields has not, however, taken any of the steps the Social Media Order requires.

3. The Scheduling Order.

On November 27, 2019, the Court ordered that “[e]ach Defendant” must produce all discovery material by February 5, 2020. ECF No. 597. Fields failed to produce all discovery responses (and produced no documents) by that deadline.

In sum, Fields has not produced a single document to Plaintiffs, despite years of discovery, multiple sets of discovery requests, and multiple orders of the Court.

D. Fields Falsely Claimed He Cannot Communicate from Prison.

In November 2019, Plaintiffs reached out to Fields to try to resolve these wholesale discovery deficiencies. On December 10, 2019, Fields’s counsel represented to Plaintiffs that he is unable to provide discovery because:

I remain not able to communicate with my client. He has been transferred from state custody in Virginia to Federal Custody. I am told that he is in a federal penitentiary in West Virginia (I believe Hazelton FCI), however he is en route to his final destination at the Max Facility near Denver, Colorado.

Exhibit J. Fields’s counsel concluded that “I may need to ask the Court to enter an Order or otherwise facilitate my ability to communicate with my client.” *Id.* In the months since, however, he never did so.

On January 23, 2020, Fields’s counsel again represented “I remain unable to communicate with my client” despite “repeated attempts to contact him.” *Exhibit H.*

On February 3, 2020, Fields’s counsel again told Plaintiffs “I remain unable to contact my client at this time.” *Exhibit K.*

Fields is incarcerated at USP Hazelton, a federal prison in Bruceton Mills, West Virginia. *Exhibit L*. The prison is an approximately three and a half-hour drive from the Court. USP Hazelton allows inmates to have visitors, including inmates in holdover status (*i.e.*, inmates awaiting transfer). *Exhibit M*, ¶¶ 5, 7. And, inmates awaiting transfer are required to have mail privileges “similar to those of other inmates insofar as practical,” which generally means “full correspondence privileges.” 28 C.F.R. § 540.16 (2020).

USP Hazelton specifically allows attorneys to visit their clients. *Exhibit M*, ¶ 11. The prison “may not deny correspondence or visiting rights with attorneys generally,” and may not limit or deny an inmate’s visits or correspondence with his attorney unless the attorney or inmate threatened the security, good order, or discipline of the prison. 28 C.F.R. § 543.14 (2020). And, even then, the prison must give written notice to the attorney. *E.g., id.* § 540.19(c).

At 11:40 a.m. on February 4, 2020 – one day before Fields’ deadline to produce all discovery materials – Plaintiffs made one last-ditch effort to resolve the above deficiencies through a meet and confer. Plaintiffs’ counsel made clear they were planning to file this Motion and asked Fields’s counsel whether he had ever attempted to visit or correspond with Fields in federal prison. Fields’s counsel conceded he had not, despite his prior representations that he had “repeatedly” attempted and was “unable” to communicate with Fields. Less than two hours later, at 1:27 p.m., Fields’s counsel contacted Plaintiffs’ counsel to say that Fields’s counsel was able to schedule a telephone call with Fields to take place the following day, February 5.

E. Fields Admitted Destroying Critical Evidence.

After Fields’s counsel spoke with Fields on February 5, he revealed that Fields had received correspondence, including from Vanguard America (the “Vanguard Correspondence”), but Fields destroyed it while in jail:

Mr. Fields did receive letters during incarceration that concerned the August 12, 2017, Rally. To the best of his recollection, the only correspondence he received from any co-Defendants were Christmas cards from Vanguard America. He has not kept any of those cards.

Exhibit F. He also admitted Fields destroyed the letters relating to the Rally. *Id.*

The evidence Fields admits he destroyed was critical to the case because, at a minimum, it would have helped establish the connection between Fields and his co-conspirators. During the Rally, Fields marched with Vanguard America, alongside its acting leader, Thomas Rousseau. *Exhibit N; Exhibit O*, pp. 236-37. Fields and the others marching for Vanguard America were all wearing the same uniform (a white polo shirt and khaki pants) and carried black shields bearing the Vanguard America logo. *Exhibit O*, p. 219. Despite this, Rousseau claimed Fields was neither a member of, nor affiliated with, Vanguard America, and that Rousseau never communicated with him. *E.g., id.*, p. 139 (“I have never received any information whatsoever which suggest that he was affiliated with the organization in any way.”), p. 254 (“I have no recollection of saying a single word to Fields in my 20 years of life.”). Similarly, Dillon Hopper – the current leader of Vanguard America – claimed he has never communicated with Fields. *Exhibit P*, p. 75. And Fields claims he never communicated with Vanguard America. *E.g., Exhibit D*, No. 3. The cards from Vanguard America alone belie those sworn statements.

F. Plaintiffs Have Complied with Fields’s Discovery Requests.

In contrast to Fields’s refusal to provide virtually any answers or documents in response to Plaintiffs’ discovery requests, he expects Plaintiffs to comply fully with his discovery requests – and they have done so. To date, Plaintiffs have produced more than 80,000 pages of document to Fields and answered dozens of interrogatories he served on them.

ARGUMENT

I. FIELDS ENGAGED IN SEVERE AND SANCTIONABLE MISCONDUCT.

A. The Court Should Sanction Fields for Spoliating Evidence.

The Court has the inherent right to impose sanctions for spoliation. *Silvestri v. Gen. Motors Corp.*, 271 F.3d 583, 590 (4th Cir. 2001) (“The right to impose sanctions for spoliation arises from a court's inherent power to control the judicial process.”); *Suntrust Mortg., Inc. v. AIG United Guar. Corp.*, 2011 WL 1225989, at *14 (E.D. Va. 2011) (explaining that “spoliation of evidence is an abuse of the judicial process that is sanctionable under the inherent power” of the court).¹ “The policy underlying this inherent power of the courts is the need to preserve the integrity of the judicial process in order to retain confidence that the process works to uncover the truth.” *Silvestri*, 271 F.3d at 590.

“Spoliation refers to the destruction or material alteration of evidence or to the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation.” *Id.* Spoliation exists when a party (a) destroyed or altered evidence, and (b) had a duty to preserve that evidence. *E.I. du Pont de Menours & Co. v. Kolon Indust., Inc.*, 803 F. Supp. 2d 469, 496 (E.D. Va. 2011).

There can be no dispute the first element is satisfied because Fields admitted he destroyed the Vanguard Correspondence and other correspondence about the Rally. *Supra*, pp. 8-9.

As to the second element, Fields unquestionably had a duty to preserve the documents he destroyed. A party must preserve evidence “it knows, or reasonably should know, is relevant in

¹ Spoliation sanctions under Rule 37 apply to the destruction of “electronically stored information” (“ESI”). *See* Fed. R. Civ. P. 37(e). Thus, “by its plain terms, Rule 37(e) does not apply to every situation where spoliation occurs, including where the evidence lost or destroyed is not ESI. In those situations, a court must determine the sanctions available under its inherent authority.” *Steves & Sons, Inc. v. JELD-WEN, Inc.*, 327 F.R.D. 96, 104 (E.D. Va. 2018).

the action, is reasonably calculated to lead to the discovery of admissible evidence, is reasonably likely to be requested during discovery, and/or is the subject of a pending discovery request.”

E.I. du Pont de Menours & Co., 803 F. Supp. 2d at 496; *Silvestri*, 271 F.3d at 590. Once a moving party shows such material has been destroyed, “the burden to show otherwise falls on the party charged with spoliation.” *E.I. du Pont de Menours & Co.*, 803 F. Supp. 2d at 499.

Fields had an obligation to preserve his correspondence, including the Vanguard Correspondence, for three independent reasons: (a) it was likely to be requested during discovery, (b) it was the subject of a pending discovery request, and (c) it was relevant, or at a minimum, was reasonably calculated to lead to the discovery of admissible evidence.

First, Fields had an obligation to preserve since at least October 12, 2017 – the date the Complaint was filed. The Complaint alleged Fields was “a member of Defendant Vanguard America,” and coordinated with the other Defendants to commit the unlawful acts that injured Plaintiffs at the Rally. ECF No. 1, ¶¶ 24, 25, 63, 304. And, many of the allegations in the Complaint focus on the events at the Rally. Thus, it was obvious Plaintiffs would request that Fields produce correspondence with Vanguard America and/or about the Rally.

Second, Plaintiffs *did* request that Fields produce correspondence with Vanguard America and about the Rally. Several document requests directed Fields to produce such documents. *E.g.*, *Exhibit A*, Nos. 1, 3, 6.

Third, the spoliated evidence was highly relevant. Fields admitted the destroyed correspondence “concerned the August 12, 2017, Rally” – a key event at issue. *Supra*, pp. 8-9. And, the destroyed correspondence between Fields and Vanguard America would have been relevant to show an association between them – which both Fields and Vanguard deny. It also would have directly disproved Fields’s and Vanguard America’s claims that they never

communicated with each other. Thus, Fields’s spoliation deprived Plaintiffs of evidence relevant to establishing conspiracy, *i.e.*, “circumstantial evidence . . . of a defendant’s ‘relationship with other members of the conspiracy, the length of this association, the defendant’s attitude and conduct, and the nature of the conspiracy.’” *United States v. Masi*, 135 F.3d 771, at *6 (4th Cir. 1998) (table decision) (quoting *United States v. Burgos*, 94 F.3d 849, 858 (4th Cir. 1996)).

Further, the relevance of the destroyed correspondence is presumed because Fields destroyed it in bad faith. “[B]ad faith destruction occurs when a party engages in destruction ‘for the purpose of depriving the adversary of evidence.’” *E.I. du Pont de Menours & Co.*, 803 F. Supp. 2d at 497 (quoting *Powell v. Town of Sharpsburg*, 591 F.Supp.2d 814, 820 (E.D.N.C. 2008)). “Bad faith” exists, for example, where a party intentionally destroys documents after its duty to preserve arose and it had knowledge of the filing of the Complaint. *E.I. du Pont de Menours & Co.*, 803 F. Supp. 2d at 497; *Victor Stanley, Inc. v. Creative Pipe, Inc.*, 269 F.R.D. 497, 531 (D. Md. 2010) (finding bad faith where party “intentionally destroyed evidence when they were aware of the lawsuit”). “[I]f the record shows that a party destroyed or materially altered documents or materials in bad faith, that establishes, without more, that the destroyed documents or materials were relevant.” *E.I. du Pont de Menours & Co.*, 803 F. Supp. 2d at 499. This is “because of the logical inference that, when a party acts in bad faith, he demonstrates fear that the evidence will expose relevant, unfavorable facts.” *Id.* (quoting *Sampson v. City of Cambridge, Md.*, 251 F.R.D. 172, 180 (D. Md. 2008)).²

² While bad faith results in a presumption of relevance, it is not needed for spoliation sanctions. “In the Fourth Circuit, any level of fault, whether it is bad faith, willfulness, gross negligence, or ordinary negligence, suffices to support a finding of spoliation.” *E.I. du Pont de Menours & Co.*, 803 F. Supp. 2d at 497 (citing cases).

There should be no question Fields destroyed his correspondence in bad faith. He destroyed it after his duty to preserve arose, with knowledge of the Complaint, and with knowledge that Plaintiffs requested it. And he knew, at a minimum, the Vanguard Correspondence would have disproved his representations that he never communicated with Vanguard America. *Supra*, p. 9. Yet, he waited two years – until the last day of document discovery – to disclose his spoliation.

B. The Court Should Sanction Fields for Violating the Court’s Orders.

The Court should also sanction Fields for the separate and independent reason that he refuses to comply with multiple discovery orders. Rule 37 provides the Court may sanction a party if it “fails to obey an order to provide or permit discovery.” Fed. R. Civ. P. 37(b)(2).

Here, there is no question Fields failed to obey orders to provide and permit discovery. He violated the ESI Order by failing to (a) identify all electronic devices and social media accounts that contain potentially relevant documents (for example, by not disclosing his Instagram and Discord accounts, *supra*, p. 3), (b) make his social media accounts available to the discovery vendor to collect, and (c) search and produce the resulting documents to Plaintiffs. *Supra*, pp. 2-3. He also violated the Social Media Order because he never (a) contacted the ESI vendor “to determine what specific information, if any, the vendor needs to access that Defendant’s identified social media accounts and devices”; (b) gave the vendor the “last known credentials” to access his social media accounts; or (c) gave consent to disclose stored electronic communications.³ And Fields violated the Scheduling Order by failing to produce documents by February 5, 2020. There is no excuse for Fields’s refusal to comply with these orders.

³ Even if Fields no longer has access to his social media accounts, he still violated this order, which requires him to provide his “last known credentials” to the accounts regardless of whether he “currently has access” to the accounts or they are “inactive, or inaccessible.” ECF No. 582.

Putting aside the fact that the Court already ordered Fields to produce discovery, his objections to producing documents have no merit.

1. Fields Cannot Hide his Social Media Accounts and Documents.

Fields's refusal to identify his social media accounts (including Discord, Instagram, and YouTube) in the face of Court orders directing him to do so is improper and sanctionable. Much of the most important evidence in this case involves social media documents. Indeed, the one Instagram message from Fields that Plaintiffs have been able to obtain is evidence that Fields already had in his mind the idea of ramming protesters with a car *before the Rally even started*. Such documents are highly relevant – not only for their obvious relevance to claims against Fields – but also to the conspiracy claims, as other Rally participants engaged in communications about running down protesters with a car at the August 11-12 rally. *E.g.*, ECF No. 557, ¶¶ 236-240; ECF No. 335 (“[T]he exact possibility of running over counter-protesters was explicitly mentioned on the invite only Discord platform before the events.”).

As for the two accounts Fields has disclosed (Twitter and Facebook), he refuses to provide access to or documents from them or instruct the social media companies to release his messages to Plaintiffs. *Supra*, pp. 2-3.

2. Fields Cannot Hide Documents Created by Others.

There is no basis for Fields to limit his discovery responses only to “original information” (*i.e.*, documents he created, rather than documents created by others or that he received from others). *Supra*, p. 4. Indeed, Fields admits some documents include him interacting with other Defendants by “liking” or sharing content the other Defendants created. *Supra*, p. 4.

3. Fields Must Produce Documents That Do Not Refer to the Rally.

Fields refuses to produce documents under an unreasonably narrow and improper interpretation of relevance and responsiveness, claiming he need not produce documents about violence, intimidation, or harassment on the basis of race, religion, or ethnicity unless they specifically relate to the Rally. *Supra*, p. 4. Under Fields's interpretation, a document reflecting his general desire to kill innocent, non-white protesters would be non-responsive simply because it does not specifically mention the Rally. That is plainly incorrect. Relevance in discovery "is broadly construed 'to encompass any matter that bears on, or that reasonably could lead to other matter that could bear on, any issue that is or may be in the case.'" *Philips v. Pitt Cty. Mem'l Hosp. Inc.*, 2005 WL 8159154, at *2 (E.D.N.C. 2005) (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351 (1978)). Documents concerning violence, intimidation, or harassment of people on the basis of race, religion, or ethnicity, for example, directly bear on Plaintiffs' claims regardless of whether they explicitly mention the Rally.

4. Fields Cannot Hide Responsive Documents Merely Because They Are or Might be Available From Other Sources.

Fields's refusal to produce responsive documents that are "public" is improper. A party cannot withhold documents simply because they are available from another non-party source. *Attorneys Liab. Prot. Soc'y, Inc. v. Woody*, 2013 WL 11328456, at *4 (D.S.C. 2013) (holding that a party must produce public documents "to the extent that the documents are within their 'possession, custody or control'" (quoting Fed. R. Civ. P. 34)); *Susko v. City of Weirton*, 2010 WL 1881933, at *2 (N.D. W. Va. 2010) ("The fact that the information sought is equally available to the interrogator, or is a matter of public record, does not render the interrogatories objectionable."). Indeed, Fields does not even identify the "public" responsive document he has, so Plaintiffs have no way of identifying or locating them from a public source.

5. Fields Cannot Shield from Discovery Non-Privileged Documents in his Attorneys' Possession.

Fields has no legal basis to assert that non-privileged documents in the possession of his criminal defense counsel are outside the scope of discovery. It is well established that documents held by counsel are deemed to be within a party's possession, custody, or control, and thus must be produced. *Beach Mart, Inc. v. L&L Wings, Inc.*, 302 F.R.D. 396, 411 (E.D.N.C. 2014) *aff'd sub nom.* 784 F. App'x 118 (4th Cir. 2019) (“[A] party has control of documents where a party's attorney or former attorney has control, custody, or possession of those documents.”); *Poole ex rel. Elliott v. Textron, Inc.*, 192 F.R.D. 494, 501 (D. Md. 2000) (Agreeing with plaintiff that “documents in the possession, custody or control of a party's attorney or former attorney are within the party's ‘control’ for the purposes of Rule 34.”).

Even if Fields's criminal counsel signed a “non-disclosure” agreement, such agreements cannot preclude the production of documents for the purpose of discovery. *E.g., Nat'l Union Fire Ins. Co. of Pittsburgh, PA v. Porter Hayden Co.*, 2012 WL 628493, at *2 (D. Md. 2012) (“There is no privilege for documents merely because they are subject to a confidentiality agreement, and confidentiality agreements do not necessarily bar discovery that is otherwise permissible and relevant.”). And regardless of whether Fields's criminal defense lawyers signed a non-disclosure agreement regarding documents obtained from the prosecution, that is irrelevant to his required disclosure of responsive documents obtained from other sources.

II. THE PROPER SANCTION IS AN ADVERSE INFERENCE INSTRUCTION.

This Court has wide discretion under its inherent authority and Rule 37 to sanction a party for destroying or failing to produce evidence. Fed. R. Civ. P. 37(b)(2), (d)(3); *Vodusek v. Bayliner Marine Corp.*, 71 F.3d 148, 155 (4th Cir. 1995) (“The trial court has broad discretion to permit a jury to draw adverse inferences from a party's failure to present evidence, the loss of

evidence, or the destruction of evidence.”). When exercising that authority, the Court may “use as many and as varied sanctions as are necessary to hold the scales of justice even.” *Victor Stanley, Inc. v. Creative Pipe, Inc.*, 2016 WL 1597119, at *4 (D. Md. 2016) (quoting Charles Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2284 (3d ed. 2015)). Indeed, where a party’s conduct is “so prejudicial that it substantially denied the aggrieved party the ability to prove its claim,” the most severe sanction – entry of default judgment – is proper. *E.I. du Pont de Menours & Co.*, 803 F. Supp. 2d at 500 (quoting *Silvestri*, 271 F.3d at 593).

When spoliation occurs, “an adverse inference may be drawn against a party who destroys relevant evidence.” *Vodusek*, 71 F.3d at 155. “Such an instruction can be critical to assisting the innocent party in establishing the nature of the evidence that has gone missing” and “ameliorate any prejudice to the innocent party by filling the evidentiary gap created by the party that destroyed evidence.” *Ottoson v. SMBC Leasing & Fin., Inc.*, 268 F. Supp. 3d 570, 584 (S.D.N.Y. 2017) (citation and internal quotation marks omitted). These remedies are the only way to properly “level[] the evidentiary playing field.” *Vodusek*, 71 F.3d at 156.

An adverse inference is also the proper sanction when a party refuses to produce documents and otherwise completely stonewalls discovery. *E.g.*, *KBA-Giori, N. Am., Inc. v. Muhlbauer, Inc.*, 2009 WL 10689479, at *5 (E.D. Va. 2009) (“[T]he Court instructed the jury that they could draw an adverse inference on the issues” based on “Defendants’ failure to comply with their discovery duties,” which included a failure “to answer interrogatories and identify documents in a timely manner.”); *see also Lee v. n-Link Corp.*, 2014 WL 3909532, at *6 (D.S.C. 2014) (recommending “an adverse inference instruction to the jury related to plaintiff’s failure to provide truthful deposition testimony and responses to written discovery.”); *First Mariner Bank v. Resolution Law Grp.*, 2013 WL 5797381, at *14 (D. Md. 2013) (explaining that an adverse

inference would be “appropriate if material evidence was destroyed or entirely withheld” and instructing the jury that they “may draw a negative inference from the failure to produce information.”).

The Fourth Circuit applies a four-part test to determine whether to impose sanctions: “(1) whether the noncomplying party acted in bad faith, (2) the amount of prejudice that noncompliance caused the adversary, (3) the need for deterrence of the particular sort of noncompliance, and (4) whether less drastic sanctions would have been effective.”⁴ *Anderson v. Found. for Advancement, Educ. & Emp’t of Am. Indians*, 155 F.3d 500, 504 (4th Cir. 1998). Consideration of these factors shows the Court should sanction Fields by ordering an adverse inference jury instruction and ruling his documents are admissible.

