

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

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, APRIL MUÑIZ,  
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**

**JURY TRIAL DEMANDED**

**PLAINTIFFS' MOTION FOR EVIDENTIARY SANCTIONS  
AGAINST DEFENDANT ROBERT "AZZMADOR" RAY  
AND FOR AN ORDER DIRECTING RAY TO SHOW CAUSE  
WHY HE SHOULD NOT BE HELD IN CONTEMPT OF COURT**

Despite the Court's recent Order granting Plaintiffs' Motion to Compel Discovery from Defendant Robert "Azzmador" Ray (the "Motion to Compel" or "Motion"), and explicitly warning Ray of the potential consequences for his failure to fully comply with the Court's Order, Ray has yet again failed to comply with his discovery obligations and ignored another Court Order. Plaintiffs therefore respectfully move the Court to impose evidentiary sanctions on Ray under Rule 37(b)(2) of the Federal Rules of Civil Procedure. Specifically, Plaintiffs request that the Court instruct the jury that Ray chose to intentionally withhold his documents and that the jury may draw adverse inferences from that fact, including that Ray chose to withhold such documents because he was aware that such documents contained evidence that Ray conspired to plan racially motivated violence at Unite the Right. While Plaintiffs firmly believe that only evidentiary sanctions can remedy the prejudice to Plaintiffs caused by Ray's misconduct in discovery and

absence from the litigation, Plaintiffs also request that the Court direct Ray to show cause why he should not be held in contempt of Court.

In the Motion to Compel, Plaintiffs outlined Ray's substantial noncompliance with the discovery process, including his history of ignoring numerous Court orders; failing to produce documents, devices, and account credentials in his possession; and at times completely disappearing from the litigation. *See generally* Motion to Compel, Mar. 11, 2020, ECF No. 673. On May 18, 2020, the Court granted Plaintiffs' Motion in its entirety, including granting Plaintiffs their reasonable expenses and attorneys' fees. Order at 4, May 18, 2020, ECF No. 728. The Court then ordered Ray to complete and return to the Vendor a new Certification form identifying all Social Media Accounts, credentials to those Social Media Accounts, and Electronic Devices, as defined in the November 19, 2018, Stipulation & Order for the Imaging, Preservation, and Production of Documents, ECF No. 383, by May 26, 2020. *Id.* The Court further ordered Ray to send to the Third-Party Discovery Vendor (the "Vendor") all identified Electronic Devices that the Vendor had not yet received from Ray or his former attorneys by May 28, 2020. *Id.* The Court then ordered the Vendor to provide "directly to Plaintiffs' counsel," without opportunity for Ray's review, "any and all ESI collected from Ray's social media accounts and devices that contain the agreed-upon search terms within the applicable date range." *Id.* Additionally, the Court warned Ray that "his failure to fully comply with this Order may result in the Court imposing sanctions under Rule 37(b)(2) of the Federal Rules of Civil Procedure and/or directing Ray to show cause why he should not be held in contempt of court." *Id.*

Ray responded to the Court's May 18, 2020, Order the way that he has responded to the vast majority of his discovery obligations and requirement throughout this litigation: with utter silence. Plaintiffs emailed Ray a copy of the Court's Order on May 18, 2020, and emailed Ray a

blank Certification form later that day (as directed by the Court). *See* Exhibits A (Barkai Email to Ray, May 18, 2020), B (Barkai Email to Ray, May 18, 2020). Ray failed to complete and return to the Vendor a copy of that Certification form by May 26, 2020, as the Court had ordered. There is similarly no indication that Ray provided any Electronic Devices to the Vendor by May 28, 2020, as ordered. Indeed, according to the Vendor, Ray has not engaged in any correspondence with it since September 11, 2019, when the Vendor last communicated with Ray's former counsel, James Kolenich, regarding Ray's documents and devices. *See* Exhibit C (Kim Email to Phillips and Barkai, May 29, 2020). Meanwhile, Plaintiffs have reached out to Ray to attempt to schedule his deposition in advance of the July 17, 2020, deadline for party depositions. *See* Exhibit D (Barkai Email to Ray, May 7, 2020). Ray has ignored Plaintiffs' email as well.

