[NOT YET SCHEDULED FOR ORAL ARGUMENT]

No. 22-5222

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

TAYLOR BUDOWICH,

Plaintiff-Appellant,

v.

NANCY PELOSI, et al.

Defendants-Appellees.

On Appeal from a Final Order of the U.S. District Court for the District of Columbia (No. 21-3366) (Hon. James E. Boasberg, U.S. District Judge)

MOTION FOR SUMMARY AFFIRMANCE

Pursuant to D.C. Circuit Rule 27(g), Defendants-Appellees the Honorable Nancy Pelosi, the Honorable Bennie G. Thompson, the Honorable Elizabeth L. Cheney, the Honorable Adam B. Schiff, the Honorable Jamie B. Raskin, the Honorable Susan E. Lofgren, the Honorable Elaine G. Luria, the Honorable Peter R. Aguilar, the Honorable Stephanie Murphy, the Honorable Adam D. Kinzinger,

and the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Congressional Defendants") respectfully move for summary affirmance of the district court's June 23, 2022 order dismissing Plaintiff-Appellant Taylor Budowich's complaint. *See* Order, ECF 45; Mem. Op., ECF 46 (attached as Ex. 1).

Summary affirmance is plainly warranted here because the district court's ruling is based on fully applicable, abundant precedent applying the Constitution's Speech or Debate Clause. Moreover, all of the records at issue were provided to the Congressional Defendants more than nine months ago by Defendant-Appellee J.P. Morgan Chase Bank, N.A. ("JPMorgan"), and were long ago examined by the Congressional Defendants.

FACTUAL BACKGROUND

On January 6, 2021, rioters seeking to stop the peaceful transfer of power following the 2020 Presidential election launched a violent assault on the United States Capitol. H. Res. 503, 117th Cong. Preamble (2021). As Plaintiffs described the event, a large group "entered the U.S. Capitol, breached security, and disrupted the counting of Electoral College votes until order was restored." Am. Compl. ¶ 32, ECF 30 (attached as Ex. 2). "The rampage left multiple people dead, injured more than 140 people, and inflicted millions of dollars in damage to the Capitol." *Trump v. Thompson*, 20 F.4th 10, 15 (D.C. Cir. 2021), *inj. denied*, 142 S. Ct. 680

(2022), *cert. denied*, 142 S. Ct. 1350 (2022). Law enforcement eventually cleared the rioters, which enabled the electoral count to successfully resume later that night after a nearly six-hour delay.

In response to the unprecedented attack, the House of Representatives adopted House Resolution 503, "[e]stablish[ing] the Select Committee to Investigate the January 6th Attack on the United States Capitol." H. Res. 503 § 1. The resolution authorizes the Select Committee to (1) "investigate the facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol"; (2) "identify, review, and evaluate the causes of and the lessons learned from the domestic terrorist attack on the Capitol;" and "relating to the interference with the peaceful transfer of power"; (3) "issue a final report to the House containing such findings, conclusions, and recommendations for corrective measures … as it may deem necessary." *Id.* §§ 3(1), 4(a)(1)-(3).

To carry out those functions, House Resolution 503 provides that "The Speaker shall appoint 13 Members to the Select Committee, 5 of whom shall be appointed after consultation with the minority leader." *Id.* § 2(a). Consistent with the Resolution, the Speaker initially appointed seven Democrats and one Republican and then consulted with the House Minority Leader, who recommended five additional Republicans. *See* Am. Compl. ¶¶ 41-42. The Speaker then spoke with the Minority Leader, advised that she would appoint three

of the Members he had recommended, and asked the Minority Leader to recommend two other Republicans.[1] After the Minority Leader declined and, instead, withdrew all five recommendations,[2] the Speaker named an additional Republican to the Select Committee. *See id.* ¶ 43. Since then, the Select Committee has functioned with seven Democrats and two Republicans.

In furtherance of its duty to "investigate the facts, circumstances, and causes" of the attack of January 6th, the Select Committee issued subpoenas to certain government agencies, companies, and individuals, including Plaintiff-Appellant Budowich, and Defendant-Appellee JPMorgan.

In a cover letter accompanying the subpoena to Budowich, Chairman Thompson explained that the Select Committee had "credible evidence" of Budowich's "involvement in and knowledge of the events within the scope of the Select Committee's inquiry." *Id.* Ex. A at 4. Specifically, Chairman Thompson reported that the Select Committee had "reason to believe" that Budowich had directed $200,000, from a source that was "not disclosed," to pay for an

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[1] *See* Press Release, Nancy Pelosi, Speaker, House of Representatives, Pelosi Statement on Republican Recommendations to Serve on the Select Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol (July 21, 2021), https://perma.cc/B86B-SJTA.

[2] *See* Press Release, Kevin McCarthy, House of Representatives, McCarthy Statement about Pelosi's Abuse of Power on Jan. 6th Select Committee (July 21, 2021), https://perma.cc/4JNC-73R2.

advertising campaign to encourage people to attend the "Stop the Steal" rally on January 6th in support of then-President Trump and his discredited allegations of election fraud. *Id.* The subpoena to Budowich sought, among other things, records concerning financial transactions relating to the rally. *See id.* at 6-7.