1. Fields Acted in Bad Faith.

As detailed above, Fields’s acted in bad faith when he destroyed evidence. *Supra*, pp. 12-13. He also acted in bad faith in not responding to discovery. Bad faith in discovery “includes willful conduct, where a party clearly understands its duty to the court but nevertheless deliberately disregards it.” *Lonewolf v. Garrett*, 2019 WL 2016708, at *3 (W.D. Va. 2019). There is “ample evidence of bad faith” when the Court orders a party to provide discovery, but the party fails to do so. *Id.*; *Dusé v. Barnes & Noble, Inc.*, 2011 WL 13192908, at *2 (E.D. Va. 2011) (where a party “made a conscious decision not to participate” in the case, “[s]uch a refusal amounts to bad faith”), *report and recommendation adopted*, 2012 WL 12973545, at *1 (E.D. Va. 2012), *aff’d*, 473 F. App’x 189 (4th Cir. 2012). When the disobedient party claims it did not comply with a discovery order only because it interpreted it differently than the movant, the

⁴ Courts consider similar facts under their inherent authority. *See, e.g., Projects Mgmt. Co. v. Dyncorp Intern. LLC*, 734 F.3d 366, 374 (4th Cir. 2013); *United States v. Shaffer Equip. Co.*, 11 F.3d 450, 462–63 (4th Cir. 1993).

Court will still find bad faith if the discovery order “could not reasonably have been interpreted” the way the disobedient party asserts. *Lonewolf*, 2019 WL 2016708 at *3.

Here, Fields’s non-compliance with the Court’s multiple orders cannot be anything other than bad faith. Each of the orders clearly applied to Fields, yet he wholly disregarded them. *Supra*, pp. 13-14. And none of the Orders could “reasonably have been interpreted” not to apply to him. They explicitly applied to “all defendants” or “each defendant.” *Supra*, pp. 5-7. At best, only one of the three orders (the ESI Order) exempted Fields only as to the *deadline* for compliance, but even then it did not exempt him from his ultimate *obligation* to produce the discovery required by the ESI Order. *Supra*, p. 6.

2. Fields’s Conduct Prejudices Plaintiffs.

“The rules of discovery are designed to prevent prejudice due to inadequate trial preparation.” *Lonewolf*, 2019 WL 2016708 at *4 (“A court must consider how the absence of the unproduced evidence impairs the other party’s ability to establish its case and whether the non-complying party’s conduct deprives the other party of a fair trial.”). Thus, the failure to provide discovery inherently prejudices the opposing party by limiting its ability to prepare its case. *Diamond v. Mohawk Indus. Inc.*, 2014 WL 1404563, at *5 (W.D. Va. 2014) (finding defendant was “greatly prejudiced by the inability to . . . communicate with [plaintiff] in any regular fashion about the case, or receive responsive documents from him.”); *Pruitt v. Bank of Am., N.A.*, 2016 WL 7033972, at *2 (D. Md. 2016) (“Interrogatories and depositions are important elements of discovery; [a party] would be hard-pressed to conduct its case without them. When a [party] refuses to respond to such requests, it can have a debilitating effect on the rest of the litigation.”); *Shatsky v. Syrian Arab Republic*, 312 F.R.D. 219, 226 (D.D.C. 2015)

(“[The] failure to abide by discovery deadlines is prejudicial when it prevents the opposing party from timely reviewing relevant evidence.”).

Plainly, Fields severely prejudiced Plaintiffs by destroying his correspondence. That evidence was directly related to key issues in the case, including the events at the Rally; and establishing Fields communicated, had a relationship, and associated with Vanguard America, which both Fields and Vanguard America deny. *Supra*, pp. 7-8.

Fields also caused prejudice by not complying with the Court’s orders and refusing to produce discovery. Non-compliance with Court’s discovery orders causes prejudice because it inhibits the other party’s ability to obtain and evaluate the evidence in preparation for expert discovery, dispositive motions, and trial – particularly where, as here, the deadline for party document productions has passed. *E.g.*, *Lonewolf*, 2019 WL 2016708 at *4 (holding movant suffered prejudice from non-movant’s discovery violations because “discovery in this case is now closed”); *see also Peek v. Golden Nugget Hotel & Casino*, 1995 WL 309197, at *3 (9th Cir. 1995) (affirming dismissal sanction where movant “will be prejudiced because the discovery deadline has passed and, as a result of [the non-complying party’s] noncompliance with many of its requests,” it “would have been prejudiced if forced to proceed to trial.”); *Carroll v. Allstate Fire & Cas. Ins. Co.*, 2014 WL 859238, at *6 (D. Colo. 2014) (holding party was prejudiced because opposing party violated discovery obligations and now “discovery is closed”).

Where, as here, the evidence sought “goes to the heart” of the case, a defendant causes “significant prejudice” by not producing it. *Hendricks v. Quikrete Companies, Inc.*, 2017 WL 2711131, at *4 (D. Md. 2017). This is especially true in a conspiracy case like this one, because there is already an “inherent difficulty in proving conspiracy.” *Precision Piping & Instruments, Inc. v. E.I. duPont De Nemours & Co.*, 707 F. Supp. 225, 228 (S.D. W. Va. 1989).

The February 5 deadline for parties to produce documents has come and gone. Even if Fields completed his discovery obligations promptly, Plaintiffs would have little time to review and evaluate the production, which inhibits their ability to assess whether additional discovery is needed, and to prepare for depositions, expert discovery, third party discovery, dispositive motions, and trial. Indeed, the Court recognized months ago it is “self-evident” that Defendants’ failure to comply with the Court’s orders harms Plaintiffs’ “ability to timely develop and present Plaintiffs’ case.” ECF No. 599, p. 12. Now, months later, the prejudice has only become worse.

3. The Court Should Deter Parties from Destroying Evidence, Ignoring Court Orders, and Stonewalling Discovery.

Sanctions should be severe enough to deter parties from engaging in extreme misconduct like spoliating relevant evidence. *E.I. du Pont de Nemours & Co.*, 803 F. Supp. 2d at 510. Substantial deterrence is also necessary where a party has long ignored the Court’s repeated discovery orders because then, “[p]lainly, [the party’s] discovery intransigence is undeterred.” *Lonewolf*, 2019 WL 2016708 at *4; *Flame S.A. v. Industrial Carriers, Inc.*, 39 F. Supp. 3d 752, 765 (E.D. Va. 2014) (“Continued contumacious behavior and abuse through non-compliance with [a Court’s] orders cannot be tolerated. And with discovery’s important role in modern litigation, deterrence is greatly needed.”); *Green v. John Chatillon & Sons*, 188 F.R.D. 422, 425 (M.D.N.C. 1998) (dismissing action as sanction for plaintiff’s failure to provide discovery eight months after the original requests and two months after being ordered to do so); *Young Again Prod., Inc. v. Acord*, 459 F. App’x 294, 303 (4th Cir. 2011) (“‘[S]talling and ignoring the direct orders of the court with impunity’ is ‘misconduct’ that ‘must obviously be deterred.’” (quoting *Mut. Fed. Sav and Loan Ass’n v. Richards & Assocs., Inc.*, 872 F.2d 88, 93 (4th Cir. 1989))). This is because “not only does the noncomplying party jeopardize his or her adversary’s case by such

indifference, but to ignore such bold challenges to the district court's power would encourage other litigants to flirt with similar misconduct.” *Mut. Fed. Sav. & Loan*, 872 F.2d at 92.

Here, the Court should issue sanctions because it would deter parties, like Fields, who destroy relevant evidence requested in discovery, engage in longstanding non-compliance with the Court's orders, and completely fail to produce a single document in discovery. Indeed, many of the Defendants in this case have ignored the Court's discovery orders, but the Court's admonishments and sanctions to date have not deterred such conduct. Rather, multiple Defendants – including Fields – simply continue to flout their legal obligations to Plaintiffs and the Court and abuse the discovery process. *E.g.*, ECF Nos. 483, 539, 582, 610.

4. No Less Drastic Sanction Would be Effective.

An adverse inference is the proper sanction when a party deleted relevant evidence, fails to produce documents, is late with the little discovery it does provide, and otherwise fails to participate in discovery. *E.g.*, *KBA-Giori, N. Am., Inc.*, 2009 WL 10689479 at *6 (“[T]he Court instructed the jury that they could draw an adverse inference on the issues” based on “Defendants’ failure to comply with their discovery duties,” which included a failure “to answer interrogatories and identify documents in a timely manner.”); *see also Lee*, 2014 WL 3909532 at *6 (recommending “an adverse inference instruction to the jury related to Plaintiff’s failure to provide truthful deposition testimony and responses to written discovery”); *First Mariner Bank*, 2013 WL 5797381 at *14 (explaining that an adverse inference would be “appropriate if material evidence was destroyed or entirely withheld” and instructing the jury that they “may draw a negative inference from the failure to produce information.”); *Butler v. DirectSat USA, LLC*, 2013 WL 6629240, at *1 (D. Md. 2013) (“A party’s total failure to comply with the mandates of discovery, with no explanation for that failure, can certainly justify this harshest of sanctions.”).

In light of Fields's incarceration, an adverse inference is the only way to remedy his failures. Because he has refused to produce documents from, or give access to, his social media accounts, Plaintiffs have no way to know whether they contain additional highly relevant evidence. And, we already know they contain such evidence—one of Fields's social media messages Plaintiffs have obtained so far is highly relevant because it shows him discussing hitting protesters with a car months before he actually did so.

5. Incarceration Does Not Excuse Fields's Discovery Obligations.

Fields's incarceration is no excuse for him to refuse to participate in discovery or comply with the Court's orders. *Corzine v. U.S. Army*, 2011 WL 6130775, at *2 (E.D.N.C. 2011) (rejecting a party's argument that "he is incarcerated in another state and cannot conduct discovery"). Indeed, Fields is represented by counsel in this matter. He has had two years to produce responsive documents and information while in custody. Notwithstanding Fields's transfer to federal incarceration, there has been ample time for counsel to obtain information and documents to produce to Plaintiffs by visiting Fields or corresponding with him through mail. *Supra*, pp. 7-8. Indeed, Fields's incarceration has not prevented him from serving offensive discovery, and he has feasted on discovery from Plaintiffs, who have produced more than 80,000 pages of documents. Fields expects Plaintiffs to give him discovery and comply with the Court's orders, but not the other way around. The Court should not condone such behavior.

III. THE COURT SHOULD SANCTION FIELDS FOR FAILING TO ANSWER PLAINTIFFS' SECOND SET OF INTERROGATORIES.

The Court can sanction a party if it "fails to serve its answers, objections, or written response" to interrogatories. Fed. R. Civ. P. 37(d)(1)(A)(ii). Sanctions include any of the sanctions available for non-compliance with a Court order. *Supra*, pp. 21-23.

Interrogatories must be answered “by the party to whom they are directed” and “[t]he person who makes the answers must sign them.” Fed. R. Civ. P. 33(b). Conversely, the attorney “must sign any objections.” *Id.* Here, Fields did not answer Plaintiffs’ second interrogatories. They were answered by his counsel, who admitted answering them without communicating with his client. *Supra*, p. 5.⁵ Accordingly, for the same reasons described above (*supra*, pp. 16-23), the Court should sanction Fields by ordering an adverse inference jury instruction as to his failure to answer these interrogatories.

IV. THE COURT SHOULD AWARD ATTORNEY’S FEES AND COSTS TO PLAINTIFFS.

When the Court imposes sanctions, Rule 37 requires it to order the non-compliant or non-producing party to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees, unless the failure was substantially justified or an award would be unjust. Fed. R. Civ. P. 37(b)(2)(C) (fees for failure to comply with court order); Fed. R. Civ. P. 37(d)(3) (fees for failure to answer interrogatories). Here, there is no substantial justification for Fields’s refusal to comply with the Court’s orders or provide discovery, and an award of fees would not be unjust. Accordingly, the Court should award Plaintiffs’ the reasonable attorney’s fees and expenses incurred as a result of Fields’s discovery failures.

⁵ Even putting aside that the interrogatories were answered by Fields’s lawyer, not Fields, the substance of the “answers” are glaringly deficient. When asked to describe communications with co-defendants, Fields’s lawyer did not disclose the substance of the communications. *Exhibit E*, No. 1. When asked to identify the expenses incurred planning, organizing, and attending the Rally, Fields’s lawyer generally referred to “fuel for [Fields’s] vehicle,” without specifying an amount, and included no other expenses (*e.g.*, food). *Id.*, No. 2. Fields’s lawyer also refused to answer multiple interrogatories on the grounds of the Fifth Amendment right against self-incrimination. *Id.*, Nos. 6-7, 10. But because those objections were served months late, they are waived. Fed. R. Civ. P. 33(b)(4). And, in any event, the Fifth Amendment right against self-incrimination does not exempt a party from civil discovery or sanctions for refusing to provide a complete answer. ECF No. 288, pp. 2-3; *see Skinner v. Armet Armored Vehicles, Inc.*, 2015 WL 540156, at *3-4 (W.D. Va. 2015).

CONCLUSION

For the foregoing reasons, the Court should grant this Motion and order the requested relief, in addition to any other relief as the Court deems just and proper.

Dated: March 9, 2020

Respectfully submitted,

/s/ David E. Mills

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Counsel for Plaintiffs

RULE 37 CERTIFICATION

Plaintiffs hereby certify pursuant to Rule 37(a)(1) that they have attempted in good faith to meet and confer with James Fields about the issues raised by this Motion.

Dated: March 9, 2020

Respectfully submitted,

/s/ David E. Mills
David E. Mills (*pro hac vice*)
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I further hereby certify that on March 9, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

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Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

V.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
"AZZMADOR" RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL "ENOC"
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS' [CORRECTED]
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
TO ALL DEFENDANTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure ("FRCP"), Plaintiffs hereby request that Defendants produce the following documents and tangible things at the offices of Boies Schiller Flexner LLP, 575 Lexington Avenue, New York, NY 10022, no later than thirty (30) days from service of this First Set of Requests for Production of Documents (the "Requests"), unless otherwise agreed by the parties or required by any scheduling order entered by the Court in this action.

The Definitions and Instructions that appear below form an integral part of the Requests that follow and must be read in conjunction with them and followed when responding to the Requests.

DEFINITIONS

In each Definition, the singular shall include the plural and the plural shall include the singular. Terms used herein shall have the following meanings:

1. “Amended Complaint” means the amended complaint filed in the above-captioned litigation as ECF docket entry number 175.
2. “Communication” means, in addition to its customary and usual meaning, every contact of any nature, whether documentary, electronic, written or oral, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred by any means, including, but not limited to letters, memoranda, reports, emails, text messages, instant messages, social media postings, telegrams, invoices, telephone conversations, voicemail messages, audio recordings, face-to-face meetings and conversations, or any other form of correspondence, and any Document relating to such contact, including but not limited to correspondence, memoranda, notes or logs of telephone conversations, e-mail, electronic chats, text messages, instant messages, direct or private messages, correspondence in “meet ups” or chat rooms, and all other correspondence on Social Media. Without limiting the foregoing in any manner, commenting as well as any act of expression that is not directed at a specific person, or otherwise may not be intended to provoke a response (such as a social media posting, “likes,” “shares,” or any other form of reacting to another’s use of Social Media), are forms of communication.
3. “Concerning” means, in addition to its customary and usual meaning, relating to, pertaining to, referring to, alluding to, confirming, constituting, comprising, containing, commenting upon, responding to, discussing, describing, embodying, evaluating, evidencing, identifying, in connection with, involving, mentioning, noting, pertaining to, probative of, related to, relating to, reflecting, referring to,

regarding, setting forth, supporting, stating, showing, touching upon, dealing with, assessing, recording, bearing upon, connected with, in respect of, about, indicating, memorializing, proving, suggesting, having anything to do with, contradicting, and summarizing in any way, directly or indirectly, in whole or in part, the subject matter referred to in the Request.

4. “Document” or “Documents” means documents broadly defined in FRCP Rule 34, and includes (i) papers of all kinds, including but not limited to, originals and copies, however made, of letters, memoranda, hand-written notes, notebooks, work-pads, messages, agreements, rough drafts, drawings, sketches, pictures, posters, pamphlets, publications, news articles, advertisements, sales literature, brochures, announcements, bills, receipts, credit card statements, and (ii) non-paper information of all kinds, including but not limited to, any computer generated or electronic data such as digital videos, digital photographs, audio recordings, podcasts, Internet files (including “bookmarks” and browser history), online articles and publications, website content, electronic mail (e-mail), electronic chats, instant messages, text messages, uploads, posts, status updates, comments, “likes”, “shares”, direct messages, or any other use of Social Media, and (iii) any other writings, records, or tangible objects produced or reproduced mechanically, electrically, electronically, photographically, or chemically. Without limiting the foregoing in any way, every Communication is also a Document.

5. “Events” means the occurrences and activities described in Paragraphs 45 to 335 of the Amended Complaint.

6. “Person” means a natural person or individual, and any corporation, partnership, limited liability company, unincorporated association, governmental body or agency, or any other form of organization, group, or entity.

7. “Social Media” means any forum, website, application, or other platform on which persons can create, transmit, share, communicate concerning, or comment upon any information, ideas, or opinions, or otherwise engage in social networking. Without limiting the foregoing in any manner, and by way of

example only, the following are social media platforms: comment sections of websites, Facebook, Discord, Reddit, Imgur, SnapChat, Instagram, Google+, 4chan, 8chan, Twitter, Tumblr, Youtube, and instant messaging services such as Signal, WhatsApp, Messenger, Hangouts, or Skype. Without limiting the foregoing in any manner, and by way of example only, the following are methods of using social media platforms: uploading, posting, commenting, reacting (e.g., “liking” a post), and sharing.

8. “You,” “Your,” or “Yours” refers to the Defendants to whom the Interrogatories are addressed and includes any persons or entities acting for them or on their behalf, including but not limited to all representatives, servants, agents, employees, officers, affiliates, subsidiaries, parent companies, third parties, attorneys, as well as any entities over which any of the Defendants have control.

INSTRUCTIONS

A. These Requests are issued to each Defendant, and each individual Defendant must fully respond, search for and produce all Documents and Communication responsive to these Requests.

B. Your responses to the following Requests shall be based on all knowledge and information (whether or not hearsay or admissible) in your possession, custody, or control.

C. These Requests are continuing in nature. If, after making initial responses, Defendants obtain or become aware of any further Documents responsive to the Requests, Defendants are required to supplement their responses and provide such Documents pursuant to FRCP Rule 26(e).

D. If, in responding to any of the following Requests, you encounter any ambiguity or confusion in construing either a Request or a Definition or Instruction relevant to a Request, set forth the matter deemed ambiguous, select a reasonable interpretation that you believe resolves the ambiguity, respond to the Request using that interpretation, and explain with particularity the construction or interpretation selected by you in responding to the Interrogatory.

E. In the event any document or information is withheld on the basis of the attorney-client privilege, work product doctrine, or any other right to non-disclosure on any other basis, furnish a list

identifying the documents, communications, or information for which the protection is claimed together with the following (if applicable): the type of document or communication; the date or dates of the document or communication; the name, position and address of each person who participated in the document or communication, to whom the document or communication was addressed, or to whom the document or communication or the contents thereof have been communicated by any means; the general subject matter of the document, communication, or information; the specific basis for nonproduction or non-disclosure; and a description that you contend is adequate to support your contention that the document, communication, or information may be withheld from production and/or disclosure. If a document or communication is withheld on the ground of attorney work product, also specify whether the document or communication was prepared in anticipation of litigation and, if so, identify the anticipated litigation(s) upon which the assertion is based.

F. If You object to production in response to a specific request, You shall state with particularity the basis for all objections with respect to such request. You should respond to all portions of that request that do not fall within the scope of Your objection. If You object to a Request on the ground that it is overly broad, provide such documents that are within the scope of production that You believe is appropriate. If You object to a Request on the ground that to provide responsive documents would constitute an undue burden, provide such responsive documents as You believe can be supplied without undertaking an undue burden.

G. Whether or not You object, You must preserve all Documents and Communications relevant to the lawsuit, including all Documents and Communications responsive to these Requests. You must also preserve all hardware, software and log files related to databases; servers; archives; backup or recovery disks, files and servers; networks or computer systems including legacy systems; magnetic, optical or other storage media, including hard drives and other storage media; laptops; personal computers; personal digital assistants; handheld wireless devices; mobile telephones; paging

devices; and audio systems, including iPods. You must take every reasonable step to preserve this information until the final resolution of this matter. This includes, but is not limited to, discontinuing all data destruction and backup recycling policies; preserving and not disposing relevant hardware unless an exact replica of the file is made; preserving and not destroying passwords; encryption and accompanying decryption keys; network access codes, including login names; decompression or reconstruction software; maintaining all other pertinent information and tools needed to access, review, and reconstruct all requested or potentially relevant electronically stored information and data. Where any alterations or deletions of any of the documents and data requested by the subpoena have been made since August 11, 2017, You should provide a log detailing any changes and deletions, the individual who made those changes and deletions, and the purpose for which the changes and deletions were made.