Plaintiffs had hoped that their Motion to Compel and the Court's Order granting that Motion would have had the desired effect on Ray, including causing him to comply with his long-outstanding discovery obligations and ensuring that Plaintiffs finally receive the discovery to which they are entitled. Unfortunately, all indications are that Ray has disappeared from the litigation again and is willfully defying Court orders. Nor has Ray provided any justification whatsoever for his noncompliance. Instead, he has failed to communicate with Plaintiffs and the Court in any manner—even while continuing to participate on social media, post articles on the website of *The Daily Stormer*, and publish podcasts. *See, e.g.*, ECF No. 673-15 (Azzmador, "TKR Live: State of the Union Special," *The Daily Stormer*, Feb. 6, 2020).

Given Ray's bad faith and continued disobedience of Court orders, Plaintiffs respectfully submit that the time has come for evidentiary sanctions under Fed. R. Civ. P. 37(b)(2). The relevant factors for assessing evidentiary sanctions make clear that such sanctions are appropriate under the circumstances. *See Anderson v. Found. for Advancement, Educ. & Emp't of Am. Indians*, 155 F.3d

500, 504 (4th Cir. 1998) (“(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 be effective”). In particular, at this late stage of the litigation, with less than two months before the end of fact discovery, only evidentiary sanctions can remedy the “prejudice that noncompliance caused” to Plaintiffs—including the substantial evidentiary gap left by Ray’s failure to produce documents or comply with discovery—and no “less drastic sanctions would be effective.” *See id.* At every turn, Ray has flouted Court orders and deliberately ignored Plaintiffs and the Court. There is no reason to think that anything short of evidentiary sanctions will induce Ray’s compliance—let alone that Ray will take action in time for Plaintiffs to review his documents and depose Ray regarding those documents before the discovery deadline.

Furthermore, while the Court can and should order Ray to show cause why he should not be held in contempt of Court in light of his clearly contemptuous behavior, Plaintiffs firmly believe that nothing short of evidentiary sanctions—even the threat of contempt or arrest—could remedy Plaintiffs given that Ray is already ignoring a warrant for his arrest on criminal charges filed against him in connection with his actions at the torchlit rally the weekend of Unite the Right. Specifically, on June 4, 2018, Ray was indicted for maliciously releasing gas on August 11, 2017. *See* Exhibit E (“Case/Charge Information,” Albemarle Circuit Court, Case CR18000597-00). On June 7, 2018, a capias warrant was issued for his arrest, and Ray is now listed by the Albemarle Circuit Court as a “fugitive.” *See id.* Given that Ray has been a “fugitive” from criminal charges for nearly two years now, there is every reason to doubt that the possibility of contempt would do anything to alter his behavior in this case, including causing him to participate in the discovery process.

For the foregoing reasons, Plaintiffs request that the Court impose evidentiary sanctions on Defendant Robert “Azzmador” Ray under Fed. R. Civ. P. 37(b)(2). Specifically, Plaintiffs request that the Court instruct the jury that Ray chose to intentionally withhold his documents and that the jury may draw adverse inferences from that fact, including that Ray chose to withhold such documents because he was aware that such documents contained evidence that Ray conspired to plan racially motivated violence at Unite the Right. Plaintiffs also request that the Court direct Ray to show cause why he should not be held in contempt of Court.

Dated: June 1, 2020

Respectfully submitted,

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
rcahill@cooley.com

Of Counsel:

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
Gabrielle E. Tenzer (*pro hac vice*)  
Michael L. Bloch (*pro hac vice*)  
Emily C. Cole (*pro hac vice*)  
Alexandra K. Conlon (*pro hac vice*)  
Jonathan R. Kay (*pro hac vice*)  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Telephone: (212) 763-0883  
rkaplan@kaplanhecker.com  
jfink@kaplanhecker.com  
gtenzer@kaplanhecker.com  
mbloch@kaplanhecker.com  
ecole@kaplanhecker.com  
aconlon@kaplanhecker.com  
jkay@kaplanhecker.com

Karen L. Dunn (*pro hac vice*)  
Jessica E. Phillips (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
Katherine M. Cheng (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
1401 New York Avenue, NW  
Washington, DC 20005  
Telephone: (202) 237-2727  
Fax: (202) 237-6131  
kdunn@bsflp.com  
jphillips@bsflp.com  
wisaacson@bsflp.com  
kcheng@bsflp.com

Yotam Barkai (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 446-2300  
Fax: (212) 446-2350  
ybarkai@bsfllp.com

