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**By ECF**

The Honorable Katherine Polk Failla  
United States District Court  
for the Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007  
Failla\_NYSDChambers@nysd.uscourts.gov

*Re: Sines et al. v. Yiannopoulos*, No. 20-mc-00241 (KPF)

Dear Judge Failla:

We write again on behalf of Movants in the above-captioned action to bring to the Court’s attention another recent statement by Mr. Yiannopoulos that further calls into question (in unfortunately colorful terms) whether he negotiated in good-faith the subpoena in this action. Specifically, yesterday evening on the “Killstream” podcast, Mr. Yiannopoulos again claimed in no uncertain terms that when he repeatedly represented to Movants’ counsel that he had documents responsive to the subpoena at issue, he was purposefully lying.<sup>1</sup>

On the Killstream podcast, after confirming his understanding that the subpoena issued to him was a “demand for information backed by the full force of the law and the judicial system,” Rec. at 12:18-23, Mr. Yiannopoulos stated—contrary to his repeated representations to Movants’ counsel—that he does not have any responsive material, Rec. at 12:35-13:12 (“I don’t have anything that they want”). Later in the podcast, Mr. Yiannopoulos tried to explain the discrepancy between this publicly-stated position and the position he took over a span of months when negotiating with Movants’ counsel:

It’s not a crime to lie to the ADL, and I said whatever was necessary to secure meetings with the ADL’s high-priced lawyers who have offices in the Empire State Building, it doesn’t get any more glamorous than that. Um, I said whatever was necessary to get in a room with those guys because I wanted to figure out what they had and what they were about, whether they were interested in me for some spurious illegitimate reason

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<sup>1</sup> The podcast can be found here: <https://killstream.zencast.website/episodes/475>.

. . . As a secondary thing, I admit, whether I was able to help them make . . . Richard Spencer's life a living hell.

What you've seen in . . . the attachments to those filings is emails I sent them in which I said basically anything in order to get in a room with them, which I successfully did, uh, for which I make no apologies whatsoever. You know, if I'm in a courtroom I'll tell the truth because I'm under oath on the Bible which I would never lie on, but will I lie to the ADL's lawyers? Hell fucking yea. So, whatever I say to the lawyers in order to get into a room in a meeting with them which later might appear maliciously in court filings, I don't give a shit, it doesn't mean anything.

Rec. at 1:06:21-1:07:31.

We remain focused on resolving this dispute expeditiously on the merits in light of the forthcoming July 24th close of discovery in the Underlying Litigation, *see* Dkt. 5 at 1, and to be clear, we continue to have doubts about whether Mr. Yiannopoulos is being forthright about whether he has documents responsive to the subpoena. *See* Dkt. 1-1 at 14-15. Separately, however, Movants reserve all rights in light of Mr. Yiannopoulos' conduct. *See, e.g., Continental Ins. Co. v. Atlantic Cas. Ins. Co.*, No. 07-cv-3635, 2008 WL 3852046, at \*2 (S.D.N.Y. Aug. 13, 2018) (sanctioning non-party recipient of a subpoena for costs under Fed. R. Civ. P. 45(e) where it showed an "utter disregard for the judicial process").

Respectfully submitted,

/s/ Benjamin D. White

Benjamin D. White