H. Produce all responsive documents in Your possession, custody, or control, regardless of whether such documents are possessed directly by You or persons under Your control, including Your agents, employees, representatives, or attorneys, or their agents, employees, or representatives. To the extent that you do not have copies of communications made or received by you that are responsive to these requests, you must provide the consent necessary under the Stored Communications Act, *see* 18 U.S.C. § 2702(b)(3), to permit the providers of electronic communication services and remote computing services, *see* 18 U.S.C. § 2702(a)(1)-(2), to produce the documents.

I. Produce each responsive document in its entirety including with all attachments or other matters affixed thereto.

J. Each Document produced in response to these Requests shall be produced in accordance with the specifications described in Exhibit A attached hereto, or as agreed by the parties or ordered by the Court.

K. References to any natural person shall be deemed to include that natural person's agents, servants, representatives, current and former employees, and successors.

L. References to any non-natural person (e.g., corporation, partnership, entity, membership organizations, etc.) shall be deemed to include that non-natural person's predecessors, successors, divisions, subsidiaries, parents, assigns, partners, members, and affiliates, foreign or domestic, each other person directly or indirectly, wholly or in part, owned by, controlled by, or associated with them, and any others acting or purporting to act on their behalf for any reason, and the present and former officers, directors, partners, consultants, representatives, servants, employees, assigns, attorneys, and agents of any of them.

M. The use of the singular form of any word includes the plural and vice versa.

N. The use of the past tense includes the present tense and vice versa, as necessary to bring within the scope of each request all responses that might otherwise be considered outside its scope. Whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods.

O. The terms "and" and "or" should be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

P. The word "all" means "any and all"; the word "any" means "any and all."

Q. The term "including" means "including, without limitation."

R. The masculine includes the feminine and neutral genders.

S. Unless otherwise specified, the time period to which these Requests refer is from January 1, 2015 to the present. If any document is undated and the date of its preparation cannot be determined, the document shall be produced if otherwise responsive to any of the Requests.

DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1:

All Documents and Communications concerning the Events, including without limitation all documents and communications:

- i. concerning any preparation, planning, transportation to, or coordination for, the Events, including receipts, bills and credit card statements reflecting costs for transportation, lodging, apparel, gear, or any other material purchased for the Events;
- ii. concerning any instructions or coordination relating to the Events, including security details, what to wear, what to bring, when to meet, where to meet, what to say, and any other logistical information or arrangements;
- iii. that are Social Media documents concerning the Events;
- iv. you created during the Events, including Social Media, text messages, video, and photographs;
- v. concerning African Americans, Jewish individuals, or other religious, racial, or ethnic minorities that relate in any way to the Events;
- vi. concerning any statement or action attributed to You in the Amended Complaint; or
- vii. concerning any allegation of an altercation, violent act, injury, or instance of intimidation or harassment that occurred during the Rally, including but not limited to James Fields' vehicular incident; or
- viii. concerning any funding of the Events, including for transportation, housing, food, weapons, uniforms, signage, tiki torches, or other materials or services used in connection with the Events (or the planning thereof)..

REQUEST FOR PRODUCTION NO. 2:

All Documents and Communications concerning events, meetings, rallies, conferences, or conversations held prior to the Events that relate to the Events in any way.

REQUEST FOR PRODUCTION NO. 3:

All Documents concerning and all Communications concerning or with East Coast Knights of the Ku Klux Klan (or East Coast Knights of the True Invisible Empire), Fraternal Order of the Alt-Knights, Identity Europa (or Identity Evropa), League of the South, Loyal White Knights of the Ku Klux Klan (or Loyal White Knights Church of the Invisible Empire Inc.), Moonbase Holdings, LLC, Nationalist Socialist Movement, Nationalist Front (or Aryan National Alliance), Traditionalist Worker Party, Vanguard America, or any such other social group or organization that has as part of its agenda a racial, religious, or ethnic objective.

REQUEST FOR PRODUCTION NO. 4:

All Documents and Communications concerning violence, intimidation, or harassment of Persons on the basis of race, religion, or ethnicity, including but not limited to, ethnic cleansing, white genocide, a white ethno-state, or any other form of large or small scale violence.

REQUEST FOR PRODUCTION NO. 5:

For any Social Media account You had from January 1, 2015, to the present:

- i. Documents and Communication sufficient to show the account home page, and all uses of Social Media for that account that reference or concern the Events or Defendants in any way.
- ii. Documents and Communication sufficient to show all Your “friends” and/or “social connections” maintained on Your account, including their names, addresses, and social network usernames or handles.

REQUEST FOR PRODUCTION NO. 6:

All Documents concerning and all Communications concerning or with any Plaintiff or Defendant (other than You) named in the Amended Complaint, and any other Person who attended, planned or was involved in the Events.

REQUEST FOR PRODUCTION NO. 7:

All Documents and Communications concerning any lawsuits, claims of violence, or arrests relating to or arising out of racially, ethnically, or religiously motivated conduct by You or any Defendant named in the Amended Complaint.

REQUEST FOR PRODUCTION NO. 8:

All Documents and Communications concerning the steps you have taken to preserve Documents and Communications relevant to the lawsuit, including the Documents and Communications responsive to these Requests.

Dated: January 25, 2018
New York, NY

/s/ Philip M. Bowman
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Yotam Barkai (*pro hac vice*)
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Counsel for Plaintiffs

EXHIBIT A

1. PRODUCTION FORMAT

- a) To avoid the production of more than one copy of a unique item, use industry standard MD5 or SHA-1 hash values to de-duplicate all files identified for production. Loose e-files will not be compared to email attachments for de-duplication purposes. Hard copy documents containing handwritten notes will not be considered as duplicative of any other document.
- b) Where documents with attachments are produced, they will be attached in the same manner as included in the original file. Where documents are produced and all attachments thereto are not included, identify the missing attachments by means of a “place holder” file, and explain the reason for their non-production. Documents that are segregated or separated from other documents, whether by inclusion of binders, files, dividers, tabs, clips or any other method, will be produced in a manner that reflects these divisions. If any portion of a document is responsive, the entire document should be submitted. Do not redact any non-privileged content from any document absent a separate agreement.
- c) Productions should be delivered on an external hard drive, CD, DVD, or via FTP (or other secure online transfer). If a delivery is too large to fit on a single DVD, the production should be delivered on an external hard drive or via FTP upon agreement with Defendants.
- d) Documents shall be produced as Bates-stamped tagged image file format (“TIFF”) images accompanied by an image load file, a data load file with fielded metadata, document-level extracted text for ESI, and optical character recognition (“OCR”) text for scanned hard copy documents and ESI that does not contain extractable text. Detailed requirements, including files to be delivered in native format, are below.
- e) TIFF Image Requirements
 - a. TIFF images will be produced in black and white, 300x300 dpi Group IV single-page format and should be consecutively Bates-stamped.
 - b. Images will include the following content where present:
 - i. For word processing files (*e.g.*, Microsoft Word): Comments, “tracked changes,” and any similar in-line editing or hidden content.
 - ii. For presentation files (*e.g.*, Microsoft PowerPoint): Speaker notes, comments, and all other hidden content.
 - iii. For spreadsheet files (*e.g.*, Microsoft Excel): Hidden columns, rows, and sheets, comments, “tracked changes,” and any similar in-line editing or hidden content.
- f) Native Production Requirements

- a. Spreadsheet files (*e.g.*, Microsoft Excel and .Csv files) and presentation files (*e.g.* Microsoft PowerPoint) should be provided in native format.
 - i. In lieu of a full TIFF image version of each native file, a single placeholder image bearing the relevant bates number and confidentiality designation should be produced.
 - ii. When redaction is necessary, a redacted full TIFF version may be produced provided that the document is manually formatted for optimal printing. If the file requiring redaction is not reasonably useable in TIFF format, the parties will meet-and-confer to determine a suitable production format.
 - iii. If redactions within a native file are necessary, the parties will meet-and-confer prior to productions and provide a means to identify such documents in the production.
- b. Media files (*e.g.*, .mp3, .wmv, etc.) will be produced in native format.
- c. The parties will meet-and-confer to discuss a suitable production format for any proprietary or non-standard file types that require special software or technical knowledge for review.
- d. The parties will meet-and-confer to discuss a suitable production format for any databases or database reports.
- e. Any files that cannot be accurately rendered in a reviewable TIFF format should be produced in native format.
- f. Defendants reserve the right to request native or color copies of any documents that cannot be accurately reviewed in black and white TIFF format. Reasonable requests for native or color documents should not be refused.
- g) Load File Requirements
 - a. A Concordance compatible data load file should be provided with each production volume and contain a header row listing all of the metadata fields included in the production volume.
 - b. Image load files should be produced in Concordance/Opticon compatible format.
- h) Extracted Text/OCR Requirements
 - a. Electronically extracted text should be provided for documents collected from electronic sources. Text generated via OCR should be provided for all documents that do not contain electronically extractable text (*e.g.*, non-searchable PDF files and JPG images) and for redacted and hard copy documents. Do not to degrade the searchability of document text as part of the document production process.

- b. Document text should be provided as separate, document-level text files and not be embedded in the metadata load file.
 - c. Text files should be named according to the beginning bates number of the document to which they correspond.
 - d. If a document is provided in native format, the text file should contain the extracted text of the native file.
 - e. A path to each extracted text file on the delivery media should be included in a load file field, or in a separate cross-reference file.
- i) Produce all metadata fields listed in Appendix 1 if available.

APPENDIX 1

Field	Comments
BegBates	Beginning Bates number
EndBates	Ending Bates number
BegAttach	Bates number of the first page of a family range
EndAttach	Bates number of the last page of a family range
PageCount	Number of pages in a Document.
FileExtension	Original file extension as the document was maintained in the ordinary course
FileSize	File size in bytes
DocTitle	Document title as stored in file metadata
Custodian	Custodian full name
Author	Document author information for non-email
From	Email FROM
To	Email TO
Cc	Email CC
BCC	Email BCC
Subject	Email Subject
Attachments	Name of attached file(s) as maintained in the ordinary course of business
DateCreated	File date created MM/DD/YYYY
DateModified	File date modified MM/DD/YYYY
DateSent	Email date sent MM/DD/YYYY
TimeSent	Email time sent HH:MM:SS AM/PM
DateReceived	Email date received MM/DD/YYYY
TimeReceived	Email time received HH:MM:SS AM/PM
FileName	Name of the file as maintained in the ordinary course of business with extension
MD5Hash	The computer-generated MD5 Hash value for each document
NativePath	The path to the native-format file corresponding to each record on the delivery media, including the file name (if a native-format file is provided)
TextPath	The path to the corresponding text file for each record on the delivery media, including filename

Exhibit B

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOC”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS’ FIRST SET OF
INTERROGATORIES TO ALL
DEFENDANTS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure (“FRCP”), Plaintiffs
hereby request that Defendants answer under oath the First Set of Interrogatories

(“Interrogatories”) set forth below within the time specified in Rule 33, unless otherwise agreed by the parties or required by any scheduling order entered by the Court in this action.

The Definitions and Instructions that appear below form an integral part of the Interrogatories that follow and must be read in conjunction with them and followed when responding to the Interrogatories.

DEFINITIONS

In each Definition, the singular shall include the plural and the plural shall include the singular. Terms used herein shall have the following meanings:

1. “Amended Complaint” means the amended complaint filed in the above-captioned litigation as ECF docket entry number 175.

2. “Communication” means, in addition to its customary and usual meaning, every contact of any nature, whether documentary, electronic, written, or oral, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred by any means, including, but not limited to letters, memoranda, reports, emails, text messages, instant messages, social media postings, telegrams, invoices, telephone conversations, voicemail messages, audio recordings, face-to-face meetings and conversations, and any other form of communication or correspondence. Without limiting the foregoing in any manner, commenting as well as any act of expression that is not directed at a specific person, or otherwise may not be intended to provoke a response (such as a social media posting, “likes,” “shares,” or any other form of reacting to another’s use of Social Media), are forms of communication.

3. “Concerning” means, in addition to its customary and usual meaning, relating to, pertaining to, referring to, alluding to, confirming, constituting, comprising, containing,

commenting upon, responding to, discussing, describing, embodying, evaluating, evidencing, identifying, in connection with, involving, mentioning, noting, pertaining to, probative of, related to, relating to, reflecting, referring to, regarding, setting forth, supporting, stating, showing, touching upon, dealing with, assessing, recording, bearing upon, connected with, in respect of, about, indicating, memorializing, proving, suggesting, having anything to do with, contradicting, and summarizing in any way, directly or indirectly, in whole or in part, the subject matter referred to in the Interrogatory.

4. “Electronic Device” means any device that stores, compiles, displays, generates, receives, transmits, or manipulates electronic information. Without limiting the foregoing in any manner, and by way of example only, the following are Electronic Devices: laptop and desktop computers, smartphones, tablets, smartwatches, cameras, smart devices (such as Google Home and Amazon Alexa), external storage devices (such as hard drives or USB sticks) or fitness activity trackers.

5. “Events” means the occurrences and activities described in Paragraphs 45 to 335 of the Amended Complaint.

6. “Social Media” means any forum, website, application, or other platform on which persons can create, transmit, share, communicate concerning, or comment upon any information, ideas, or opinions, or otherwise engage in social networking. Without limiting the foregoing in any manner, and by way of example only, the following are social media platforms: comment sections of websites, Facebook, Discord, Reddit, Imgur, SnapChat, Instagram, Google+, 4chan, 8chan, Twitter, Tumblr, Youtube, and instant messaging services such as Signal, WhatsApp, Messenger, Hangouts, or Skype. Without limiting the foregoing in any

manner, and by way of example only, the following are methods of using social media platforms: uploading, posting, commenting, reacting (e.g., “liking” a post), and sharing.

7. “Social Media Handle” means the unique identifier (whether a name, nickname, user name, avatar, image, or otherwise) associated with a user of Social Media. A Social Media Handle includes, for example, your unique Discord user handle including a four-digit number at the end of that handle.

8. “You,” “Your,” or “Yours” refers to the Defendants to whom the Interrogatories are addressed and includes any persons or entities acting for them or on their behalf, including but not limited to all representatives, servants, agents, employees, officers, affiliates, subsidiaries, parent companies, third parties, attorneys, as well as any entities over which any of the Defendants have control.

INSTRUCTIONS

A. These Interrogatories are issued to each Defendant, and each individual Defendant must fully respond to these Interrogatories.

B. Your responses to the following Interrogatories shall be based on all knowledge and information (whether or not hearsay or admissible) in your possession, custody, or control.

C. These Interrogatories are continuing in nature. If, after making initial responses, Defendants obtain or become aware of any further Documents responsive to the Requests, Defendants are required to supplement their responses and provide such Documents pursuant to FRCP Rule 26(e).

D. When the term “identify” is used in these Interrogatories, please supply the following information as context requires:

- i. when used in reference to a natural person, state the person’s full name, present or last known business and residential addresses, present or last known telephone

numbers or other contact information, and present or last known employment position or business affiliation;

- ii. when used in reference to any person who is not a natural person, state the full name, present or last known address, and present or last known telephone number or other contact information;
- iii. when used in reference to an object, state the nature, type, and location of the object and identify the person (natural or non-natural) who has custody or control over the object.

E. If, in responding to any of the following Interrogatories, you encounter any ambiguity or confusion in construing either an Interrogatory or a Definition or Instruction relevant to an Interrogatory, set forth the matter deemed ambiguous, select a reasonable interpretation that you believe resolves the ambiguity, respond to the Interrogatory using that interpretation, and explain with particularity the construction or interpretation selected by you in responding to the Interrogatory.

F. If you believe that an Interrogatory calls for production of a document or communication, or requires disclosure of information, over which you claim attorney-client privilege, work product doctrine, or any other right to non-disclosure on any other basis, furnish a list identifying the documents, communications, or information for which the protection is claimed together with the following (if applicable): the type of document or communication; the date or dates of the document or communication; the name, position and address of each person who participated in the document or communication, to whom the document or communication was addressed, or to whom the document or communication or the contents thereof have been communicated by any means; the general subject matter of the document, communication, or

information; the specific basis for nonproduction or non-disclosure; and a description that you contend is adequate to support your contention that the document, communication, or information may be withheld from production and/or disclosure. If a document or communication is withheld on the ground of attorney work product, also specify whether the document or communication was prepared in anticipation of litigation and, if so, identify the anticipated litigation(s) upon which the assertion is based.

G. References to any natural person shall be deemed to include that natural person's agents, servants, representatives, current and former employees, and successors.

H. If You object to answering a specific interrogatory, You shall state with particularity the basis for all objections with respect to such interrogatory. You should respond to all portions of that interrogatory that do not fall within the scope of Your objection. If You object to an interrogatory on the ground that it is overly broad, provide such documents that are within the scope of production that You believe is appropriate. If You object to an interrogatory on the ground that to provide responsive documents would constitute an undue burden, provide such responsive documents as You believe can be supplied without undertaking an undue burden.

I. If the answer to all or part of an Interrogatory is that you lack knowledge of the requested information, set forth such remaining information as is known to you and describe all efforts made by you or by your attorneys, accountants, agents, representatives, or experts, or by any professional employed or retained by you, to obtain the information necessary to answer the interrogatory. If any approximation can reasonably be made in place of unknown information, also set forth your best estimate or approximation, clearly designated as such, in place of unknown information, and describe the basis upon which the estimate or approximation is made.

J. In answering each Interrogatory, you shall identify each document relied upon that forms the basis for your answer or in any way corroborates your answer or the substance of your answer.

K. A response identifying documents falling within the scope of these Interrogatories shall state that the documents have or will be produced, unless the Interrogatory is objected to, in which event the reasons for objection shall be specifically stated.

L. References to any non-natural person (e.g., corporation, partnership, entity, membership organizations, etc.) shall be deemed to include that non-natural person's predecessors, successors, divisions, subsidiaries, parents, assigns, partners, members, and affiliates, foreign or domestic, each other person directly or indirectly, wholly or in part, owned by, controlled by, or associated with them, and any others acting or purporting to act on their behalf for any reason, and the present and former officers, directors, partners, consultants, representatives, servants, employees, assigns, attorneys, and agents of any of them.

M. The use of the singular form of any word includes the plural and vice versa.

N. The use of the past tense includes the present tense and vice versa, as necessary to bring within the scope of each request all responses that might otherwise be considered outside its scope. Whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods.

O. The terms "and" and "or" should be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

P. The word "all" means "any and all"; the word "any" means "any and all."

Q. The term "including" means "including, without limitation."

R. The masculine includes the feminine and neutral genders.

S. Unless otherwise specified, the time period to which these Interrogatories refer is from January 1, 2015 to the present.

INTERROGATORIES

1. Identify all means of communication used by you to communicate concerning the Events, whether before, during, or after the Events, and for each means of communication, identify all names, aliases, e-mail addresses, phone numbers, and Social Media Handles you used in connection with such communications, including the 18-digit account identifier associated with any Discord account used by You. Means of communications include, but are not limited to, telephone calls, in-person meetings, and all means of electronic communication including, for example, Social Media, email, SMS messages, podcasts, and online video.

2. Identify any “channel” or “server” on Discord to which you had access.

3. Identify all persons (natural or non-natural) with whom you communicated concerning the Events, whether before, during, or after the Events.

4. Identify all Electronic Devices used by you to communicate concerning the Events, whether before, during, or after the Events.

Dated: January 25, 2018
New York, NY

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Counsel for Plaintiffs

Exhibit C

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

Civil Action No.: 3:17CV00072

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES ALEX
FIELDS, JR., VANGUARD AMERICA,
ANDREW ANGLIN, MOONBASE
HOLDINGS, LLC, ROBERT “AZZMADOR”
RAY, NATHAN DAMIGO, ELLIOTT
KLINE a/k/a ELI MOSELEY, IDENTITY
EVROPA, MATTHEW HEIMBACH, MATTHEW
PARROTT a/k/a DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS, LEAGUE
OF THE SOUTH, JEFF SCHOEP, NATIONAL
SOCIALIST MOVEMENT, NATIONALIST
FRONT, AUGUSTUS SOL INVICTUS,
FRATERNAL ORDER OF THE ALT-KNIGHTS,
MICHAEL “ENOC” PEINOVICH, LOYAL
WHITE KNIGHTS OF THE KU KLUX KLAN,
and EAST COAST KNIGHTS OF THE KU KLUX
KLAN a/k/a EAST COAST KNIGHTS OF THE
TRUE INVISIBLE EMPIRE,

Defendants.

DEFENDANT FIELDS’ RESPONSES TO PLAINTIFFS’ FIRST REQUESTS FOR
PRODUCTION OF DOCUMENTS

COMES NOW Defendant JAMES ALEX FIELDS, JR. (“Fields”), by counsel, and for his

Responses to Plaintiffs' First Requests for Production of Documents, states as follows:

1. All Documents and Communications concerning the Events, including without limitation all documents and communications:

- i. concerning any preparation, planning, transportation to, or coordination for, the Events, including receipts, bills and credit card statements reflecting costs for transportation, lodging, apparel, gear, or any other material purchased for the Events;
- ii. concerning any instructions or coordination relating to the Events, including security details, what to wear, what to bring, when to meet, where to meet, what to say, and any other logistical information or arrangements;
- iii. that are Social Media concerning the Events;
- iv. you created during the Events, including Social media, text messages, video, and photographs;
- v. concerning African Americans, Jewish individuals, or other religious, racial, or ethnic minorities that relate in any way to the Events
- vi. concerning any statement or action attributed to You in the Amended Complaint; or
- vii. concerning any allegation of an altercation, violent act, injury, or instance of intimidation or harassment that occurred during the Rally, including but not limited to James Fields' vehicular incident; or
- viii. concerning any funding of the Events, including for transportation, housing, food, weapons, uniforms, signage, tiki torches, or other materials or services used in connection with the Events (or planning thereof).