Alan Levine (*pro hac vice*)  
Philip Bowman (*pro hac vice*)  
COOLEY LLP  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 479-6260  
Fax: (212) 479-6275  
alevine@cooley.com  
pbowman@cooley.com

David E. Mills (*pro hac vice*)  
Joshua M. Siegel (VSB 73416)  
COOLEY LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Fax: (202) 842-7899  
dmills@cooley.com  
jsiegel@cooley.com

J. Benjamin Rottenborn (VSB 84796)  
WOODS ROGERS PLC  
10 South Jefferson St., Suite 1400  
Roanoke, VA 24011  
Telephone: (540) 983-7600  
Fax: (540) 983-7711  
brottenborn@woodsrogers.com

*Counsel for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2020, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

*Counsel for Defendants Jason Kessler,  
Nathan Damigo, Identity Europa, Inc.  
(Identity Evropa), Matthew Parrott, and  
Traditionalist Worker Party*

Justin Saunders Gravatt  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dcampbell@dhdglaw.com

*Counsel for Defendant James A. Fields, Jr.*

William Edward ReBrook, IV  
The ReBrook Law Office  
6013 Clerkenwell Court  
Burke, VA 22015  
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National  
Socialist Movement, and Nationalist Front*

John A. DiNucci  
Law Office of John A. DiNucci  
8180 Greensboro Drive, Suite 1150  
McLean, VA 22102  
dinuccilaw@outlook.com

*Counsel for Defendant Richard Spencer*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill,  
Michael Tubbs, and League of the South*

I further hereby certify that on June 1, 2020, I also served the following non-ECF participants, via electronic mail, as follows:

Christopher Cantwell  
christopher.cantwell@gmail.com

Vanguard America  
c/o Dillon Hopper  
dillon\_hopper@protonmail.com

Robert Azzmador Ray  
azzmador@gmail.com

Elliott Kline a/k/a Eli Mosley  
eli.f.mosley@gmail.com  
deplorabletruth@gmail.com

Matthew Heimbach  
matthew.w.heimbach@gmail.com

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)  
COOLEY LLP

*Counsel for Plaintiffs*

# EXHIBIT A

**From:** Yotam Barkai  
**Sent:** Monday, May 18, 2020 9:29 AM  
**To:** azzmador@gmail.com  
**Cc:** Jessica Phillips; Yotam Barkai  
**Subject:** Sines v. Kessler  
**Attachments:** 2020-05-18 [00728-000] ORDER granting in its entirety [673] Motion to Co....pdf

Mr. Ray:

Please see the attached opinion, which the Court filed this morning.

**Yotam Barkai**

Associate

---

**BOIES SCHILLER FLEXNER LLP**

55 Hudson Yards  
New York, NY 10001  
(t) +1 212 303 3643  
[ybarkai@bsfllp.com](mailto:ybarkai@bsfllp.com)  
[www.bsfllp.com](http://www.bsfllp.com)

CLERKS OFFICE U.S. DIST. COURT  
 AT CHARLOTTESVILLE, VA  
 FILED  
 05/18/2020  
 JULIA C. DUDLEY, CLERK  
 BY: /s/ J. JONES  
 DEPUTY CLERK

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

ELIZABETH SINES et al.,	)	Civil Action No. 3:17-cv-00072
Plaintiffs,	)	
	)	
v.	)	<u>ORDER</u>
	)	
JASON KESSLER et al.,	)	
Defendants.	)	By: Joel C. Hoppe
	)	United States Magistrate Judge

This matter is before the Court on Plaintiffs’ Motion to Compel Discovery from Defendant Robert “Azzmador” Ray. ECF No. 673. Ray, who has represented himself in this case since October 2019, ECF No. 583, did not file a brief in opposition within the fourteen days allowed by the presiding District Judge’s pretrial order, ECF No. 101. Ray also failed to appear for a telephonic status and discovery conference held on April 27, 2020. ECF No. 721. Accordingly, the Court considers Plaintiffs’ motion to be unopposed. ECF No. 101.

Rules 26 through 37 of the Federal Rules of Civil Procedure govern discovery in most civil cases filed in the United States District Courts. *See Mancina v. Mayflower Textile Servs.*, 253 F.R.D. 354, 357 (D. Md. 2008). The “basic philosophy” driving discovery today is “that prior to trial every party to a civil action is entitled to the disclosure of all relevant information in the possession of any person, unless the information is privileged.” 8 Wright & Miller, *Federal Practice & Procedure* § 2001 (3d ed. 2002); *accord Hickman v. Taylor*, 329 U.S. 495, 501 (1947) (“The way is now clear, consistent with recognized privileges, for the parties to obtain the fullest possible knowledge of the issues and facts before trial.”). “Discovery, in other words, is not a one-way proposition. It is available in all types of cases at the behest of any party, individual or corporate, plaintiff or defendant.” *Hickman*, 329 U.S. at 507. “To that end, either party may

compel the other to disgorge whatever [relevant] facts he has in his possession.” *Id.*; see *Eramo v. Rolling Stone, LLC*, 314 F.R.D. 205, 209 (W.D. Va. 2016); Fed. R. Civ. P. 37(a)(1).

Here, Plaintiffs moved to compel Ray to:

1. Produce to the Third-Party Discovery Vendor (“the Vendor”) for imaging and collection a second laptop that Ray identified on his sworn Certification form in January 2019;
2. Produce to the Vendor for imaging and collection a second cell phone that Ray failed to identify both in his sworn responses to written discovery and on the Certification form;
3. Disclose to the Vendor the credentials for the Daily Stormer website, the Krypto Report podcast, and Skype, Gab.ai, and Twitter accounts that Ray identified on the Certification form, as well as any other accounts and credentials within his possession that Ray did not identify on the Certification, to the Vendor for imaging and collection.

Pls.’ Mot. to Compel Disc. from Def. Ray 4, 9, 12–13, 16–17; see also Def. Ray’s Resps. to Pls.’ First Interrogs. & Reqs. for Produc. of Docs. 1–6 (Apr. 18, 2018), ECF No. 478-1; Pls.’ Mot. to Compel Disc. from Def. Ray Ex. 8 (Jan. 22, 2019), ECF No. 710-3; *id.* Ex. 9 (Feb. 25, 2020), ECF No. 710-4. Plaintiffs also seek a court order directing the Vendor to produce immediately to Plaintiffs’ counsel, “without the opportunity for Ray’s review,” every document collected from his imaged “devices and accounts that hits on any search term” the parties have agreed upon. Pls.’ Mot to Compel Disc. from Def. Ray 17.

The Court has already held Plaintiffs are entitled to the requested material because it is directly relevant to their surviving claims and proportional to the needs of the case, considering

the parties' relative access to such information, the parties' resources, the importance of the discovery in resolving the issues, and most Defendants' (including Ray's) apparent inability to locate and produce responsive documents and electronic information. *See generally Sines v. Kessler*, No. 3:17cv72, 2019 WL 3767475, at \*13–14 (W.D. Va. Aug. 9, 2019); Order of Nov. 13, 2018, at 1–2 (granting Plaintiffs' motion to compel inspection and imaging of Ray's and other Defendants' online accounts and electronic devices), ECF No. 379. The Court has also ordered Ray many times to provide or permit discovery "of the same material in [his] control," *Sines*, 2019 WL 3767475, at \*13 (quoting *Lee v. Max Int'l*, 638 F.3d 1318, 1321 (10th Cir. 2011) (Gorsuch, J.)), by deadlines repeatedly extended. *See* Order of Mar. 26, 2018, at 5, ECF No. 288 (first set of interrogatories and requests for production); Order of Nov. 13, 2018, at 1 (Discord consent); Stip. & Order of Nov. 19, 2018, at 2, 8–9, 16 (identified electronic devices, social media credentials), ECF No. 383; Order of Mar. 4, 2019, at 3 (same), ECF No. 440; Disc. Order of Oct. 28, 2019, at 2–3 (identified electronic devices, last-known social media credentials, consent), ECF No. 582; Order of Nov. 27, 2019, at 1 (all requested discovery), ECF No. 597. Yet, it has been Ray's "consistent 'practice from the very beginning to ignore outright the court's orders or to submit chaotically and defectively to them.'" *Sines*, 2019 WL 3767475, at \*14 (quoting *Mut. Fed. Savs. & Loan v. Richards & Assocs.*, 872 F.2d 88, 94 (4th Cir. 1989)). Clearly, Ray's "track-record of failing to fulfil his discovery obligations in a timely manner . . . makes him [especially] ill-suited to participate in a discovery process that is predicated upon one's prompt and good faith with discovery obligations." Order of Jan. 22, 2020, at 3, ECF No. 638; *see also Sines*, 2019 WL 3767475, at \*2, \*14–15. The case must move forward.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiffs' Motion to Compel Discovery from Defendant Robert "Azzmador" Ray, ECF No. 673, is **GRANTED in its entirety**. Plaintiffs are directed to file a petition setting out their reasonable expenses, including attorney's fees, incurred in making the motion. Fed. R. Civ. P. 37(a)(5)(A).
2. On or before **May 19, 2020**, Plaintiffs' counsel shall provide Ray with a blank copy of the Certification form attached as Exhibit A to the Stipulation & Order for the Imaging, Preservation, and Production of Documents, ECF No. 383, at 16. Counsel may modify the Certification form's text or fields to request specific information consistent with this Order.
3. On or before **May 26, 2020**, Ray shall complete and return to the Vendor and Plaintiffs' counsel a new Certification form that:
  - a. identifies *all* Social Media Accounts, as defined in ¶ 2(xi) of the Stipulation & Order and regardless of whether Ray has already disclosed them (e.g., Daily Stormer website, Krypto Report podcast, Gab.ai, Twitter), that *may* contain potentially relevant documents or files, including electronically stored information ("ESI") such as video or audio recordings, photographs or digital images, and private or public messages, posts, and comments;
  - b. lists the complete and accurate last known credentials that Ray used to access *each* identified Social Media Account, regardless of whether Ray currently has access to the platform or whether an account is active, inactive, or inaccessible;
  - c. for any Social Media Account for which Ray cannot remember or otherwise access such credentials, contains a statement describing all the steps Ray took to recover the information and stating why he was not successful;