RESPONSE: Objection on the grounds this request is overly broad, unduly burdensome,

and seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Fields does not have the capability to access his social media accounts to provide complete responsive information. Other than privileged documents, Fields is only in possession of publicly available documents such as newspaper and website articles or blog posts, the “Final Report – Independent Review of the 2017 Protest Events in Charlottesville, Virginia”, and online blogs and “lectures” such as this talk given by Mr. Dwayne Dixon.

- <https://www.youtube.com/watch?v=U0dgg9dXLm0&feature=youtu.be&t=2250>

If requested, Fields will provide copies of or links to the publicly available newspaper and website articles obtained by “Googling” his name and the August 12, 2017, Charlottesville Rally.

2. All Documents and Communications concerning events, meetings, rallies, conferences, or conversations held prior to the Events that relate to the Events in any way.

RESPONSE: Objection on the grounds this request is overly broad, unduly burdensome, and seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Fields does not have the capability to access his social media accounts to provide complete responsive information.

To the best of his recollection, Fields states that he told his mother through in person conversation, via telephone calls, and text messages, that he planned to travel to Charlottesville for the August 12 Rally. Fields also states that he communicated with his supervisor to request time off to attend the Rally but provided no information regarding the Rally. He believes he told his supervisor he was going to a reunion. Fields did not participate in any events, meetings, rallies,

conferences or conversations held prior to the Events with any co-defendants, or anyone else, concerning the planning of the Events.

3. All Documents concerning and all Communications concerning or with East Coast knights of the Ku Klux Klan (or East Cost Knights of the True Invisible Empire), Fraternal Order of the Alt-Knights, Identity Europa (or Identity Evropa), League of the South, Loyal White Knights of the Ku Klux Klan (or Loyal White Knights Church of the Invisible Empire Inc.), Moonbase Holdings, LLC, Nationalist Socialist movement, Nationalist Front (or Aryan National Alliance), Traditionalist Worker Party, Vanguard America, or any such other social group or organization that has as part of its agenda a racial, religious or ethnic objective.

RESPONSE: Objection on the grounds this request is overly broad, unduly burdensome, and seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Fields does not have the capability to access his social media accounts to provide complete responsive information.

To the best of his recollection, Fields liked and retweeted and/or reposted the tweets and/or posts of others regarding the Rally. He did not post any original information regarding the Rally, as he did not have access to any.

4. All Documents and Communications concerning violence, intimidation, or harassment of Persons on the basis race, religion, or ethnicity, including but not limited to, ethnic cleansing, white genocide, a white ethno-state, or any other form of large or small scale violence.

RESPONSE: Objection on the grounds this request is overly broad, unduly burdensome,

and seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, and with respect only to documents and communications concerning the Events, Fields liked and retweeted and/or reposted the tweets and/or posts of others regarding the Rally. He did not post any original information regarding the Rally, as he did not have access to any. Fields recalls posting a video and/or a photograph from the Rally but he is not in possession of any such documents or any other relevant non-public documents.

5. For any Social media account You had from January 1, 2015, to the present:

- i. Documents and Communication sufficient to show the account home page, and all uses of Social media for that account that reference or concern the Events or Defendants in any way.
- ii. Documents and Communication sufficient to show all Your “friends” and/or “social connections” maintained on Your account, including their names, addresses, and social network usernames or handles.

RESPONSE: Objection on the grounds this request is overly broad, unduly burdensome, and seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Fields does not have the capability to access his social media accounts to provide complete responsive information.

The only Twitter account that Fields would have used for any communication about the Rally is @TheNewGiantDad. His facebook account had a username james.fields.9279 and a display name “Conscious Ovis Aries.” Fields specifically objects to providing information regarding any other Twitter accounts or social media accounts that he maintained or used prior to

the summer of 2017 and that were never used to communicate about the Rally.. To the best of his recollection, Fields has never been connected to any co-Defendant in this action other than “following” them on social media and potentially reposting, retweeting, and/or liking items from their accounts. Fields recalls following Richard Spencer on YouTube and Twitter. Fields also recalls following Augustus Sol Invictus and Michael Peinovich on Twitter.

6. All Documents concerning and all Communications concerning or with any Plaintiff or Defendant (other than You) named in the Amended Complaint, and any other Person who attended, planned or was involved in the Events.

RESPONSE: Fields does not have the capability to access his social media accounts to provide complete responsive information because the electronic devices which Fields would have used to access his Twitter and social media accounts are presently in the possession of law enforcement. Fields did not knowingly send, receive, or participate in the exchange of any letters, emails, text messages, instant messages, direct messages, telephone conversations, voicemail messages, face-to-face meetings, electronic chats, podcasts, or online videos about the August 12 rally or any other topics with any of the co-Defendants listed in the Amended Complaint. To the best of his recollection, Fields has never been connected to any co-Defendant in this action other than “following” them on social media and potentially reposting, retweeting, and/or liking items from their accounts. Fields recalls following Richard Spencer on YouTube and Twitter. Fields also recalls following Augustus Sol Invictus and Michael Peinovich on Twitter. Fields does recall that he “tagged” co-defendant Richard Spencer in some of his Twitter posts. Fields also recalls “tagging” David Duke in some of his Twitter posts. Neither individual ever responded to these

“tags.”

7. All Documents and Communications concerning any lawsuits, claims of violence, or arrests relating to or arising out of racially, ethnically, or religiously motivated conduct by You or any Defendant named in the Amended Complaint.

RESPONSE: Objection on the grounds this request is overly broad, unduly burdensome, and seeks information that is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. This request is further object to on the grounds of attorney-client privilege and potentially work product. Fields is not in possession of any responsive, non-privileged documents.

8. All Documents and Communications concerning the steps you have taken to preserve Documents and Communications relevant to the lawsuit, including the Documents and Communications responsive to these Requests.

RESPONSE: Fields states that he has no documents to produce in response to this request because he has been incarcerated since August 12, 2017, and search warrants executed by various law enforcement authorities have resulted in the seizure of his electronic devices and any other possibly relevant documents.

JAMES ALEX FIELDS, JR.

By Counsel



David L. Hauck, Esquire (VSB# 20565)

David L. Campbell, Esquire (VSB #75960)

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dcampbell@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of April, 2018, I provided copies of the foregoing via email to the following:

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the League of the South*

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Blairs, Virginia 24527
*Attorney for Defendants Christopher Cantwell, Nathan
Damigo, Matthew Heimbach, Identity Europa, Jason
Kessler, Elliot Kline, National Socialist Movement,
Nationalist Front, Matthew Parrott, Jeff Schoep,
Traditionalist Worker Party, Vanguard America, and Robert
Ray*

Michael Peinovich, Defendant *pro se*
519 E. 82nd Street, Apt. 2C
New York, NY 10028

Richard Spencer
1001-A King Street
Alexandria, Virginia 22314

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

Civil Action No.: 3:17CV00072

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES ALEX
FIELDS, JR., VANGUARD AMERICA,
ANDREW ANGLIN, MOONBASE
HOLDINGS, LLC, ROBERT “AZZMADOR”
RAY, NATHAN DAMIGO, ELLIOTT
KLINE a/k/a ELI MOSELEY, IDENTITY
EVROPA, MATTHEW HEIMBACH, MATTHEW
PARROTT a/k/a DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS, LEAGUE
OF THE SOUTH, JEFF SCHOEP, NATIONAL
SOCIALIST MOVEMENT, NATIONALIST
FRONT, AUGUSTUS SOL INVICTUS,
FRATERNAL ORDER OF THE ALT-KNIGHTS,
MICHAEL “ENOC” PEINOVICH, LOYAL
WHITE KNIGHTS OF THE KU KLUX KLAN,
and EAST COAST KNIGHTS OF THE KU KLUX
KLAN a/k/a EAST COAST KNIGHTS OF THE
TRUE INVISIBLE EMPIRE,

Defendants.

DEFENDANT FIELDS’ ANSWERS TO PLAINTIFFS’ FIRST INTERROGATORIES

COMES NOW Defendant JAMES ALEX FIELDS, JR. (“Fields”), by counsel, and for his

Answers to Plaintiffs’ First Interrogatories, states as follows:

1. Identify all means of communication used by you to communicate concerning the Events, whether before, during, or after the Events, and for each means of communication, identify all names, aliases, e-mail addresses, phone numbers, and Social medial Handles you used in connection with such communications, including the 18-digit account identifier associated with any discord account used by You. Means of communication include, but are not limited to, telephone calls, in-person meetings, and all means of electronic communication including, for example, Social media, email, SMS messages, podcasts, and online video.

ANSWER: Fields states that he told his mother through in-person conversation, via telephone calls, and text messages, that he planned to travel to Charlottesville for the August 12 rally. Fields did not knowingly send, receive, or participate in the exchange of any letters, emails, text messages, instant messages, direct messages, telephone conversations, voicemail messages, face-to-face meetings, electronic chats, podcasts, or online videos about the August 12 rally or any other topics with any of the co-defendants listed in the Amended Complaint. Fields states that he likely read, liked, and retweeted or reposted posts on Twitter and Facebook, and on other social media accounts concerning the August 12 rally. The electronic devices which Fields would have used to access his Twitter and social media accounts are presently in the possession of law enforcement. The relevant Twitter account that Fields would have used is @TheNewGiantDad. His facebook account had a username james.fields.9279 and a display name "Conscious Ovis Aries." His cellular phone number is 804.414.9660.

2. Identify any "channel" or "server" on Discord to which you had access.

ANSWER: Fields does not have access to his social media accounts to ensure an accurate

response. To the best of his recollection, Fields states generally that he recalls creating a Discord account at some time in 2017 when co-workers invited him to join a channel related to the video game Ark Survival Evolved. Fields does not recall actually joining this channel or server, or any other channel or server, or ever communicating through Discord, after he created his Discord account. Fields certainly never communicated about the August 12 Rally or “the Events” through Discord.

3. Identify all persons (natural or non-natural) with whom you communicated concerning the events, whether before, during, or after the Events.

ANSWER: Objection on the grounds this Interrogatory is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence and might be interpreted as an attempt to violate attorney-client privilege. Subject to and without waiving this objection, Fields states that he communicated with his mother, Samantha Bloom, about his plan to attend the August 12 Rally. He also generally communicated with his supervisor to request time off from work to attend the rally but did not provide specific information about the August 12 Rally. Fields states that he likely read, liked, and retweeted or reposted posts on Twitter and Facebook, and on other social media accounts concerning the August 12 rally, but cannot provide the names of every person who may have read his posts, or the names of every person whose posts he read, liked, and/or reposted or retweeted. The electronic devices which Fields would have used to access his Twitter and social media accounts are presently in the possession of law enforcement. Fields did not knowingly send, receive, or participate in the exchange of any letters, emails, text messages, instant messages, direct messages, telephone conversations, voicemail messages, face-to-face meetings, electronic chats, podcasts, or online videos about the August 12 rally or any other topics with any of

the co-defendants listed in the Amended Complaint. Fields does recall that he “tagged” co-defendant Richard Spencer in some of his Twitter posts. Fields also recalls “tagging” David Duke in some of his Twitter posts. Neither individual ever responded to these “tags.”

Fields also communicated with unknown individuals at the Rally, none of whom he knew, or had communicated with in any way, prior to the Rally. Some of these individuals were wearing white polo shirts with the Vanguard America symbol. He likewise did not know these individuals prior to the Rally and does not have their names or contact information. After the State of Emergency was declared on August 12, Fields walked from McIntire Park back to where his car was parked behind the McDonalds on 5th Street in Charlottesville with three other individuals. Fields gave a ride to these individuals to the places where their vehicles were parked in downtown Charlottesville. Fields did not know these individuals prior to the Rally, but has come to learn that their names are Sarah Bolstad, Hayden Lee Calhoun, and Joshua Matthews.

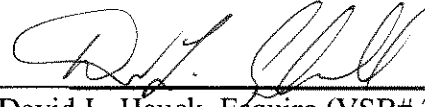
After the rally, Fields communicated with police investigators, counsel, and other personnel at Albemarle Charlottesville Regional Jail.

4. Identify all Electronic Devices used by you to communicate concerning the Events, whether before, during, or after the Events.

ANSWER: Fields states that he used his cellular phone to communicate while he was in Virginia for the Rally. Prior to leaving for the Rally, Fields used his desktop computer to access social media and to read internet posts concerning the Rally.

JAMES ALEX FIELDS, JR.

By Counsel

A handwritten signature in black ink, appearing to read 'D. L. Hauck', is written over a horizontal line.

David L. Hauck, Esquire (VSB# 20565)

David L. Campbell, Esquire (VSB #75960)

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dcampbell@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

Exhibit E

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

Civil Action No.: 3:17CV00072

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES ALEX
FIELDS, JR., VANGUARD AMERICA,
ANDREW ANGLIN, MOONBASE
HOLDINGS, LLC, ROBERT "AZZMADOR"
RAY, NATHAN DAMIGO, ELLIOTT
KLINE a/k/a ELI MOSELEY, IDENTITY
EVROPA, MATTHEW HEIMBACH, MATTHEW
PARROTT a/k/a DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS, LEAGUE
OF THE SOUTH, JEFF SCHOEP, NATIONAL
SOCIALIST MOVEMENT, NATIONALIST
FRONT, AUGUSTUS SOL INVICTUS,
FRATERNAL ORDER OF THE ALT-KNIGHTS,
MICHAEL "ENOCH" PEINOVICH, LOYAL
WHITE KNIGHTS OF THE KU KLUX KLAN,
and EAST COAST KNIGHTS OF THE KU KLUX
KLAN a/k/a EAST COAST KNIGHTS OF THE
TRUE INVISIBLE EMPIRE,

Defendants.

DEFENDANT FIELDS' ANSWERS TO PLAINTIFFS' SECOND SET OF
INTERROGATORIES TO ALL INDIVIDUAL DEFENDANTS

COMES NOW Defendant JAMES ALEX FIELDS, JR. ("Fields"), by counsel, and for his
Answers to Plaintiffs' Second Interrogatories, states as follows:

1. Identify and Describe in Detail each Contact or Communication of any kind you had

with each one of the other Defendants between January 2017 and August 13, 2017, including the nature or content of the Contact or Communication, where and when the Contact or Communication took place, and anyone else who participated in the Contact or Communication.

ANSWER: Fields read and liked or retweeted posts on Twitter, various websites, and social media prior to the Rally on his desktop computer and cell phone. Fields never received any direct communication from any other Defendant on social media. Fields recalls posting a direct message to David Duke, which was unreturned. He also posted a direct message to Richard Spencer, which was also unreturned. Fields does not recall the specific nature of his communication but recalls it related to inquiring about the Rally. Fields does not know all Defendants by face and name, but communicated verbally with individuals he believed to be members of Vanguard America at the rally. This Answer may be supplemented with more specific information regarding verbal communication at the Rally when additional information is available.

2. Identify all expenses You incurred in planning, organizing, or attending the Unite the Right rally and the sources of funding and method of payment used to satisfy those expenses.

ANSWER: Fields drove overnight from Maumee, Ohio to Charlottesville, Virginia the evening of August 11 and morning of August 12 arriving in Charlottesville an hour or two before dawn. His only expense for attending the Rally was fuel for his vehicle. May supplement additional specific information as to method of payment and location of gas stations. Fields incurred no expenses for planning or organizing the Rally, as he did not participate in planning or organizing the Rally.

3. Identify and Describe in Detail each case in which You were charged in a Criminal Proceeding

that resulted in a conviction, whether state or federal, including for each such case: the full title of the action, court, docket number, a description of the allegations, the disposition, and the sentence.

ANSWER: This is public information as readily available to Plaintiffs as to Fields.

Charlottesville Circuit Court, Virginia

- Commonwealth v. Fields, CR17000296-01 – Murder: 1st Degree – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-02 – Malicious Wounding – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-03 – Malicious Wounding – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-04 – Aggravated Malicious Wounding – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR 17000296-05 – Failure to Stop at Accident involving Death – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-06 – Aggravated Malicious Wounding – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-07 – Aggravated Malicious Wounding – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-08 – Assault with Malice; Victim Injured – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-09 – Aggravated Malicious Wounding – Tried to a jury and found guilty. Currently under appeal.
- Commonwealth v. Fields, CR17000296-10 – Malicious Wounding – Tried to a jury and

found guilty. Currently under appeal.

Western District of Virginia Federal District Court

- Case No. 3:18 CR 00011 (MFU)
- Fields was charged with 30 counts summarized as follows
 - o Count 1 – Violation of 18 U.S.C. §249(a)(1) – Hate Crime Act resulting in Death
 - o Counts 2 – 29 – Violation of 18 U.S.C. §249(a)(1) – Hate Crim Act Involving an Attempt to Kill
 - o Count 30 – Violation of 18 U.S.C. §245 – Bias Motivated Interference with Federally Protected Activity Resulting in Death
- Pursuant to public record, Fields entered into a Plea Agreement wherein he pled guilty to Counts 1 – 29 in exchange for the dismissal of Count 30 and assurance that Capital Punishment would not be sought.

4. Identify each legal matter, whether federal, state, criminal, civil, administrative or otherwise, concerning the Events in which You have been or participated as a party or witness, including but not limited to giving any testimony in depositions, hearings, trial or any other legal proceeding.

ANSWER: In addition to the above-referenced criminal matters and the present case, Fields is a Defendant in the following civil lawsuits:

- Tadrint and Micah Washington v. Fields, et. al. – Charlottesville Circuit Court – CL17-442
- Jeanne Marie Peterson v. Fields and Vanguard America – Charlottesville Circuit Court

Case No. CL19-413

- Mahtab Jamalreza, et. al. v. Fields, et. al. – Charlottesville Circuit Court Case No. CL19-410
- Chelsea Alvarado v. Fields – Fairfax Circuit Court – Case No. CL19-06387
- Susan Diane Bro, Admin of Estate of Heather Heyer v. Fields - Charlottesville Circuit Court – Case No. CL19-449
- Burke v. Fields, et al – U.S. Southern District of Ohio Federal Court (Columbus Division) – Case No. 3:19-cv-00046.

5. Describe in detail any instance in which you Advertised or promoted the Unite the Right rally, whether online or otherwise, including where, when, how and for what period of time You displayed any Advertisement or Promotional Material and the content of such Advertisement or Promotional Material.

ANSWER: Fields does not have access to his social media accounts and has not since August 12, 2017. To the best of his recollection, Fields “liked” and/or “retweeted” a few posts of others about the Rally. Otherwise, none.

6. Identify each Communication concerning the Events that you had with each member of Law Enforcement, whether before, after, or during the Events, including the name of the member of Law Enforcement, when, where and how each Communication took place, and the nature or content of the Communication.

ANSWER: Fields asserts and relies upon his 5th Amendment Right of the US Constitution

against self-incrimination as to any communication with law enforcement after the Events. Otherwise, Fields did not communicate with law enforcement prior to the Rally concerning the Events and does not recall any specific conversation with any law enforcement officer during the Rally. He does recall generally overhearing announcements by law enforcement during the Rally declaring an unlawful assembly and instructing people to leave the area.

7. Identify each Communication concerning the Events You had with any Government Official, whether before, after or during the Events, including the name of the Government Official, when, where and how each Communication took place, and the nature or content of each Communication.

ANSWER: : Fields asserts and relies upon his 5th Amendment Right of the US Constitution against self-incrimination as to any communication with any Government Official after the Events. Otherwise, Fields did not communicate with Government Official prior to the Rally concerning the Events and does not recall any specific conversation with any Government Official during the Rally. He does recall generally overhearing announcements by law enforcement during the Rally declaring an unlawful assembly and instructing people to leave the area

8. Identify each Communication concerning the Events You had with any School Official, whether before after or during the Events, including the name of the School Official, when, where and how each Communication took place and the nature or content of that Communication.

ANSWER: None.

9. Describe any relationship You have had from January 1, 2017 to the present with any of the Entity Defendants, including any titles, affiliations, positions, or roles You had held with any of those

organizations, the responsibilities with each such title, affiliation, position, or role, and any responsibilities you had within any of the organizations that were not associated with any title, affiliation, position or role.

ANSWER: None.