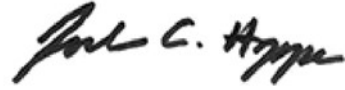
- d. identifies *all* the Electronic Devices, as defined in ¶ 2(vi) of the Stipulation & Order and regardless of whether Ray has already identified them (e.g., second laptop), he has possessed from January 1, 2017, to present that *may* contain potentially relevant documents, files, or ESI such as video or audio recordings, photographs or digital images, and text messages; *and*
  - e. is signed by Ray under penalty of perjury certifying that the information contained therein is true, correct, and complete to the best of his knowledge after he made a reasonable effort to search for and produce all requested information.
4. On or before **May 28, 2020**, Ray shall send to the Vendor *all* identified Electronic Devices that the Vendor has not yet received from Ray or his former attorneys, including the second laptop that Ray identified on his sworn Certification form in January 2019 and a second cell phone that Ray failed to identify in his previous discovery responses. Ray shall promptly provide any tracking information to the Vendor and to Plaintiffs' counsel.
5. On or before **June 8, 2020**, the Vendor shall provide directly to Plaintiffs' counsel any and all ESI collected from Ray's social media accounts and devices that contain the agreed-upon search terms within the applicable date range. Order of Jan. 22, 2020, at 2. The Court expects Plaintiffs' counsel will return to Ray any material likely to be protected by attorney-client privilege. *See id.*

**Finally, Defendant Robert “Azzmador” Ray is hereby warned that his failure to fully comply with this Order may result in the Court imposing sanctions under Rule 37(b)(2) of the Federal Rules of Civil Procedure and/or directing Ray to show cause why he should not be held in contempt of court.**

**IT IS SO ORDERED.**

The Clerk shall send a copy of this Order to the parties.

ENTER: May 18, 2020

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is written in a cursive, flowing style.

Joel C. Hoppe  
U.S. Magistrate Judge

# EXHIBIT B

**From:** Yotam Barkai  
**Sent:** Monday, May 18, 2020 1:53 PM  
**To:** azzmador@gmail.com  
**Cc:** Jessica Phillips; Yotam Barkai  
**Subject:** Sines v. Kessler: Certification  
**Attachments:** 2020.05.18 Ray Exhibit A Certification Form.docx

Mr. Ray:

Pursuant to the Court's Order dated today, please find attached a blank copy of the Certification form attached as Exhibit A to the Stipulation & Order for the Imaging, Preservation, and Production of Documents, ECF No. 383, at 16. Per the Court's Order, the Certification form's text and fields have been modified to request specific information consistent with the Order.

**Yotam Barkai**

Associate

---

**BOIES SCHILLER FLEXNER LLP**

55 Hudson Yards  
New York, NY 10001  
(t) +1 212 303 3643  
[ybarkai@bsfllp.com](mailto:ybarkai@bsfllp.com)  
[www.bsfllp.com](http://www.bsfllp.com)

**EXHIBIT A TO STIPULATION AND ORDER FOR THE  
IMAGING, PRESERVATION, AND PRODUCTION OF DOCUMENTS**

Consistent with the obligations under the “Stipulation and Order for the Imaging, Preservation, and Production of Documents,” ECF No. 383, I certify that:

1. The following are all the Social Media Accounts, as defined in ¶ 2(xi) of the Stipulation and Order, that contain potentially relevant Documents:

<b>Username</b>	<b>Provider/ Platform</b>	<b>Credentials</b>
Azzmador and/or Azzmador 6970	Discord	
Azzmador	Gab.ai	
@Azzmador	Twitter	
The Daily Stormer	Website comment section	
The Krypto Report	Podcast	
azzmador.returns	Skype	
@The_Azzmador	Twitter	
@Azzmador1488	Twitter	

2. The following are all the Electronic Devices, as defined in ¶ 2(vi) of the Stipulation and Order, that I have possessed since January 1, 2017 that may contain any potentially relevant Documents or ESI:

Device Type (e.g., iPhone 7)	Size (e.g., 32 GB)	Nature of Responsive Documents on Device
Samsung Galaxy S9+ AT&T	128 GB	
Dell Inspiron Laptop in use through January 2018	2 TB	
MSI Apache Pro in use since January 2018	2 TB	
<i>[Type and model of second mobile device:]</i>		

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on \_\_\_\_\_.

---

Robert “Azzmador” Ray

# EXHIBIT C

**From:** Ken Kim <kkim@idsinc.com>  
**Sent:** Friday, May 29, 2020 12:14 PM  
**To:** Jessica Phillips; Yotam Barkai  
**Cc:** iDS\_SINKS-02678  
**Subject:** RE: Sines v. Kessler - Collections Order

**CAUTION:** External email. Please do not respond to or click on links/attachments unless you recognize the sender.

---

Hi Jessica/Yotam:

The last communication iDS had directly with Mr. Kolenich regarding Mr. Ray's documents or devices dates back to September 11, 2019.

Regards,  
Ken

Kenneth Kim  
Consultant, Discovery Services  
iDiscovery Solutions  
Mobile: 267.847.4876



*iDS is a proud Chambers and Partners **Band 2** Ranked eDiscovery provider!*  
[https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855\\_editorial](https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855_editorial)

---

**From:** Ken Kim  
**Sent:** Friday, May 29, 2020 9:54 AM  
**To:** Jessica Phillips <jphillips@bsfillp.com>; Yotam Barkai <ybarkai@bsfillp.com>  
**Cc:** iDS\_SINKS-02678 <ids\_sinks-02678@idsinc.com>  
**Subject:** RE: Sines v. Kessler - Collections Order

Hi Jessica:

Understood, we will look into this and let you know. This will take a little bit of time to filter for the relevant communications with Mr. Kolenich.

Regards,  
Ken

Kenneth Kim  
Consultant, Discovery Services  
iDiscovery Solutions  
Mobile: 267.847.4876



*iDS is a proud Chambers and Partners **Band 2** Ranked eDiscovery provider!*  
[https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855\\_editorial](https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855_editorial)

---

**From:** Jessica Phillips <[jphillips@bsfllp.com](mailto:jphillips@bsfllp.com)>  
**Sent:** Friday, May 29, 2020 9:45 AM  
**To:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>; Yotam Barkai <[ybarkai@bsfllp.com](mailto:ybarkai@bsfllp.com)>  
**Cc:** iDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>  
**Subject:** RE: Sines v. Kessler - Collections Order

**[EXTERNAL SENDER]**

Thanks, Ken. When was the last time you communicated with Kolenich regarding Mr. Ray's documents or devices? We recognize that Mr. Kolenich no longer represents Mr. Ray.