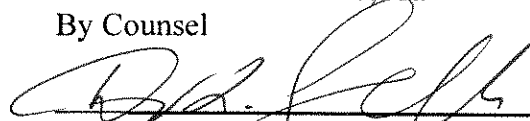
10. For each Act of Violence perpetrated by or against a Defendant or a Plaintiff, identify and describe in Detail each such Act of Violence, where and when such Act of Violence took place, who was involved in such Act of Violence, the nature of the Act of Violence, and any person known to you to have firsthand knowledge such Act of Violence.

ANSWER: : Fields asserts and relies upon his 5th Amendment Right of the US Constitution against self-incrimination as to any Act of Violence in which he was allegedly involved.

Respectfully submitted,

JAMES ALEX FIELDS, JR.

By Counsel

A handwritten signature in black ink, appearing to read "David L. Hauck", is written over a horizontal line.

David L. Hauck, Esquire (VSB# 20565)

David L. Campbell, Esquire (VSB #75960)

DUANE, HAUCK, DAVIS & GRAVATT, P.C.

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Richmond, Virginia 23220

Telephone: 804-644-7400

Facsimile: 804-303-8911

dcampbell@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2020, I provided copies of the foregoing via email to the following:

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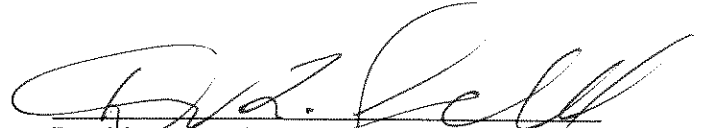
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Robert Ray
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Vangaurd America
c/o Dillon Hopper
Dillon_hopper@protonmail.com

Matthew Heimback
Matthew.w.heimbach@gmail.com

Christopher Cantwell
Christopher.cantwell@gmail.com

A handwritten signature in black ink, appearing to read "D.L. Campbell", is written over a horizontal line.

David L. Hauck, Esquire (VSB# 20565)
David L. Campbell, Esquire (VSB #75960)
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dcampbell@dhdglaw.com

Exhibit F



DAVID L. HAUCK
CAROLINE V. DAVIS
JUSTIN S. GRAVATT
DAVID L. CAMPBELL
HARLEY W. DUANE, III (RET.)

DUANE, HAUCK, DAVIS, GRAVATT & CAMPBELL P.C.

TELEPHONE: (804) 644-7400
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FACSIMILE: (804) 303-8911
DCAMPBELL@DHDGCLAW.COM

February 5, 2020

Michael A. Bloch, Esq.
Kaplan Hecker & Fink, LLP
350 Fifth Avenue, Suite 7110
New York, New York 10118

Re: Sines v. Kessler

Dear Mike:

I write to provide a general supplement to our previous discovery answers.

My client does not recall any additional social media accounts other than those previously identified in discovery. Further, he does not recall the passwords to any of his accounts. Unlike some other Defendants, Fields has had no access to any social media or his phone or computer since at least August 12, 2017.

Mr. Fields did receive letters during incarceration that concerned the August 12, 2017, Rally. To the best of his recollection, the only correspondence he received from any co-Defendant were Christmas cards from Vanguard America. He has not kept any of those cards. Mr. Fields received a number of letters from other individuals of varying political points of view. He did not respond to those letters or keep those letters. To the best of his knowledge, Mr. Fields does not know and has never met any of the people who sent him letters while incarcerated. He has discarded these letters.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'D.L. Campbell', is written over the typed name.

David L. Campbell

Exhibit G

5/12/2017 Private Message to "JAMICUS"



When I see protesters blocking

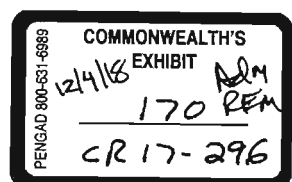


Exhibit H



DAVID L. HAUCK
CAROLINE V. DAVIS
JUSTIN S. GRAVATT
DAVID L. CAMPBELL
HARLEY W. DUANE, III (RET.)

DUANE, HAUCK, DAVIS, GRAVATT & CAMPBELL P.C.

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DCAMPBELL@DHDGCLAW.COM

January 23, 2020

Michael A. Bloch, Esq.
Kaplan Hecker & Fink, LLP
350 Fifth Avenue, Suite 7110
New York, New York 10118

Re: Sines v. Kessler

Dear Mike:

I write in reply to your November 20, 2019, correspondence regarding perceived shortcomings in Mr. Fields' answers to Plaintiff's First Interrogatories and Requests for Production of Documents.

As a preliminary matter, I remain unable to communicate with my client. I have made repeated attempts to contact him through a Bureau of Prisons employee who I believe to be the appropriate liaison. I have had no success as of yet.

That said, in reviewing your correspondence, I believe the discovery answers as submitted are substantially complete. Taking the perceived shortcomings in the order laid out in your correspondence, I respond as follows:

1. Mr. Fields has not incorrectly interpreted the term "Events." Mr. Fields did not participate in or communicate regarding any other of the "Events" listed in your letter. We have no additional information to provide.
2. Mr. Fields did not post any original information regarding the rally. As the sentence prior to that statement makes clear, he recalls liking or retweeting posts of others. He does not recall the specific nature of those posts due to the passage of time. However, he generally recalls those posts related to the August 12 rally.
3. Mr. Fields is not aware of what law enforcement agencies are currently in possession of his electronic devices. As noted in the prior responses, Mr. Fields knowledge is that Charlottesville Police Department took his cellular phone at the scene of his arrest on August 12, 2017. Upon information and

belief, the FBI seized his desktop computer in Maumee, Ohio the same day. Mr. Fields does not have any social media posts in his possession, custody or control. Mr. Fields is aware of social media posts that were made exhibits at his state criminal trial in Charlottesville Circuit Court.

4. Without the ability to communicate with my client, I am unable to inquire further at this time to other social media accounts. As soon as I am able to communicate with my client, I will provide any additional information.
5. I am not sure what you are seeking here. I do not think Mr. Fields can give you permission to obtain his phone or computer from law enforcement. However, to the extent we can help in any way, we are happy to do so.

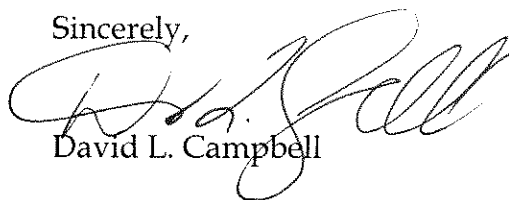
In regard to the paragraph following the numbered paragraphs, I do not believe Mr. Fields was ordered to complete any of those steps. My understanding while participating in those hearings was that the requests did not apply to Fields given his incarceration and lack of access to the devices. That said, as soon as I am able to communicate with my client, we are happy to complete any such forms. I do not believe I have been provided said forms. If I have overlooked them, I ask that you provide another copy. Additionally, there was no attachment to the email as outline in footnote 1. The only attachment to the email was your correspondence.

However, as to (5), Mr. Fields has no method by which to provide access to any relevant electronic devices. As I have previously advised, neither Mr. Fields nor I have access to documents in the possession of criminal counsel – either state or federal. I have been advised that non-disclosure agreements were signed between the state and federal defense attorneys and relevant prosecutors' offices to permit review of non-public documents. It remains our position that neither Mr. Fields nor I have custody or control of those documents. And, presumably because of those signed agreements, I have not been permitted access to any such documents.

In regard to preservation, I have been unable to communicate with Mr. Fields to confirm whether he received letters while incarcerated that might contain relevant information, and if he did receive such letters whether he preserved them. As soon as I am able to do so, I will advise as to our position on that correspondence.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. L. Campbell", written over the printed name.

David L. Campbell

Exhibit I

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOC”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

PLAINTIFFS’ SECOND SET OF INTERROGATORIES
TO ALL INDIVIDUAL DEFENDANTS

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiffs, by their undersigned counsel, hereby request that Defendants answer under oath the Interrogatories set forth below within the time specified in Rule 33, unless otherwise agreed by the parties or required by any scheduling order entered by the Court in this action.

The Definitions and Instructions that appear below form an integral part of the Interrogatories that follow and must be read in conjunction with them and followed when responding to the Interrogatories.

DEFINITIONS

In each Definition, the singular shall include the plural and the plural shall include the singular. Terms used herein shall have the following meanings:

1. “Act of Violence” means, in addition to its customary and usual meaning, any act of threatening, intimidating, provoking, striking, shooting, or assaulting another person or persons in any manner, or attempts to do the same, including but not limited to punching, kicking, pushing, shooting, stabbing, burning, throwing objects or fluid or fire at or toward, or driving a car toward or into another person or persons.
2. “Advertise” means, in addition to its customary and usual meaning, to Communicate in any manner designed to encourage any behavior such as attendance, including but not limited to posting a message, poster, billboard, banner, flyer, article or other Document in any public place, whether online or in any physical space (an “Advertisement”).
3. “Affiliate,” in addition to its customary and usual meaning, means to associate with, connect to, relate to, partner with, ally with, identify with, share with, derive from, be a member of, or be a participant of.

4. “Amended Complaint” means the amended complaint filed in the above-captioned litigation as ECF docket entry number 175.

5. “Communication” or “to Communicate” means, in addition to its customary and usual meaning, every contact of any nature, whether documentary, electronic, written or oral, formal or informal, at any time or place and under any circumstances whatsoever whereby information of any nature is transmitted or transferred by any means, including, but not limited to letters, memoranda, reports, emails, text messages, instant messages, social media postings, gaming consoles or platforms, invoices, telephone conversations, voicemail messages, audio recordings, face-to-face meetings and conversations, or any other form of correspondence, and any Document relating to such contact, including but not limited to correspondence, memoranda, notes or logs of telephone conversations, e-mail, electronic chats, text messages, instant messages, direct or private messages, correspondence in “meet ups” or chat rooms, and all other correspondence on Social Media. Without limiting the foregoing in any manner, commenting as well as any act of expression that is not directed at a specific person, or otherwise may not be intended to provoke a response (such as a social media posting, “likes,” “shares,” or any other form of reacting to another’s use of Social Media), are forms of Communication.

6. “Concerning” means, in addition to its customary and usual meaning, alluding to, confirming, constituting, comprising, containing, commenting upon, discussing, describing, embodying, evaluating, evidencing, identifying, in connection with, involving, mentioning, noting, pertaining to, probative of, related to, relating to, reflecting, referring to, regarding, setting forth, supporting, stating, showing, touching upon, dealing with, assessing, recording, bearing upon, connected with, in respect of, about, indicating, memorializing, proving,

suggesting, having anything to do with, contradicting, and/or summarizing in any way, directly or indirectly, in whole or in part, the subject matter referred to in the Interrogatory.

7. “Contact” means, in addition to its customary and usual meaning, to meet, touch, or Communicate with another person in any manner, (written, verbal, or non-verbal) including in person, on the telephone or mobile device, or online, whether or not You personally exchanged words with the other person or whether you used an intermediary.

8. “Criminal Proceeding” means without limitation any federal or state action involving an infraction, violation, misdemeanor, felony or other offense.

9. “Describe in Detail” means, in addition to its customary and usual meaning, to provide a complete description and explanation of the facts, circumstances, analysis, opinion and other information relating to the subject matter of a specific Interrogatory.

10. “Document” or “Documents” means documents broadly defined in FRCP Rule 34, and includes (i) papers of all kinds, including but not limited to, originals and copies, however made, of letters, memoranda, handwritten notes, notebooks, messages, agreements, rough drafts, drawings, sketches, pictures, posters, pamphlets, publications, news articles, Advertisements, sales literature, brochures, announcements, bills, receipts, credit card statements, and (ii) non-paper information of all kinds, including but not limited to, any computer generated or electronic data such as digital videos, digital photographs, audio recordings, podcasts, Internet files (including “bookmarks” and browser history), online articles and publications, website content, electronic mail (e-mail), electronic chats, instant messages, text messages, uploads, posts, status updates, comments, “likes”, “shares”, direct messages, or any other use of Social Media, and (iii) any other writings, records, or tangible objects produced or reproduced

mechanically, electronically, or photographically. Without limiting the foregoing in any way, every Communication is also a Document.

11. “Entity Defendants” means any of Defendants in the above-captioned matter who are not natural persons, including Vanguard America; Moonbase Holdings, LLC; Identity Evropa; Traditionalist Worker Party; League of the South; National Socialist Movement; Nationalist Front; Fraternal Order of the Alt-Knights; Loyal White Knights of the Ku Klux Klan; and East Coast Knights of the Ku Klux Klan, a/k/a East Coast Knights of the True Invisible Empire.

12. “Events” means the occurrences and activities described in Paragraphs 45 to 335 of the Amended Complaint.

13. “Government Official” means, in addition to its customary and usual meaning, any employee, agent, representative, or member, of any governmental agency, body, or office, whether local, municipal, state or federal, including but not limited to any elected official and his or her representatives or designees.

14. “School Official” means, in addition to its customary and usual meaning, any employee, agent, or representative of any school or university, at any level of education, whether or public or private, including but not limited to any employee, agent, or representative of the University of Virginia.

15. “Law Enforcement” means, in addition to its customary and usual meaning, any police officer, detective, agent, security officer, prosecutor or any other representative of any private, municipal, local, state, federal or university police or security department.

16. “Promotional Material” means, in addition to its customary and usual meaning, any Document that Advertises, promotes, or encourages any sort of behavior, such as attendance at an event.

17. “Social Media” means any forum, website, application, or other platform on which persons can create, transmit, share, Communicate concerning, or comment upon any information, ideas, or opinions, or otherwise engage in social networking. Without limiting the foregoing in any manner, and by way of example only, the following are Social Media platforms: comment sections of websites, Facebook, Discord, Gab, Reddit, Imgur, Snapchat, Instagram, Google+, 4chan, 8chan, Twitter, Tumblr, YouTube, VK (also known as VKontakte or ВКонтакте), Stormfront, Minds, WrongThink, Voat, BitChute, PewTube, and instant messaging services such as Signal, WhatsApp, Messenger, Hangouts, Telegram, or Skype. Without limiting the foregoing in any manner, and by way of example only, the following are methods of using Social Media platforms: uploading, posting, commenting, reacting (e.g., “liking” a post), and sharing.

18. “Unite the Right” means the events described in Paragraphs 133 to 254 of the Amended Complaint, namely the marches, protests, demonstrations, rallies, gatherings, associations, meetings, congregations, celebrations, conventions, or assemblies that occurred the weekend of August 11, 2017 through August 12, 2017 in Charlottesville, Virginia.

19. “You,” “Your,” “Yours,” “Defendant,” and “Defendants” refer to the Defendants in the above-captioned matter and includes any persons or entities acting for them or on their behalf, including but not limited to all representatives, agents, employees, officers, affiliates, subsidiaries, parent companies, third parties, and attorneys, as well as any entities over which any of the Defendants have control.

20. “Weapon” means any object designed for or with the potential to be intentionally used for inflicting bodily harm or physical damage or to attempt or threaten to do the same, including but not limited to a firearm, Tiki Torch, lighter fluid or other flammable liquid, pepper spray, knife, baton, bat, rod, explosive, grenade, tear gas, armor, helmet, flagpole, pipe, earpiece, or radio.

21. Any other term used in these Interrogatories shall be given its broadest meaning(s), as defined in accordance with standard American use or as shown in a dictionary of the English language.

INSTRUCTIONS

A. Where an Interrogatory requests knowledge or information are requested, such Interrogatory encompasses knowledge and information in your possession, custody, or control, or in the possession, custody, or control of your staff, agents, employees, representatives, and, unless privileged, attorneys, or any other person who has possession, custody, or control of your proprietary knowledge or information.

B. When the term “identify” is used in these Interrogatories, please supply the following information:

- i. when used in reference to a natural person, state the person’s full name, present or last known business and residential addresses, present or last known telephone numbers or other contact information, and present or last known employment position or business affiliation;
- ii. when used in reference to any person who is not a natural person, state the full name, present or last known address, and present or last known telephone number or other contact information;

- iii. when used in reference to an object, state the nature, type, and location of the object and identify the person (natural or non-natural) who has custody or control over the object.

C. If, in responding to any of the following Interrogatories, you encounter any ambiguity or confusion in construing either an Interrogatory or a Definition or Instruction relevant to an Interrogatory, set forth the matter deemed ambiguous, select a reasonable interpretation that you believe resolves the ambiguity, respond to the Interrogatory using that interpretation, and explain with particularity the construction or interpretation selected by you in responding to the Interrogatory.

D. References to any natural person shall be deemed to include that natural person's agents, representatives, current and former employees, and successors.

E. References to any non-natural person (e.g., corporation, partnership, entity, membership organizations) shall be deemed to include that non-natural person's predecessors, successors, divisions, subsidiaries, parents, assigns, partners, members, and affiliates, foreign or domestic, each other person directly or indirectly, wholly or in part, owned by, controlled by, or associated with them, and any others acting or purporting to act on their behalf for any reason, and the present and former officers, directors, partners, consultants, representatives, employees, assigns, attorneys, and agents of any of them.

F. The use of the singular form of any word includes the plural and vice versa.

G. The use of the past tense includes the present tense and vice versa, as necessary to bring within the scope of each request all responses that might otherwise be considered outside its scope. Whenever a term is used herein in the present, past, future, subjunctive, or other tense, voice, or mood, it shall also be construed to include all other tenses, voices, or moods.

H. The terms “and” and “or” should be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

I. The term “each” means “each, any, or all” as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

J. The obligation to respond to these Interrogatories is continuing in nature and requires further response if additional information is obtained or located by you after the time of your initial answer.

K. If you believe that an Interrogatory calls for production of a Document or Communication, or requires disclosure of information, claimed by you to be protected by privilege or as attorney work product, or subject to non-disclosure on any other basis, furnish a list identifying the Documents, Communications, or information for which the protection is claimed together with the following (if applicable): the type of Document or Communication; the date or dates of the Document or Communication; the name, position, and address of each person who participated in the Document or Communication, to whom the Document or Communication was addressed, or to whom the Document or Communication or the contents thereof have been Communicated by any means; the general subject matter of the Document, Communication, or information; the specific basis for nonproduction or non-disclosure; and a description that you contend is adequate to support your contention that the Document, Communication, or information may be withheld from production and/or disclosure. If a Document or Communication is withheld on the ground of attorney work product, also specify

whether the Document or Communication was prepared in anticipation of litigation and, if so, identify the anticipated litigation(s) upon which the assertion is based.

L. If the answer to all or part of an Interrogatory is that you lack knowledge of the requested information, set forth such remaining information as is known to you and describe all efforts made by you or by your attorneys, accountants, agents, representatives, or experts, or by any professional employed or retained by you, to obtain the information necessary to answer the interrogatory. If any approximation can reasonably be made in place of unknown information, also set forth your best estimate or approximation, clearly designated as such, in place of unknown information, and describe the basis upon which the estimate or approximation is made.

M. In answering each Interrogatory, you shall identify each Document relied upon that forms the basis for your answer or in any way corroborates your answer or the substance of your answer.

N. A response identifying Documents falling within the scope of these Interrogatories shall state that the Documents have or will be produced, unless the Interrogatory is objected to, in which event the reasons for objection shall be specifically stated.

O. To the extent you object to any of the following Interrogatories, state each ground for your objection in detail. If you consider only a portion of the Interrogatory objectionable, respond to the remainder of the Interrogatory, and separately state the part of each Interrogatory to which you object and specify in detail the grounds for each objection.

INTERROGATORIES

1. Identify and Describe in Detail each Contact or Communication of any kind you had with each one of the other Defendants between January 2017 and August 13, 2017, including

the nature or content of the Contact or Communication, where and when the Contact or Communication took place, and anyone else who participated in the Contact or Communication.

2. Identify all expenses You incurred in planning, organizing, or attending the Unite the Right rally and the sources of funding and method of payment used to satisfy those expenses.

3. Identify and Describe in Detail each case in which You were charged in a Criminal Proceeding that resulted in a conviction, whether state or federal, including for each such case: the full title of the action, court, docket number, a description of the allegations, the disposition, and the sentence.

4. Identify each legal matter, whether federal, state, criminal, civil, administrative, or otherwise, concerning the Events in which You have been or participated as a party or a witness, including but not limited to giving any testimony in depositions, hearings, trials, or any other legal proceeding.

5. Describe in Detail any instance in which You Advertised or promoted the Unite the Right rally, whether online or otherwise, including where, when, how, and for what period of time You displayed any Advertisement or Promotional Material and the content of such Advertisement or Promotional Material.

6. Identify each Communication concerning the Events that You had with each member of Law Enforcement, whether before, after, or during the Events, including the name of the member of Law Enforcement, when, where, and how each Communication took place, and the nature or content of that Communication.

7. Identify each Communication concerning the Events You had with any Government Official, whether before, after, or during the Events, including the name of the

Government Official, when, where, and how each Communication took place, and the nature or content of each Communication.

8. Identify each Communication concerning the Events You had with any School Official, whether before, after, or during the Events, including the name of the School Official, when, where, and how each Communication took place, and the nature or content of that Communication.

9. Describe any relationship You have had from January 2017 to the present with any of the Entity Defendants, including any titles, affiliations, positions, or roles You have held within any of those organizations, the responsibilities associated with each such title, affiliation, position, or role, and any responsibilities You had within any of those organizations that were not associated with any title, affiliation, position, or role


10. For each Act of Violence perpetrated by or against a Defendant or a Plaintiff, identify and Describe in Detail each such Act of Violence, where and when such Act of Violence took place, who was involved in such Act of Violence, the nature of the Act of Violence, and any person known to You to have firsthand knowledge of such Act of Violence.

11. Identify and Describe in Detail any Weapon You possessed or carried at any point during Unite the Right, including the kind of Weapon You possessed or carried, and when, where, why, and how You acquired that Weapon; if You did not possess or carry any Weapon during Unite the Right, you should so state instead.

12. Identify and Describe in Detail any direction or encouragement You gave for any other person to bring a Weapon to Unite the Right, including the kind of Weapon, the time, place, and manner in which You Communicated the direction or encouragement to bring a

Weapon, and the person to whom You Communicated the direction or encouragement; if You did not provide such direction or encouragement, You should so state instead.

Dated: October 29, 2019

A handwritten signature in black ink, appearing to read "Michael Bloch", written over a horizontal line.

Roberta A. Kaplan (*pro hac vice*)
Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Michael L. Bloch (*pro hac vice*)
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brottenborn@woodsrogers.com
eashwell@woodsrogers.com

Counsel for Plaintiffs

Exhibit J

From: David Campbell <dcampbell@dhdgclaw.com> 9220

Sent: Tuesday, December 10, 2019 12:51 PM

To: Michael Bloch <mbloch@kaplanhecker.com>

Subject: RE: Sines v. Kessler

Mike,

I wanted to belatedly update you on my efforts to respond to this letter. Upon receipt of your letter, I tried to contact my client. I was unable to do so. I remain not able to communicate with my client. He has been transferred from state custody in Virginia to Federal Custody. I am told that he is in a federal penitentiary in West Virginia (I believe Hazelton FCI), however he is en route to his final destination at the Max Facility near Denver, Colorado. While in state custody, Mr. Fields was able to call his mother almost daily. So I could get a hold of him promptly through mom. Now, apparently, he can only write letters. He also cannot receive letters until he gets to his final destination. I have tried to contact his bureau of prisons liaison but have yet to receive a response. I may need to ask the Court to enter an Order or otherwise facilitate my ability to communicate with my client.

By way of an informal supplement – which will be formally supplemented in the future – I believe the Charlottesville Police confiscated his cellular phone at the scene of his arrest. I believe the FBI confiscated his computer in Ohio the same day. As for who currently possesses the electronics, I do not know. I do not believe Mr. Fields knows either. Further, in response to your inquiry No. 1., Fields did not attend any other event outlined in your letter and never had an in person meeting with any co-Defendant or other attendee other than at the Rally. He attempted to direct message both David Duke and Richard Spencer. Neither responded. Fields inquired as to attending the Rally but does not recall the specific verbiage.

I am not intentionally ignoring your communication or discovery requests. As soon as I am able to contact my client, I will update the discovery responses as requested as best I can. I will note that Mr. Fields is appealing his state court conviction in Virginia. So he does still have a pending criminal case.

Thanks,
Dave

From: Michael Bloch <mbloch@kaplanhecker.com>
Sent: Wednesday, November 20, 2019 3:25 PM
To: David Campbell <dcampbell@dhdgclaw.com>
Subject: Sines v. Kessler

Mr. Campbell,

Please see the attached correspondence. Thanks.

Michael Bloch | Kaplan Hecker & Fink LLP
Counsel
350 Fifth Avenue | Suite 7110
New York, New York 10118
(W) 929.367.4573 | (M) 646.398.0345
mbloch@kaplanhecker.com

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Exhibit K

From: David Campbell <dcampbell@dhdgclaw.com>

Sent: Monday, February 3, 2020 4:11 PM

To: Cahill, Robert <rcahill@cooley.com>; Roberta Kaplan <rkaplan@kaplanhecker.com>; kdunn <kdunn@bsflp.com>; Levine, Alan <alevine@cooley.com>; Mills, David <dmills@cooley.com>; brottenborn@woodsrogers.com; bryan@bjoneslegal.com; isuecrooks@comcast.net; John DiNucci <dinuuccilaw@outlook.com>; edward@rebrooklaw.com; James Kolenich <jek318@gmail.com>; eli.f.mosley@gmail.com; azzmador@gmail.com; Dillon_Hopper@protonmail.com; matthew.w.heimbach@gmail.com; christopher.cantwell@gmail.com; Michael Bloch <mbloch@kaplanhecker.com>

Subject: Fields' Answers to Plaintiff's Second Interrogatories to Individual Defendants

[External]

All,

Attached, please find Mr. Fields' Answers to Plaintiff's Second Interrogatories to Individual Defendants. Please note, I remain unable to contact my client at this time. I intend to supplement these responses with any additional information once I am able to do so. I apologize in advance if I left anyone off this email list.

Thank you,

Dave

David L. Campbell
DUANE, HAUCK, GRAVATT & CAMPBELL, P.C.
100 West Franklin Street
Richmond, Virginia 23220
Telephone No.: (804) 644-7400
Facsimile: (804) 303-8911

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Exhibit L

[Home](#) [About Us](#) [Inmates](#) [Locations](#) [Careers](#) [Business](#) [Resources](#) [Contact Us](#)

Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present. Due to the First Step Act, sentences are being reviewed and recalculated to address pending Good Conduct Time changes. As a result, an inmate's release date may not be up-to-date. Website visitors should continue to check back periodically to see if any changes have occurred.

Find By Number**Find By Name**

First

Middle

Last

Race

Age

Sex

1 Result for search **James Fields**, Race: **White**, Num: **22239-084**, Sex: **Male**[Clear Form](#)[Search](#)

JAMES ALEX FIELDS

Register Number: 22239-084

Age: 22
Race: White
Sex: MaleLocated at: [Hazelton USP](#)

Release Date: LIFE

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Exhibit M



U. S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Complex-Hazelton
Bruceton Mills, West Virginia

Complex Supplement

OPI: Correctional Services
NUMBER: HAX 5267.09B
DATE: September 19, 2018
SUBJECT: Visiting Regulations

1. PURPOSE AND SCOPE: The purpose of this institution supplement is to establish visiting procedures at the Federal Correctional Complex Hazelton.
2. PROGRAM OBJECTIVES: The expected results of this program are to provide all inmates an opportunity for visits with family, friends, and community groups consistent with the security and orderly running of the institution, to establish an appropriate visiting schedule, to maintain a record of visitors for all inmates and to establish procedures to monitor all visiting areas, to prevent the introduction of contraband, and to ensure the security and good order of the institution.
3. DIRECTIVES AFFECTED:

Directives Rescinded: IS 5267.09A, Visiting Regulations, dated July 31, 2017.

Directives Referenced: P5267.09, Visiting Regulations, dated December 10, 2015; P5522.02; ION Spectrometry Device Program, dated April 1, 2015; P5500.15, Correctional Services Manual, dated October 19, 2012; P5510.15, Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities, dated July 17, 2013, P5521.06, Searches of Housing Units, Inmates and Inmate Work Areas, dated June 4, 2015.
4. STANDARDS REFERENCED:
 - a. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4156, 4-4267, 4-4285, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501, 4-4503, and 4-4504.
5. PRETRIAL/HOLDOVER/DETAINEE PROCEDURES: The procedures specified in this Supplement apply to all inmates at the USP, FCI, SFF, and SCP. Typically, regular visiting lists are unavailable for inmates in holdover status. Visitors wishing to visit holdover inmates must have prior approval. Prior approval of at least 48 hours is required for inmates to visit in holdover status. USP and FCI Holdover visits will be conducted in a Non-Contact Visiting Room and SFF Holdover visits will be conducted in the visiting room during normal visiting hours.

DISTRIBUTION: Executive Assistant, Department Heads, AFGE, LAN Common
Directory, Central Reference Library, Inmate Law Library, Master File

6. VISITING FACILITIES: All regular visits will be held in the Visiting Rooms of the USP, FCI, SFF, and SCP, respectively.

All visitors are required to ensure they arrange for transportation to and from the institution and that it is available in the event a visit is terminated or denied. Visitors will not be permitted to wait on the grounds of FCC Hazelton. Visitors will not be allowed to wait in the visitor's parking lot or the Front Lobby area.

In the event the Visiting Room becomes overcrowded, it may be necessary to limit the length of visits or the number of visitors. The decision to limit the duration of a visit will be made by the Operations Lieutenant or IDO. The visits of local and/or frequent visitors will be terminated first.

7. VISITING TIMES: Regular visiting hours for the USP, FCI, SFF, and SCP are from 8:00 a.m. to 3:00 p.m. Saturday, Sunday and Federal Holidays. No visitors will be processed after 2:00 p.m.

Special Housing Unit visiting at the USP, FCI, and SFF will be 8:00 a.m. to 3:00 p.m. on Sundays while General Population visiting is taking place.

At the USP and FCI, only two (2) visitors will be allowed in the non-contact visiting rooms at one time. These visits will not exceed one (1) hour and will start when the inmate is placed in the non-contact room. Visits conducted for Special Housing Unit USP and FCI inmates will be completed one half hour prior to general population visits.

Visitors are discouraged from arriving prior to visiting hours. Processing of visitors will normally begin no earlier than the established visitation hours.

8. NUMBER OF VISITORS: The maximum number of visitors an inmate may have at one time is six, including children. A maximum of four adult visitors will be allowed in at one time. Children age 16 and above will be counted as one adult visitor. Written visiting guidelines have been established for the USP, FCI, SFF, and SCP Hazelton and are contained in Attachment A, Visiting Regulations. These guidelines should be sent to all approved visitors by the respective inmate. These guidelines will also be available during normal visiting hours in the respective lobby.

9. REGULAR VISITORS: Typically, the inmate will have known the proposed visitor(s) prior to their incarceration. The Warden is the approving authority to any exception to this requirement. Once an inmate's visitors are approved, the inmate will be given a copy of the appropriate visiting regulations along with the list of approved visitors. It is the responsibility of the inmate to notify the visitors of approval/disapproval and to inform the visitors of the visiting guidelines (Attachment A).

The Visitor Information Form (BP-A0629), Attachment B, will be used to request background information and obtain the visitor's consent to release information. This form will be filed in section 2 of the Privacy Folder in the Inmate Central File. If the background information reveals that visitation privileges for the individual would present security concerns or disrupt the orderly running of the institution, the Warden may deny visiting privileges. Documentation reflecting this decision should be maintained in section 2 of the Privacy Folder in the Inmate Central File.

The visiting list may be amended by the inmate's submission of an Inmate Request to Staff Member form to his or her Unit Team indicating the desired change once every ninety (90) days.

A. Members of the Immediate Family:

USP/FCI/SFF: Upon arrival, each inmate may complete and submit to their Unit Team, a List of Requested Visitors (Attachment C), for members of their immediate family. Immediate family members will be allowed to visit for thirty (30) days pending the outcome of their background investigation to determine their criminal history.

SCP: Upon arrival, each inmate may complete and submit to their Unit Team a List of Requested Visitors (Attachment C) for members of their immediate family. Immediate family members will be allowed to visit. During Admission and Orientation, each inmate will complete and submit to their Unit Team a List of Requested Visitors. A background investigation will be conducted on these visitors.

A finalized list will be prepared and forwarded to the Visiting Room and entered into the Web Visiting Program by unit staff, following the investigation of the visitors. Unit staff will maintain hard copies in the inmate's Central File and the Visiting Room file cabinet.

B. Other Relatives, Friends and Associates: Visitors who are not immediate family members must submit a new Visitor Information Form allowing a new background check, if the one on file is more than five (5) years old. These individuals will not be considered for approval until a new form has been received and the background check has been updated.

Unit Counselors will require background information from all potential visitors who are not members of the inmate's immediate family before placing them on the inmate's approved visiting list. When little or no information is available on the inmate's potential visitor, visiting may be denied pending receipt and review of necessary information, including information which is available about the inmate and/or the inmate's offense, including alleged offenses. The Warden, or his designee, may make an exception to this procedure when warranted.

Ordinarily, a visitor not meeting prior relationship requirements will be denied. However, under special circumstances the inmate can request a waiver through the Unit Counselor. The Warden, or his designee, will be the final approving authority. A copy of this approval will be forwarded to SIS.

C. Persons with Prior Criminal Convictions: The inmates' Unit Team will give consideration to the nature, extent and recentness of convictions, as weighed against the security considerations of the institution. Specific approval of the Warden will be required before such visits take place. Ordinarily, staff should obtain written authorization from the appropriate federal or state probation/parole official prior to approving visitation privileges for an individual on probation, parole, or supervised release. A copy of this authorization will be maintained in section 2 of the Privacy Folder in the Inmate Central File.

D. Children Less than Sixteen: Children under the age of 16 may not visit unless accompanied by a responsible adult. Children will be kept under supervision of a responsible adult. Exceptions in unusual circumstances may be made by special approval of the Warden. The signature of a parent or legal guardian on the Visitor Information form (BP-A0629) is necessary to process a request for an applicant less than 18 years of age. Ordinarily, completing the questionnaire portion of this form (items 1 through 14) is not required if such an applicant is a verified immediate family member of the requesting inmate.

In unusual circumstances, the Warden, after consultation with Regional Counsel, may make exceptions to the requirement for acknowledgment by parent or legal guardian.

10. SPECIAL VISITORS: Unless specified by each facility, the conditions of visiting for special visitors are the same as for regular visitors. Special Visits are arranged by the Unit Team. The Unit Team will refer all individuals being considered for a special visit to the SIA/SIS and Captain for an additional background check and approval. A memorandum through the designated Associate Warden over Unit Management or Correctional Services requesting approval of a Special Visit will be submitted by the Unit Team to the Warden. Copies of the approved memorandum will be provided to the Captain, Operations Lieutenant, Control Center, Visiting Room and Front Lobby Officer Stations. Unit Managers will provide the Visiting Room Officer with a typed, signed copy of a memorandum approving a Special Visit prior to the visit. Visits on non-visiting days or after regular hours must be approved and supervised by Unit Staff.

- A. Business/Consular Visitors: In those instances where the inmate has turned over the operation of a business or profession to another person, there may be an occasion where a decision must be made which will substantially affect the assets or prospects of the business. The Warden accordingly may permit a special business visit in such cases. The Warden may waive the requirement for the existence of an established relationship prior to confinement. The inmates' Unit Team will be responsible for setting up and supervising these types of visits. The Visit may occur during regular visiting hours and then would be supervised by regular visiting room staff.

When an inmate is a citizen of a foreign country, consular representatives of that country may visit on matters of legitimate business. The requirement for the existence of an established relationship prior to confinement does not apply to consular visitors. The inmates' Unit Team will be responsible for setting up and supervising these types of visits. The visit may occur during regular visiting hours and then would be supervised by regular visiting room staff.

- B. Representatives of Community Groups (PVS, Volunteers, etc...): The Prisoner Visitation and Support Program (PVS) is a valuable volunteer program. The focus of PVS has always been to visit and provide moral support to inmates who do not ordinarily receive visits from family and friends. Through this program, inmates who are otherwise alienated from the community have the opportunity to develop healthy relationships and benefit from interaction with the PVS volunteers. Volunteers at Hazelton are allowed to carry paper and writing implements into the Visiting Room. They are to be processed at the Front Lobby as Volunteers.

Their visits are not to be charged against social visits, but will be conducted during normal visiting hours. They are expected to adhere to the institution dress code and visiting policies.

- C. Clergy: The requirement for the existence of an established relationship prior to confinement for visitors does not apply to visitors in this category.

1. Minister of Record: An inmate wanting to receive visits from his minister of record must submit a written request to the Chaplain. Upon approval, unit staff will add the visitor to the inmate's visiting list. An inmate may only have one minister of record on his visiting list at a time. The addition will not count against the total number of authorized regular visits an inmate is allowed. Inmates will be allowed two ministers of record visits per month.

2. Clergy: Visits from clergy (other than the minister of record) will be in accordance with the general visitor procedures, and will count against the total number of regular visits allowed. Ordinarily, clergy visits will not be accommodated unless requested by the inmate. However, the Chaplain may approve a visitation request initiated by the clergy if the inmate wishes to visit with the clergy. These visits will be accommodated in the Visiting Room during regularly scheduled visiting hours and, to the extent practicable, in an area of the Visiting Room which provides a degree of separation from other visitors. If a private area is not available, the visit may be rescheduled.

11. ATTORNEY VISITS: Attorneys are encouraged to visit during regular visiting hours. Attorneys must show a valid bar card or other suitable professional identification, and pass through the metal detector before entry. Attorneys' briefcases and papers being introduced into the USP, FCI, and SFF will be searched for contraband by use of the X-ray machines located in the respective front lobbies. Attorneys' briefcases and papers being introduced into the Satellite Prison Camp (SCP) will be hand searched for contraband. The use of cameras or recording equipment without the written consent of the Warden is prohibited.

All attorney visits will be scheduled through the appropriate Unit Team and monitored by Unit Staff. The attorney and his/her client will be afforded privacy in the attorney room located inside the Visiting Room of the USP, FCI or SFF respectively. If the attorney rooms are in use, the attorney is to be offered the opportunity to reschedule the visit when a more private area is available. If it becomes necessary for the inmate to bring pertinent legal material into the Visiting Room, Unit Staff will bring the materials into the Visiting Room. At the SCP, all attorney visits will be afforded privacy in the Camp Conference Room during visitation hours. On non-visiting days all attorney visits will be conducted in the SCP Visiting Room. USP, FCI, and SFF attorney visits scheduled during normal visiting will be monitored by the Visiting Room staff. Visits scheduled during non-visiting hours will ordinarily be supervised by Unit Management staff.

12. MEDIA VISITS: Requirements for media visits are governed by the provisions on contact with news media. A media representative who wishes to visit outside his or her official duties, however, must qualify as a regular visitor or, if applicable, a special visitor.

Request for interviews with inmates by recognized law enforcement agencies must be approved by the Special Investigative Supervisor (SIS/SIA) with notification to the respective Unit Manager. SIS Staff will provide escort and supervision of the interview in an area other than the visiting room if regular visiting is in progress or for reasons of security.

Unit Managers will provide the Visiting Room Officer with a typed, signed copy of a memorandum approving a Special Visit prior to the visit. Visits on non-visiting days or after regular hours must be approved and supervised by Unit Staff.

13. TRANSPORTATION ASSISTANCE: Pay phone service is not available at FCC Hazelton. Visitors should ensure transportation to and from the grounds are arranged prior to any visit. In cases of emergency, the Front Lobby Officer may provide a call.

This area has no public transportation (city bus service) between the institution and surrounding areas. However, there are private transportation services that are available. Privately owned vehicles or rental vehicles are suggested.

R & R Transit	(304)291-6600	Morgantown, WV
Yellow Cab	(304)292-7441	Morgantown, WV

- A. The Federal Correctional Complex-Hazelton, West Virginia is located off Interstate 68, East of Morgantown, West Virginia, and West of Cumberland, Maryland. The institution is off exit 29, Hazelton Road. The physical address is 1640 Sky View Drive, Hazelton, WV, and phone number is (304) 379-5000.

From the West: Take Interstate 68 East, to exit 29, (Hazelton Road). Turn left at the end of the exit ramp. Approximately one half miles, turn right on Casteel Road. Institution is approximately half mile on left side of road. Follow signs to institution.

From The East: Take Interstate 68 West, to exit 29, (Hazelton Road). Turn right at the end of the exit ramp. Approximately 100 yards turn right on (Casteel Road). Institution is approximately half mile on left side of road. Follow signs to institution.

From Pittsburgh: Take Interstate 279 south to Exit 1A (Washington, P.A.) Allow Interstate 279 to Interstate 79 south. Take 79 south to Interstate 68 East, Exit 148 (Cumberland, Maryland) 68 East, to exit 29, (Hazelton Road). Turn left at the end of the exit ramp. Approximately one half mile turn right on Casteel Road. Institution is approximately half mile on left side of road. Follow signs to institution.

Lodging: FCC Hazelton is located in a rural area and lodging is limited. However, listed below are the facilities nearest the institution.

Microtel Inn and Suites, 886 Casteel Road, Hazelton, WV, (866) 538-6194

Maple Leaf Motel, Main Street, Bruceton Mills, WV, (304) 379-4075

14. VISITS TO INMATES NOT IN REGULAR POPULATION STATUS:

- A. Outside/Local Hospital Visits: Visits for inmates hospitalized in the community will be determined by the Warden or Acting Warden only. If a visit is approved, it will be limited to immediate family. Unit Team or the Institution Duty Officer will supervise these types of visits. All visits will be subject to the general visiting policy of the local hospital. Approved visitors will be notified to report to an area of the local hospital designated by the staff member supervising the visit. Visits will be limited to two (2) hours.

Request for interviews with inmates, by recognized law enforcement agencies, must be coordinated with the Special Investigative Supervisor (SIS/SIA) and approved by the Warden with notification to the respective Unit Manager. SIS Staff will provide escort and supervision of the interview in an area other than the visiting room if regular visiting is in progress or for reasons of security.