**Jessica E. Phillips**  
Partner

**BOIES SCHILLER FLEXNER LLP**

1401 New York Ave., NW  
Washington, DC 20005  
(t) +1 202 895 7592  
(m) +1 312 493 7114  
[jphillips@bsfllp.com](mailto:jphillips@bsfllp.com)  
[www.bsfllp.com](http://www.bsfllp.com)

---

**From:** Ken Kim [<mailto:kkim@idsinc.com>]  
**Sent:** Friday, May 29, 2020 9:43 AM  
**To:** Yotam Barkai <[ybarkai@bsfllp.com](mailto:ybarkai@bsfllp.com)>

Cc: Jessica Phillips <[jphillips@bsflp.com](mailto:jphillips@bsflp.com)>; iDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>

Subject: RE: Sines v. Kessler - Collections Order

**CAUTION:** External email. Please do not respond to or click on links/attachments unless you recognize the sender.

---

Hi Yotam:

Mr. Ray has not yet responded to my email sent on 5/18. As to contact with either Mr. Ray or his counsel (Mr. Kolenich), I do not believe we've ever had direct communications with Mr. Ray regarding this matter, however, we are currently actively engaged with Mr. Kolenich concerning collections but regarding his other clients/defendants in this matter.

Regards,  
Ken

Kenneth Kim  
Consultant, Discovery Services  
iDiscovery Solutions  
Mobile: 267.847.4876



*iDS is a proud Chambers and Partners **Band 2** Ranked eDiscovery provider!*

[https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855\\_editorial](https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855_editorial)

---

**From:** Yotam Barkai <[ybarkai@bsflp.com](mailto:ybarkai@bsflp.com)>

**Sent:** Friday, May 29, 2020 9:34 AM

**To:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>

**Cc:** Jessica Phillips <[jphillips@bsflp.com](mailto:jphillips@bsflp.com)>; iDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>

**Subject:** RE: Sines v. Kessler - Collections Order

**[EXTERNAL SENDER]**

Ken,

Has Ray responded to your May 18 email below or otherwise indicated that he has sent in his electronic devices? When was the last time that you had contact with Ray or his attorney?

Thanks,  
Yotam

**Yotam Barkai**

Associate

**BOIES SCHILLER FLEXNER LLP**

(t) +1 212 303 3643

---

**From:** Ken Kim [<mailto:kkim@idsinc.com>]

**Sent:** Monday, May 18, 2020 11:06 AM

**To:** [azzmador@gmail.com](mailto:azzmador@gmail.com)

**Cc:** Yotam Barkai <[ybarkai@bsflp.com](mailto:ybarkai@bsflp.com)>; Jessica Phillips <[jphillips@bsflp.com](mailto:jphillips@bsflp.com)>; iDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>

**Subject:** Sines v. Kessler - Collections Order

**CAUTION:** External email. Please do not respond to or click on links/attachments unless you recognize the sender.

---

Mr. Ray:

iDS has just been made aware by plaintiff's counsel (copied on this email) about a laptop and a mobile device that we should be expecting delivery from you as soon as possible. Please ship the 2 devices to the below address accordingly and provide us with the tracking information so that we are updated:

**Team Sllae Enterprises**

**Attn: Bobby Williams**

**8787 Branch Ave**

**Suite #106**

**Clinton, MD 20735**

Also, just wanted to remind you that there are still many pending accounts that iDS has not been able to collect based on issues with account credentials (please see below):

Defendant	Requested Device/Account	<a href="#">Account User Name if Multiple</a>	Date Device/Account Made Available	Collection Status	iDS Status	Date Collected
Ray_Robert Azzmador	Krypto Report	podcast		In Progress	Defendant does not remember	TBD

					password. iDS collecting publically available information.	
Ray_Robert Azzmador	Discord	Azzmador		Defendant does not remember password	iDS Cannot Proceed Further - Defendant does not remember password	TBD
Ray_Robert Azzmador	Discord	azzmador 6970		Defendant does not remember password	iDS Cannot Proceed Further - Defendant does not remember password	TBD
Ray_Robert Azzmador	<a href="#">Gab.ai</a>	Azzmador		Defendant does not remember password	iDS Cannot Proceed Further - Defendant does not remember password	TBD
Ray_Robert Azzmador	Twitter	@Azzmador		Account Reported Disabled; Password Not Provided	iDS Cannot Proceed Further - Password Not Provided. No public information to download.	TBD

Ray_Robert Azzmador	Website	Dailystormer.name		Defendant does not remember username or password	iDS Cannot Proceed Further - Defendant does not remember username or password	TBD
------------------------	---------	-------------------	--	---	--	-----

Please let us know if you have any questions.