- B. Institution Hospital Visits: When visitors request to see an inmate who is hospitalized in the institution, the Chief Medical Officer or the Health Services Administrator, along with the Captain, will determine whether a visit may occur, and if so, whether it may be held in the hospital. When a visit is denied due to the condition of the inmate or other conditions which may preclude the visitor from visiting in the institution hospital, the situation is to be carefully and sensitively explained to the approved visitor. Documentation of this will be maintained in section 2 of the Privacy Folder in the Inmate Central File.

- C. Detention or Segregation Status: At the USP and FCI inmates housed in SHU will receive Non-Contact Visitation. These inmates have displayed behaviors which pose a threat to the secure and orderly running of the institution. These inmates will visit in the non-contact visitation rooms located in the Visiting Area. Only two (2) visitors will be allowed in the non-contact visiting room at one time. These visits will not exceed 1 hour and will start when the inmate is placed in the non-contact room. The point system will still be in effect for the USP.

Inmates at the SFF who are housed in SHU will visit in the visiting room at a table/area designated by the Visiting Room Officers. These inmates will not be allowed in the Parenting Room at the SFF.

15. PROCEDURES: Visiting is a positive activity for inmates and visiting will normally take precedence over other institutional activities. In the event of an institution emergency, inmate visits may be terminated or limited at the discretion of the Warden.

- A. Identification of Visitors: All visitors are required to present acceptable means of picture identification prior to admission for a visit. Acceptable identification is a picture ID with a signature. This may include, but are not limited to, a valid driver's license, valid state identification card, passport, or other official government-issued picture identification. Photo identification is required for persons 16 years of age and over. If a visitor does not present identification with a photograph, the visitor will not be allowed to visit. Lobby / Reception Center staff having any questions or concerns regarding acceptable identification during visitor registration will refer the matter to the Operations Lieutenant.

Staff assigned to the Front Lobby and Message Center will verify the identity of each visitor through an acceptable means of identification. Visitors under the age of 16 who are accompanied by a parent or legal guardian are exempt from this provision. Visitors will be on the inmate's visiting list or the Front Lobby Officer will have a signed memorandum with the visitor name and dates of the visit listed.

- B. Exit Procedures: For the USP and FCI at approximately 2:30 PM, Visitation Staff will begin to out-process inmates and visitors if there are 15 or more inmates in the Visiting Room. If there are less than 15 inmates in the Visiting Room, out-processing will begin at 3:00 PM. Visitation staff will notify one row at a time to exit and allow the inmate one short kiss and one short embrace with their visitors. Visitation staff will direct inmates to line up on the back wall adjacent to the inmate exit door in preparation for a second visual search. Visitors shall be directed to line up behind the Visitation Sallyport door in preparation to exit the facility. All other rows shall remain seated until directed to stand by the Visitation Officers.

At the SFF, upon the completion of visiting, an announcement will be made to the effect of, "Visiting is now over, inmates and visitors will be separated. Visitors please move to the north wall of the Visiting Room and inmates proceed to the south wall of the Visiting Room." Staff will then conduct a count and visually identify each inmate using the inmate commissary picture cards. Once all inmates are accounted for, staff will start releasing visitors.

Visitors will be properly identified by using their photo identification card which is attached to their Notification to Visitor (BP-A0224). Visiting Staff will also check the hand stamp under the ultraviolet light which is located

by the Visiting Room door. Visitors will be escorted to the Front Entrance sallyport. Visitors will be released in groups of no more than six at a time. Once inside the Sallyport, the visitor photo identification card and the hand stamp are re-verified by the Control Room Officer before the visitor is allowed to exit through the Front Lobby Sallyport.

Once all visitors have been cleared from the Visiting Room, the inmates will line up at the visual search room door for processing out of the Visiting Room. The same procedures will be followed at the Camp with minor changes. The ultraviolet light is not used, and visitors at the Camp are not required to be escorted out.

- C. Inmate Identification: Staff will make positive identification of inmates arriving at the Visiting Room for visits, utilizing the inmate's identification card or a picture card from Control if their identification card is lost or stolen. Staff will keep the inmate's identification card until the visit is complete to positively identify the inmate prior to the inmate returning to the compound.
- D. Notification to Visitors: Visitation Guidelines will be available to all visitors upon their request. Staff will have the visitor sign a statement (Attachment D, Notification to Visitor, BP-224) acknowledging that the guidelines were provided and declaring that the visitor does not have any article in his/her possession which the visitor knows to be a threat to the security of the institution. Staff may deny the privilege of visiting to a visitor who refuses to make such a declaration. Hazelton's Visiting Guidelines are attached to the Visitor Information Form which is sent to potential visitors. Additionally, rules are posted in the Visiting Room.
- E. Unauthorized Visitors: On occasion, individuals come to the institution to visit an inmate without prior approval or notification to staff. The requested visit will normally be denied. In cases where there are extenuating circumstances and Unit Staff is not available, the Operations Lieutenant will be contacted to render the final decision. When this occurs, the Operations Lieutenant or Institution Duty Officer will notify the inmate of the decision.
- F. Searching Visitors: Staff assigned to the Front Lobby at the USP, FCI or SFF, and Reception Center at the SCP may require a visitor to submit to a personal search, including a search of any items of personal property, as a condition of allowing or continuing a visit.

1. Metal Detector/ION Scan/X-ray Machines: At the USP, FCI and SFF all visitors entering the institution are required to pass through the metal detector located in the Front Lobby.

The Front Lobby officer will use discretion while reasonably attempting to identify the area of the visitor which is setting off the metal detector. If the Officer is unable to identify the source of the metal on the visitor, the visitor will be denied access into the institution.

All visitors are subject to random or reasonable suspicion testing with the ION Spectrometry Device. Specific procedures for this device are listed in Hazelton's Institution Supplement ION Spectrometry Device Program.

All visitors' jackets will be scanned through the X-ray machine located in the Front Lobby at the USP, FCI or SFF. Any visitor refusing to submit to this procedure or who fails to pass the metal detector and/or drug detector and/or a handheld detector will be denied access into the

institution. The Operations Lieutenant or Institution Duty Officer will be contacted and it is his or her responsibility to inform the visitor that he or she will not be allowed into the institution. The Front Lobby Officer will generate memorandums (Attachment E) notifying the visitor they are not allowed into the institution, and (Attachment F) which will be submitted to SIS, the Operations Lieutenant, and Captain concerning any drug testing failure and attach the testing information from the ION Scan. The Front Lobby Officers will follow the specific instruction contained in the current ION Spectrometry Device Program Institution Supplement concerning ION Device searches.

- G. Search of Inmates: All inmates entering the SCP Visiting Room will be pat searched and screened with a metal detector before entering the Visiting Room.

All USP and FCI inmates, with the exception of SHU inmates, will receive a visual search prior to entering the Visiting Room. All SHU inmates will receive a visual search before departing SHU.

All SFF inmates will be randomly visually searched when entering the visiting room. At the USP, FCI and SFF, all SHU inmates will be pat searched before departing the Visiting Room and visually searched on return to SHU, to include a new issue of clothing. All USP, FCI and SFF inmates will be visually searched prior to returning to the General Population.

Periodic visual searches will be conducted at the SCP prior to inmates departing the Visiting Room. The inmate will be required to completely remove all their clothing prior to the search commencing. Due to the nature of the visual search, a one staff member to one inmate ratio will be maintained. At no time will more than one inmate be visually searched in the presence of other inmates unless emergency conditions exist.

At the USP and FCI visiting search area, the inmate will be visually searched and then place all of their outer clothing into a labeled laundry bag. The clothing inmates wear to the visiting room will be secured with their name on it and will be returned to them once they complete a second visual search at the completion of their visit. At the USP, following the second visual search, visitation staff will direct the inmate into the Green Corridor. The Green Corridor Officer will line each exiting inmate on the corridor wall and maintain constant visual supervision. Upon completion of the visual searches, staff will escort no more than five inmates to R&D for scanning. Once scanned, inmates shall be placed into clean R&D cells until the last inmate in the group is scanned, then released back to their housing unit.

At the FCI, SFF and SCP, inmates will be allowed to enter the visiting room with one plain neck chain with religious medallion attached, one plain wedding band, prescription eyeglasses, one plain white handkerchief, one comb, approved religious head wear, photo tickets, and plain hair ties at the SFF only. Items not authorized upon the inmate's departure will be considered contraband and confiscated. No item of property will be stored for the inmate in the search area. At the USP, inmates will be allowed the following items into the visiting room: 1-wedding band, 1-plain neck chain with religious medallion, prescription glasses (no sunglasses unless medically approved), authorized religious head wear and photo tickets. At the USP, FCI, and SFF, the Visiting Room Officer will complete a Visiting Room Inmate Property Sheet (Attachment G) for all inmates entering the Visiting Room. This form will be retained for one year in the Visiting Room Officer's file cabinet, located in the Visiting Room.

The Visiting Room staff, in conjunction with the SIS, will determine inmates who are suspected of introducing contraband. Surveillance cameras located in the Visiting Room will be used to monitor these inmates.

- H. Record of Visitors: The record of visitors is recorded on the Bureau computerized Visiting Room Program. Form BP-224, Notification to Visitor will be filled out by all visitors and is maintained at each respective visiting room by the Visiting Room Officer. Additionally, all visitors are required to sign in the log book located in the Front Lobby. An electronic computerized PDF file system has been established to serve as the backup-visiting system. The PDF file system will be backed up weekly by the Front Lobby Officer at each respective Lobby or Reception Center. At no time will staff allow inmates or visitors to view any visiting file.
- I. Supervision of Visits: At the USP Visitation Officers will direct inmates to sit in maroon colored chairs. Inmate's hands must remain on the top of the tables at all times. At each facility the visiting room officer will ensure that all visits are conducted in a quiet, orderly, and dignified manner. The visiting room officer may terminate visits that are not conducted in the appropriate manner. Personal effects visitors may bring into the institution are addressed in Attachment A. Visitors may not bring food items into the Institution.

There are vending machines in the Visiting Rooms for use by the visitors. It is not permissible for inmates to accompany their visitors to the vending machine area of the Visiting Room. Inmates and visitors are not permitted to remove any vending items from the Visiting Room.

At the USP and FCI, a red line boundary will be placed in front of the Vending area. Only two visitors shall be allowed inside the boundary at one time. All food items bought from the vending machines by the visitor will be removed from the original package and placed on a designated plate. This includes food items to be microwaved and candy products purchased. Food to be consumed by the visitor will be placed on a different color/shape plate than the food bought and prepared for the inmate. All drinks purchased from the vending machines will have the labels removed prior to returning to the seating areas. Inmates and visitors are NOT permitted to share any food items or drinks at any time.

The Captain will review any items prior to placement in the vending machines. Staff will supervise each inmate visit to prevent the passage of contraband and to ensure the security and good order of the institution. The Visiting Room staff, in conjunction with SIS, will determine inmates who are suspected of introducing contraband. Surveillance cameras located in the Visiting Room will be used to monitor these inmates.

If an inmate is suspected of introducing contraband, the surveillance VICON archive will be maintained and evidence control procedures will be initiated.

All seating, attorney rooms, non-contact rooms and inmate access areas of the visiting room will be monitored with the use of video surveillance cameras. Visiting room staff will position themselves to ensure all inmate access areas of the visiting room can be visually observed.

Restrooms are provided for visitors. At the USP, FCI and SFF, inmates will utilize the facilities located in the visual search room, and all inmates will be pat searched prior to and at the completion of, using the facilities. Inmates will remain in constant visual supervision of escorting staff. The inmates' restroom in the visiting area will remain locked at all times. Inmates will not utilize visitors' restrooms.

- J. Parenting Program / Child Area: The Education Department has the responsibility of developing the curriculum and facilitating the Parenting Program at the USP, FCI and SFF. The Education Department will insure a list of participants is provided to the Lieutenant's Office and respective Visiting Room Officers. The USP/FCI/SFF Lieutenant's Office will provide a list of inmates who are not authorized in the Parenting/Child area at any time. These restrictions may apply to inmates who have violated rules in the visiting room or for other security concerns as deemed appropriate. At the USP/FCI the Parenting Program has been designated to a specific corner of the visiting room.

At the SFF the program will be held in a specific room in the visiting room. At the USP/FCI, when the Parenting Program is not meeting, inmates are not permitted in this area. At the USP/FCI, the Visiting Room Officer may allow Children to get items such as games, books, or coloring books from this area to utilize.

The inmate and visitor are responsible for items taken from this area. At the SFF, the Education Department will have an inmate Education Clerk who will facilitate a signup sheet to allow inmates and their children to utilize the

Parenting Room when it is not in use for 1 hour. At the SFF, when the area is not being used by the parenting program, only 4 inmates and their children may be in the room at one time. Inmates and their visitors are responsible for what all actions which occur in the Parenting Room.

Inmates and Visitors are responsible for their children while in the Visiting Room. The inmate will be warned if their children misbehave. If the children continue to misbehave; the visit may be terminated by the Operations Lieutenant or IDO.

- K. Proper Dress and Grooming for inmates in the Visiting Room: At the SFF and SCP Inmates are required to wear institution-issued clothing and shoes (institution-issued pants and shirts or the assigned jump suits for inmates housed in SHU) during visitation. Institutional clothing must be neat and clean in appearance. At the SFF and SCP, shirts will be tucked into the trouser waistband at all times.

Approved religious head wear (such as a Yarmulke) may be worn in the Visiting Room. All religious head wear will be inspected prior to, and at the completion, of the visit. Visits will not be permitted for those who are not properly groomed. Proper grooming requires that hair is neat and clean.

At the USP and FCI the inmate will be issued a one-piece jump-suit, and approved shower-type shoe/sandal. All inmates must wear the one-piece jumper provided, completely zipped-up.

At the SFF and SCP, inmates will not take any property to a visit except one institution issued comb, one handkerchief, one plain wedding band, one plain neck chain with a religious medallion, prescription glasses (no sunglasses unless medically approved), commissary card, authorized religious head wear and photo tickets. At the USP, inmates will be allowed the following items into the visiting room: 1-wedding band, 1-plain neck chain with religious medallion, prescription glasses (no sunglasses unless medically approved), authorized religious head wear and photo tickets. Inmates are not permitted to wear hats in the Visiting Room. Watches are not allowed. At the SFF, female inmates will not wear earrings into the visiting room. If an inmate has property in his possession which is not authorized in the Visiting Room,

the inmate will be instructed to return to his or her unit and secure the property before they are authorized to enter the Visiting Room.

Items not authorized upon the inmate's departure will be considered contraband and confiscated. No items, other than exchanged clothing, will be stored in the search area.

- L. Proper Dress for Visitors in the Visiting Room: Inmates are responsible for informing prospective visitors that dress should be within the bounds of good taste and should not possibly offend others who may be present in the Visiting Room.

The following items WILL NOT be allowed: Hats, watches, transparent or sheer clothing, bib overalls (due to clearing security devices), open-toed shoes or sandals, spiked heel shoes, halter tops, sleeveless tops or dresses, shorts, miniskirts, culottes, Capri pants, or spandex. Clothing items will not be skin tight or sexually suggestive in nature. Dresses will not be shorter than the top of the knee. Blouses or other apparel of a suggestive nature (i.e., low-cut, V-neck, tank tops, any garment which reveals the mid-section, or skirts with slits above the knee) will not be allowed. No clothing with derogatory, sexually suggestive, or gang-related logos is allowed. Because inmates wear similar clothing in the institution, jogging and/or sweat suits will not be permitted to be worn into the institution. Sweatshirts/sweat pants and jogging outfits (pants or jackets) are not allowed to be worn in conjunction with regular civilian style clothing if similar to inmate clothing. All visitors will wear underclothing garments. All female visitors are required to wear a bra. Any other clothing that, at the discretion of the Operations Lieutenant or Institution Duty Officer, resembles the style or color of inmate clothing (i.e., khaki-colored clothing) will not be allowed to be worn into the institution. At the discretion of the Operations Lieutenant or Institution Duty Officer, children under the age of twelve (12) will be allowed to wear shorts. No bare feet will be permitted (excluding babies). Chewing Gum is not authorized in the Visiting Room for any reason.

Personal keys or electronic devices will not be allowed into the Visiting Room. Electronic devices will include the following: beepers, cellular phones, car alarm remote or any remote operating device. Lockers will be available to visitors for the storage of personal items.

Papers, packages, money orders, handbags and/or gifts are not to be allowed into, or exchanged in, the Visiting Room.

See Attachment A for authorized items visitors are allowed to bring into the visiting room. An inmate's visitor may not leave money with any staff member for deposit in the inmate's commissary account. Refer to the Trust Fund/Warehouse/Laundry Manual for additional information on accepting packages.

All visiting areas are "No Smoking Areas." No tobacco products of any kind are allowed in the visiting areas.

16. PENALTY FOR VIOLATION OF VISITING REGULATIONS:

- A. Terminating Visitors: The Operations Lieutenant or IDO has the authority to terminate visits for reasons of improper conduct on the part of the inmate or visitor(s). The right to have future visits may be denied as part of an administrative action for any visitor who attempts to circumvent or evade institutional regulations. In situations where visits are terminated or have been denied, the visitor(s) will immediately depart the institution grounds by way of taxi, personal vehicle, or other means of transportation. Under no

circumstances, will the visitor be allowed to remain on the institution grounds.

Visitors and inmates will be permitted limited physical contact, such as handshaking, embracing, and kissing and only within the bounds of good taste and only at the beginning and at the end of each the visit.

Any effort to circumvent or evade the visiting regulations established at this or any of FCC Hazelton facilities will not only result in the denial of future visits but may require that other disciplinary action or court proceedings be initiated against the visitor. 18 U.S.C. 1791, provides a penalty of imprisonment for not more than 20 years, a fine, or both for providing or attempting to provide to an inmate anything whatsoever without the knowledge and consent of the Warden. These Visiting Regulations are being provided to you in order to assist you in properly preparing for and participating in the FCC Hazelton facilities visiting program. Should you have questions, please do not hesitate to contact Unit Staff.

In an effort to eliminate the introduction of drugs and drug paraphernalia into Bureau institutions, the Bureau will seek criminal prosecution against visitors who participate in contraband violations. Additionally, as a disincentive for inmates found guilty of these violations, the Discipline Hearing Officer (DHO) or Unit Discipline Committee (UDC), may impose the loss of visiting privileges as a sanction.

Refer to the Program Statement on Inmate Discipline and Special Housing Units for information regarding loss of visiting privileges resulting from disciplinary action.

17. WALSH ACT REQUIREMENTS: Unit Team will evaluate all inmates on their caseload to determine if they have an inmate who has been convicted of a sex offense involving a minor. Any inmate fitting this criterion will have the following annotation placed in the visiting program under the comments section: "this inmate was convicted of a sex offense involving a minor."

Any inmate identified as having a Walsh Act assignment involving a minor will have his/her visits closely monitored.

18. VISITING REGULATIONS REGARDING PETS: Visitors are precluded from bringing animals onto institutional grounds, except for animals that assist persons with disabilities. The visitor must provide staff with certification that the animal is trained for that purpose.
19. OFFICE OF PRIMARY RESPONSIBILITY: Correctional Services

20. ATTACHMENTS:

Attachment	A	Visiting Regulations
Attachment	B	Visitor Information Form (BP-A0629)
Attachment	C	List of Requested Visitors
Attachment	D	Notification to Visitor (BP-A0224)
Attachment	E	Visiting Privileges
Attachment	F	Visitors Denied Entrance
Attachment	G	Visiting Room Inmate Property Sheet

_____/s/_____
Joe Coakley
Complex Warden

_____/s/_____
F. Entzel
Warden

ATTACHMENT A

FCC HAZELTON VISITING REGULATIONS

The requested visitors on the enclosed list have been approved to visit you during your incarceration at FCC Hazelton. In addition, the proper conduct of your visitors during visitation is your responsibility as well as providing your visitors with a copy of this attachment so they will be aware of our visiting regulations.

1. IDENTIFICATION: Positive picture identification of visitors is required. A valid driver's license or Government issued photo identification card is acceptable forms of identification. If the visitor does not present a valid identification card or does not have one in their possession, their visit will be denied. Once denied, the visitor will immediately depart the institutional grounds.
2. VISITING TIMES: Regular visiting hours are from 8:00 a.m. to 3:00 p.m., Saturday, Sunday, Monday and Federal Holidays. No visitors will be processed after 2:00 p.m. on Saturdays, Sundays, Mondays and Federal Holidays.
3. USP and FCI: Special Housing Unit visiting will be 8:00 a.m. to 3:00 p.m. on Mondays in the Non-Contact rooms. At the SFF, Special Housing Unit visits will be Mondays, 12:00 p.m. to 3:00 p.m. General Population inmates at the SFF will have visiting Mondays from 8:00 a.m. to 12:00 p.m. All Special Housing inmates at all institutions are allotted one (1) hour per visit.
4. WHO MAY VISIT: Only those people on your approved visiting list. The child's approved parent or legal guardian must accompany children if under the age of 16. Children 16 and over must be on your approved visiting list.
5. NUMBER OF VISITORS: The number of visitors an inmate may have at one time is six, including children. A maximum of four adult visitors will be allowed in at any one time. Children the age of 16 and over will be counted as one adult visitor.
6. PERSONAL CONTACT: Personal contact within the limits of good taste such as shaking hands, a kiss, and embrace are permitted when the visitor and inmate meet and just prior to departing. Any case of excessive contact is grounds for the visit to be terminated.
7. PERSONAL DRESS AND GROOMING FOR INMATES: Inmates are required to wear the full institutional uniform, to include a belt. SCP inmates wear the green pants and shirts. SHU inmates wear the assigned jump suits. Institutional clothing must be neat and clean in appearance. At the SFF and SCP, shirts will be tucked into the trouser waistband at all times. Approved religious headgear (such as a Yarmulke) may be worn in the Visiting Room. All religious headgear will be inspected prior to, and at the completion, of the visit. Visits will not be permitted for those who are not properly groomed.
8. PERSONAL DRESS FOR VISITORS: Hats, watches, transparent or sheer clothing, bib overalls (due to clearing security devices), open-toed shoes or sandals, spiked heel shoes, halter tops, sleeveless tops or dresses, shorts, miniskirts, culottes, Capri pants, or spandex. Clothing items will not be skin tight or sexually suggestive in nature. Dresses will not be shorter than the top of the knee. Blouses or other apparel of a suggestive nature (i.e., low-cut, V-neck, tank tops, any garment which reveals the mid-section, or skirts with slits above the knee) will not be allowed. No clothing with derogatory, sexually suggestive, or gang-related logos is allowed. Because inmates wear similar clothing in the institution, jogging and/or sweat suits will not be permitted to be worn into the institution. Sweatshirts/sweat pants and jogging outfits (pants or jackets) are not allowed to be worn in conjunction with regular civilian style clothing if similar to inmate clothing. All visitors will wear underclothing garments. All female visitors are required to wear a bra. Any other clothing that, at the discretion of the Operations Lieutenant or Institution Duty Officer, resembles the style or color of inmate clothing (i.e., khaki-colored clothing) will not be allowed to be worn into the institution. At the discretion of the Operations Lieutenant or Institution Duty Officer, children under the age of twelve (12) will be allowed to wear shorts. No bare feet will be permitted (excluding babies). Chewing Gum is not authorized in the Visiting Room for any reason.

ATTACHMENT A, Page 2

Personal keys or electronic devices will not be allowed into the Visiting Room. Electronic devices will include the following: beepers, cellular phones, car alarm remote or any remote operating device and handbags. Lockers will be available to visitors for the storage of personal items.

9. ONLY THE FOLLOWING ITEMS LISTED BELOW ARE AUTHORIZED TO BE TAKEN INTO THE VISITING ROOM BY VISITORS:

- a. One (1) wallet or transparent change purse no larger than 5"x8"x4"
- b. Four (4) diapers
- c. Two (2) jars of Baby Food, unopened
- d. Three (3) baby bottles clear and half full
- e. One (1) baby blanket
- f. Female sanitary napkins or tampons
- g. Heart and epilepsy medication only

The above will be the only items allowed into the Visiting Room. No other item(s) will be allowed. No car seats or strollers are allowed. No written messages may be exchanged during a visit.

ALL VISITORS ARE SUBJECT TO SEARCH PRIOR TO ENTERING AND UPON DEPARTING THE INSTITUTION. THE USE OF CAMERAS OR RECORDING EQUIPMENT WITHOUT WRITTEN CONSENT OF THE WARDEN IS STRICTLY PROHIBITED.

10. PACKAGES: It is not permissible for visitors to bring handbags, packages, photos, or gifts of any kind into the institution. Documents or papers may not be brought into the Visiting Room and should be handled through correspondence.
11. MONEY: Money cannot be accepted for deposit into the inmate's trust fund account through the Visiting Room or Front Lobby. This should be done through the mail. Visitors are allowed to bring \$20.00 in change (quarters only) to purchase food items from vending machines located in the Visiting Room.
12. SMOKING: The Visiting Room is a NO SMOKING area. No tobacco products of any kind are allowed into the institution.
13. AUTHORIZED ITEMS THAT VISITORS MAY BRING TO GIVE TO INMATE(S): Visitors are not permitted to bring in anything to provide to the inmate.
14. Title 18 U.S.C. Sections 1791 and 3571: Provides a penalty of imprisonment of not more than twenty years, a fine of not more than \$250,000 or both, to a person who, in violation of a statute, rule, or order issued pursuant to that statute, provides, or attempts to provide, to an inmate anything whatsoever without the Warden's knowledge and consent. This includes, but is not limited to, such objects as firearms, weapons, narcotics, drugs and currency.

Visitors are encouraged not to wear clothing with metal content, such as a western style shirt with metal buttons or undergarments with metal supports. All visitors are required to pass through a walkthrough metal detector without activating it. Visitors with metal implants or non-removable medical metal items must contact the individual Unit Team prior to the visits and provide supporting documentation. In addition, drug screening is in effect (ION scan). Visitors will be denied entry for positive testing.

ATTACHMENT B

BP-A0629

VISITOR INFORMATION CDFRM

APR 10

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Addressee	Institution	Date
Re: (Inmate's Name and Register No.)		

Dear _____:

I am requesting that you be included among my approved visitors. In order to establish your suitability as a visitor, it may be necessary for institution officials to send an inquiry to an appropriate law enforcement or crime information agency to ascertain whether or not placing you on my visiting list would present a management problem for the institution, or have other possible adverse effects. The information obtained will be used to determine your acceptability as a visitor. The Bureau of Prisons' authority to request background information on proposed visitors is contained in Title 18 U.S.C. § 4042.

In order for you to be considered for the visiting privilege with me, it will be necessary for you to fill out the questionnaire and release form below and return it to the following address: (Institution address).

You are not required to supply the information requested. However, if you do not furnish the information, the processing of your request will be suspended, and you will receive no further consideration. If you furnish only part of the information required, the processing of your request may be significantly delayed. If the information withheld is found to be essential to the processing of your request, you will be informed, and your request will receive no further consideration unless you supply the missing information. Although no penalties are authorized if you do not supply the information requested, failure to supply such information could result in your not being considered for admittance as a visitor. The criminal penalty for making false statements is a fine of not more than \$250,000 or imprisonment for not more than five years or both (See 18 U.S.C. § 1001).

Sincerely,

1. Legal Name		2. Date of Birth	3. Address (Including Zip Code)
4. Telephone Number (Including Area Code)	5. Race and Sex of Visitor		
6. Are you a U.S. Citizen? ___ Yes ___ No	6a. If yes, provide Social Security No: _____ 6b. If no, provide Alien Registration No: _____ 6c. Provide Passport No: _____		
7. Relationship to above-named inmate		8. Do you desire to visit him/her? ___ Yes ___ No	
9. Did you know this person prior to his/her current incarceration? ___ Yes ___ No			
10. If the answer to #9 is yes, indicate the length of time you have known this person and where the relationship developed.			
11. Have you ever been convicted of a crime? If so, state the number, date, place, and nature of the conviction/s:			
12. Are you currently on probation, parole, or any other type of supervision? If so, state the name of your supervising probation/parole officer and the address and telephone no. where he/she can be contacted:			
13. Do you correspond or visit with other inmates? If so, indicate the individual(s) and their location(s):			
14. Driver's License No. and State of Issuance			

AUTHORIZATION TO RELEASE INFORMATION

I hereby authorize release to the Warden of: _____ any record of criminal offenses for which I
(Institution, Location)
have been arrested and convicted, and any information related to those convictions.

Signature for Authorization to Release Information _____

(Sign and Print Name) Parent or Guardia

(If applicant is under 18 years of age, signature of parent or guardian indicates consent of minor to visit inmate).

If additional space is required, you may use the back of this form.
To be filed in Inmate Central File, FOI Section 2

PDF

Prescribed by P5267

Replaces BP-A629 of Sep 00

FILE IN SECTION 3 UNLESS APPROPRIATE FOR PRIVACY FOLDER

SECTION 3

LIST OF REQUESTED VISITORS

Date:

	Name	Relationship	Street Address	City, State, Zip
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

[illegible]

APPROVED: _____
Case Manager/Counselor _____ Date _____

ATTACHMENT D

A0224

NOTIFICATION TO VISITOR

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Date: _____ Time: _____ Officer's Name: _____

Institution: _____ Location: _____

Name of Inmate To Be Visited: _____ Register No.: _____

NOTICE TO ALL PERSONS: CONSENT TO SEARCH

Federal Bureau of Prisons (Bureau) staff may search you and your belongings (bags, boxes, vehicles, container in vehicles, jackets, coats, etc.) before you enter, or while you are on or inside, Bureau grounds or facilities.

Consent to Search Implied. By entering or attempting to enter Bureau grounds or facilities, you consent to being searched in accordance with Bureau policy and Federal regulations in volume 28 of the Code of Federal Regulations, Part 511. If you refuse to be searched, you may be prohibited from entering Bureau grounds or facilities.

NOTICE TO ALL PERSONS: PROHIBITED ACTIVITIES AND OBJECTS

You are prohibited from engaging in prohibited activities or possessing prohibited objects on Bureau grounds, or in Bureau facilities, without the knowledge and consent of the Warden. Violators may be detained or arrested for possible criminal prosecution, either by Bureau staff, or local or federal law enforcement authorities.

Prohibited Activities include any activities that could jeopardize the Bureau's ability to ensure the safety, security, and orderly operation of Bureau facilities, and protect the public, including, but not limited to, violations of Titles 18 and 21 of the United States Code, Federal regulations, or Bureau policies.

Prohibited Objects include, but are not limited to, weapons; explosives; drugs; intoxicants; currency; cameras of any type; recording equipment; telephones; radios; pagers; electronic devices; and any other objects that violate criminal laws or are prohibited by Federal regulations or Bureau policies.

PLEASE ANSWER THE FOLLOWING QUESTIONS: Are any of the following items in your possession, or in possession of children in your party under 16 years of age?

Tobacco Products	Yes	No	Narcotics	Yes	No
Explosives	Yes	No	Marijuana	Yes	No
Weapons	Yes	No	Camera	Yes	No
Ammunition	Yes	No	Food Items	Yes	No
Metal Cutting tools	Yes	No	Alcoholic Beverages	Yes	No
Recording Equipment	Yes	No	Prescription Drug*	Yes	No
Telephones-any type	Yes	No	Intoxicants	Yes	No
Radios	Yes	No	Pagers	Yes	No
Electronic Devices	Yes _____	No _____	Firearms	Yes _____	No _____

*All types of medication carried must be listed in the following space, and must be left at the entry area:

I have read, I understand, and I agree to the above. If I am visiting with an inmate, I also understand and agree to abide by the visiting guidelines provided me by this institution. I declare that I do not have articles in my possession which I know to be a threat to institution safety, security, or good order. I am aware that if I have questions about what is authorized, I should consult with the officer. I am aware that the penalty for making a false statement is a fine of not more than \$250,000 or imprisonment of not more than five years or both (pursuant to 18 U.S.C. § 1001). I am aware that the visiting area, including restrooms in the visiting area, may be monitored to ensure institution security and good order.

Printed Name/Signature: _____

Street Address/City and State: _____

Vehicle License No.: _____ Year, Color, Make and Model of Vehicle: _____

If visiting with an inmate, please complete the following: Names of children under 16 years of age for whom I am responsible: _____

If not visiting with an inmate, please indicate:

Name of Organization: _____ Purpose of Visit: _____

Printed Name/Signature of Staff Witness: _____

ATTACHMENT E

Must be used with current Letterhead Template

RE: Visiting Privileges with (inmate's name and register number)

Dear (Name):

You are temporarily suspended from visiting (inmate's name and register number) at (facility) Hazelton for a period of # days for an administrative action stemming from your visit. On (date & summary of incident).

This action will remain in effect for a period of # days. Inmate (name) has been notified of this decision. It will be his or her responsibility to inform you of the final disposition taken in this matter.

Sincerely

Name
Warden

cc: Central File
SIS

ATTACHMENT F

Must be used with current Memo Template

SUBJECT: Visitors Denied Entrance

On (date), at (time), the following visitor was denied entrance into the institution.

Inmate Name and Number:

Reason for denial:

1. No identification
2. Not on Visiting List
3. Underage without parent/guardian
4. Improper Attire
5. Other

Comments: _____

cc: Associate Warden
Unit Manager
Captain
SIS

ATTACHMENT G

Visiting Room Inmate Property Sheet

Date: _____

	Staff Conducting Search	Inmate Name	Reg Number	Unit	Property Item Code/Type	Shoe Type	Time In	Time Out
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
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21								
22								
23								
24								
25								
26								
27								
28								
29								
30								

Item Code

- | | |
|---|----------------------------------|
| (1) Plain neck chain with plain religious medallion | (4) One plain white handkerchief |
| (2) Wedding band (plain) | (5) One institution issued comb |
| (3) Prescriptions eyeglasses (no sunglasses) | (6) Approved Religious Head Wear |

Anything other than the above listed items will NOT be allowed to enter the visiting room and will be returned to the housing unit before the inmate will be admitted into the visiting room. The Visiting Room Officer will not store unauthorized items in the search room or Officers' Desk for any reason.

Exhibit N

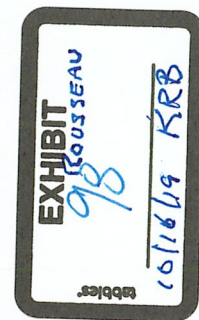


Exhibit O

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, SETH WISPELWEY,)
MARISSA BLAIR, TYLER MAGILL, APRIL)
MUNIZ, HANNAH PEARCE, MARCUS MARTIN,)
NATALIE ROMERO, CHELSEA ALVARADO,)
AND JOHN DOE,)
Plaintiffs)
VS.) CIVIL ACTION
NO. 3:17-cv-00072-NKM
JASON KESSLER, ET AL.,)
Defendants)

VIDEOTAPED ORAL DEPOSITION OF
THOMAS RYAN ROUSSEAU
OCTOBER 16, 2019

JOB #169672

1 THOMAS RYAN ROUSSEAU

2 Q. So you took silence as no, agreed?

3 A. I do not remember the specifics of the
4 conversations, but I do remember that I never received any
5 information whatsoever that suggests that he was a member
6 or affiliated with the organization, or had any prior
7 contact with the organization, other than being in the
8 same geographic area at the same general time.

9 Q. You understand that Mr. Fields is from Ohio,
10 right?

11 A. Yes.

12 Q. Who was in charge of Ohio -- who at Vanguard
13 America was in charge of Ohio?

14 A. One of the other vice people.

15 Q. Who?

16 A. I don't remember his name.

17 Q. Did he ever respond to your Discord post as to
18 whether Fields was a member?

19 A. I don't remember. I don't know if there was a
20 specific conversation like that, but I have never received
21 any information whatsoever which suggests that he was
22 affiliated with the organization in any way; other than
23 simply by the fact that he was there.

24 In the years since, I have never seen a
25 single thing, I have never received a single piece of

1 THOMAS RYAN ROUSSEAU

2 Cville Vanguard server?

3 A. Yes, that makes sense.

4 Q. Okay. Are there any other servers designated
5 for the Charlottesville rally, that you can remember?

6 A. Remember specifically, no.

7 Q. Okay. Do you remember communicating to members
8 that there would be a dress code for Vanguard members?

9 A. I remember communicating that.

10 Q. And the -- the dress code was a white polo and
11 khaki pants, right?

12 A. Yes. But that had also been popularized -- if
13 you remember the 1.0 rally that you mentioned previously,
14 that was also the dress code for that one. But there were
15 lots of different organizations there and everyone
16 followed the same thing. So it was just kind of us going
17 along with a larger trend.

18 Q. Can we go back just so we're clear on the
19 record.

20 The dress code for members for the
21 Charlottesville rally in August was a white polo and khaki
22 pants?

23 A. Yes, but it was not exclusive to members.
24 Others were also following that dress code outside the
25 organization.

1 THOMAS RYAN ROUSSEAU

2 (Exhibit 98 marked.)

3 Q. (BY MR. SIEGEL) I'm showing you a document
4 that's been marked as Exhibit 98.

5 A. Yep, 98.

6 Q. This is a photograph of you and several other
7 people at Charlottesville on August 11th and 12th, agreed?

8 A. Yes.

9 Q. Okay. And that's you on the far left?

10 A. Yes, that's me.

11 Q. Okay. Do you know the identity of the person
12 standing next to you on the -- to -- to the right, in the
13 photograph?

14 A. The one in the hat?

15 Q. Yeah, the hat and the sunglasses.

16 A. It would have been someone I traveled with.
17 It's not the best image. I'm not sure immediately.

18 Q. Was he a Vanguard member?

19 A. Well, he had his shirt on, so, yeah, he must
20 have been, and the hat.

21 Q. But you don't remember his real name?

22 A. Not off the top of my head. Not by appearance,
23 no.

24 Q. Do you remember his user name on Discord?

25 A. No, those would go hand in hand.

1 THOMAS RYAN ROUSSEAU

2 Q. If you keep traveling right on the -- on the
3 photograph, do you understand that's James Fields?

4 A. Yes. But, again, according to the crowd that
5 existed at this point in time, people were coming and
6 going. There was no -- there was no organization to the
7 crowd or who was standing where.

8 And, you know, you can see he's not wearing
9 one of the shirts with the -- with the -- the embroidery
10 on it. There were any number of various groups and people
11 in -- in this photo alone, you know, who could have been a
12 part of anything.

13 Q. You'd agree with me that the people in the
14 foreground of this photo are wearing white polos?

15 A. With -- with the embroidery on it, yes, which
16 were purchased for the event. But I -- I can tell you
17 that not everyone wearing a white polo in Charlottesville
18 was a member of Vanguard America. At least -- I mean,
19 many people who were unaffiliated, not a part of any
20 group, wore that because that's what was worn at the
21 previous one. And I think the Identity of Evropa also had
22 that dress code.

23 THE REPORTER: Can you spell that?

24 THE WITNESS: E-V-R-O-P-A.

25 (Exhibit 87 marked.)

1 THOMAS RYAN ROUSSEAU

2 Q. Okay. So you wanted to make sure that if people
3 did try and come after Vanguard, or any of the members
4 that legally you guys were okay?

5 A. I wouldn't go that far. I just -- I just wanted
6 more information. I just wanted to know what the heck was
7 going on.

8 Q. Did you think you might be a witness?

9 A. I don't think I did, because I -- again, I found
10 out about the accident or the non-accident depending on
11 whatever -- I found out about the vehicular incident, is
12 what we are calling it, at the same time as everyone else.
13 I found out about it the same time as you-all did with,
14 like, the -- the Twitter trending tab and the news stories
15 and Huffington Post and -- and so on.

16 I was -- I was out -- I was on the
17 outskirts of Charlottesville before I even heard about --
18 a car accident is how I think I first heard -- heard about
19 it. I -- I knew and I still know I didn't see it happen.
20 I didn't -- you know, I didn't -- I have no recollection
21 of saying a single word to Fields in my 20 years of life,
22 you know. I don't think it makes sense for me to be a
23 witness. I didn't see it. I -- I've seen everything that
24 you-all have, right, on -- on the news, you know --

25 Q. Right.

Exhibit P

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, SETH)
WISPELWEY, MARISSA BLAIR,)
TYLER MAGILL, APRIL MUNIZ,)
HANNAH PEARCE, MARCUS)
MARTIN, NATALIE ROMERO,)
CHELSEA ALVARADO, and JOHN)
DOE,)

Plaintiffs,) Case No.

vs.)

JASON KESSLER, et al.,)
Defendants.)

VIDEOTAPED DEPOSITION OF DILLON HOPPER
Louisville, Kentucky
Tuesday, August 13, 2019

Reported by:

RACHEL F. GARD, CSR, RPR, CLR, CRR
JOB NO. 165620

1 D. HOPPER

2 A. The second time was only a few days
3 after that, and it was a fleeting text message.
4 It was like, hey, how are you doing?

5 He was like, oh, fine.

6 And that was it. He hasn't
7 communicated with me after that.

8 Q. What about Chris Cantwell?

9 A. Chris Cantwell? Let's see. Really
10 the only time I communicated with Chris
11 Cantwell was whenever I was -- I actually
12 talked on his podcast once, but that was before
13 Charlottesville. That was in like the end of
14 March, beginning of April 2017. It was like
15 right about the same time I took over. So I
16 was still in New Mexico. I remember doing
17 that. I was sitting in my truck, and I did
18 that.

19 Q. And James Alex Fields, have you ever
20 talked to him?

21 A. No.

22 Q. And Andrew Anglin, have you ever
23 talked to him?

24 A. No.

25 Q. The guy associated with The Daily