Regards,  
Ken

**Kenneth Kim**  
Consultant, Discovery Services  
**iDiscovery Solutions**  
3000 K Street NW, Suite 330  
Washington, DC 20007  
Mobile: 267.847.4876



iDS is a proud Chambers and Partners **Band 2** Ranked eDiscovery provider!  
[https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855\\_editorial](https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855_editorial)

INFORMATION CLASSIFICATION NOTICE: This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.

client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1 08201831BSF]

**INFORMATION CLASSIFICATION NOTICE:** This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.

**INFORMATION CLASSIFICATION NOTICE:** This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.

# EXHIBIT D

**From:** Yotam Barkai  
**Sent:** Thursday, May 7, 2020 3:23 PM  
**To:** azzmador@gmail.com  
**Cc:** Jessica Phillips; Yotam Barkai  
**Subject:** Sines v. Kessler: Deposition

Mr. Ray:

I am writing to inquire about your availability in June 2020 to sit for your deposition in *Sines v. Kessler*. As you know, the trial begins on October 26, 2020, and party depositions must be complete by July 17, 2020. Because of the pandemic, we will be taking depositions via video. Accordingly, in addition to informing me of your available dates to sit for a deposition, please also confirm whether you have access to a computer with a camera, a cell phone, and an internet connection. If you have any questions, I can be reached at the number in my signature below.

Best,  
Yotam

**Yotam Barkai**

Associate

---

**BOIES SCHILLER FLEXNER LLP**

55 Hudson Yards  
New York, NY 10001  
(t) +1 212 303 3643  
[ybarkai@bsflfp.com](mailto:ybarkai@bsflfp.com)  
[www.bsflfp.com](http://www.bsflfp.com)

# EXHIBIT E



[Return to Search Criteria](#)

## Albemarle Circuit Court

Case #: **CR18000597-00**

Defendant: **RAY, ROBERT WARREN**

### Defendant Information

Address: **FRANKSTON, TX 75763**

Gender: **MALE**

Race: **WHITE**

DOB: **12/11/\*\*\*\***

Attorney:

### Case/Charge Information

Defendant Status: **FUGITIVE**

Filed Date: **06/04/2018**

Locality: **COMMONWEALTH OF VA**

Code Section: **18.2-312**

Charge: **MALICIOUSLY RELEASE GAS**

Case Type: **FELONY**

Class:

Commenced By: **DIRECT INDICTMENT**

Offense Date: **08/11/2017**

Arrest Date:

Amended Code Section:

Amended Charge:

Amended Case Type:

Amended Class:

### Appeal Information

Appeal Date:

### Hearing Information

Date	Time	Result	Type	Courtroom	Plea	Duration	Jury
<b>06/07/2018</b>	<b>09:30 AM</b>	<b>CAPIAS ISSUED</b>	<b>CAPIAS</b>				
<b>06/04/2018</b>	<b>09:30 AM</b>	<b>TRUE BILL</b>	<b>GRAND JURY</b>				

### Disposition Information

Disposition:

Disposition Date:

Concluded By:

Jail/Penitentiary:

Concurrent/Consecutive:

Life/Death:

Sentence Time:

Sentence Suspended:

Program Type:

Probation Type:

Probation Time:

Probation Starts:

Operator License Suspension Time:

Restriction Effective Date:

Operator License Restrictions:

Military:

Traffic Fatality:

Court/DMV Surrender:

Driver Improvement Clinic:

VASAP:

Restitution Paid:

Restitution Amount:

Fine: \*

Costs: \*

Fine/Costs Paid:

Fine/Costs Paid Date:

\* This system cannot process online payments at this time. Please refer to ' [How to Pay Traffic Tickets and Other Offenses](#) ' for more information.

**Service/Process** ^

No Services/Processes found.

**Pleadings/Orders** ^

Seq. #	Date	Type	Party	Judge	Book & Page	Instrument	Remarks
3	03/01/2019	ORDER		CVH			JUNE 4 2018 TERM
2	06/07/2018	CAPIAS					CAPIAS
1	06/04/2018	INDICTMENTS					JUNE 4, 2018 TERM

[Return to Search Criteria](#)