On November 23, 2021, in a separate subpoena issued to JPMorgan, the Select Committee sought certain financial records of Budowich and his business, Conservative Strategies, Inc. *Id.* Ex. B at 5. (While the latter was named as a plaintiff in this case, it has not appealed the district court's ruling.)

In response to the subpoena issued to him personally, Budowich produced 391 documents to the Select Committee. Pls.' Am. Mot. for TRO at 2-3, ECF 14. In a letter accompanying transmission of the documents, Budowich raised general objections, including a claim that the Select Committee was not "duly authorized," and objections based on the First, Fourth, and Fifth Amendments. Am. Compl. Ex. D at 3. Budowich nonetheless agreed to produce "all responsive documents in his possession, custody, or control." *Id.* at 3-5. On December 22, Budowich appeared for a deposition before the Select Committee, where he answered questions concerning "payments made and received regarding his involvement in the planning of" the rally. Am. Compl. ¶ 64.

On December 16, counsel for Budowich wrote JPMorgan to object to the bank's disclosure of any of his bank records "without a warrant." *Id.* Ex. E at 2.

On December 21, JPMorgan notified Budowich that it had received a subpoena from the Select Committee and that it would comply with that subpoena unless it received "documentation legally obligating it to stop taking such steps." *Id.* Ex. F at 2. In subsequent correspondence, Budowich's counsel contended that JPMorgan would be in "willful or intentional" violation of the Right to Financial Privacy Act if it produced Plaintiffs' bank records. *Id.* Ex. I at 2.

Budowich did not obtain a court order enjoining production, and on December 24, JPMorgan produced to the Select Committee records responsive to the subpoena. ECF 14 at 5.

PROCEDURAL HISTORY

On December 24, 2021, after JPMorgan had already provided the subpoenaed bank records to the Select Committee, Budowich filed this action and sought a temporary restraining order to enjoin JPMorgan from producing the records. *See* Compl., ECF 1; Mot. for TRO, ECF 2. During a December 29 hearing on Budowich's motion, JPMorgan informed the district court that the documents in question had previously been produced to the Select Committee (a fact that the Select Committee confirmed). The court therefore denied Budowich's emergency motion as moot, but did so without prejudice. *See* Minute Order, Dec. 29, 2021.

On January 4, 2022, Budowich filed an Amended Emergency Motion for Temporary Restraining Order, asking the district court to, among other things, order the Select Committee to "disgorge, promptly return, sequester, or destroy" the documents that had already been produced by JPMorgan to the Select Committee. ECF 14 at 1.

The district court held a hearing on Budowich's new motion for a temporary restraining order. Ruling from the bench, the court denied the motion. Oral Arg. Tr. at 34, Jan. 20, 2022, ECF 27.

First, the court held that it lacked jurisdiction in light of the Speech or Debate Clause. The court explained that it could not "order Congress … to return documents that it has received," that it "does not have the authority to tell Congress what it can or cannot do with such documents," and that the Speech or Debate Clause would be a bar to jurisdiction "even if [Plaintiffs] had been able to bring the case prior to" the document production by JPMorgan. *Id.* at 32:11-33:16.

Second, the district court held in the alternative that, even if it had jurisdiction, it "would find that the Select Committee has a valid legislative purpose." *Id.* at 33:17-22.

Third, the district court held that, even if it had jurisdiction, it would reject Budowich's arguments that the Select Committee was not validly constituted, because the court must "defer to Congress in the manner of interpreting its rules,"

and it would be "usurping Congressional authority" to hold otherwise. *Id.* at 34:1-10.

Finally, the court held that, even if it had jurisdiction, it would find that the Select Committee's subpoena is "not overly broad." *Id.* at 34:11-15.

Following that ruling, the parties submitted a Joint Status Report. In the report, the Congressional Defendants stated that "to their knowledge, they have received all of the financial records requested, and do not anticipate issuing any more subpoenas to Defendant JPMorgan concerning [Budowich]." ECF 28 at 1. They further represented that "the subpoena does not compel production of more financial records beyond Defendant JPMorgan's production made on December 24, 2021 (except in the unlikely event that responsive records are later discovered that should have been provided at that time)." *Id.* at 2.

For its part, JPMorgan stated that it "has no present intention to produce additional documents pursuant to the subpoena" and "[t]he possibility that JPMorgan could do so at some point in the future is purely theoretical." *Id.* Budowich indicated that he intended to move for leave to file an amended complaint and a preliminary injunction request or other appropriate motion. *Id.* at 4.

Budowich subsequently filed an Amended Complaint. *See* ECF 30. Against the Congressional Defendants, the Amended Complaint alleges that the Select

Committee subpoena to JPMorgan was invalid because the Select Committee is not duly authorized (Count I) and lacks a valid legislative purpose (Count II); Defendants violated Plaintiff's procedural due process rights (Count III); Defendants violated the Right to Financial Privacy Act (Count IV); and Defendants violated the First and Fourth Amendments (Counts V and VI). *Id.* at 23-29. The same day, Budowich filed a motion asking the district court to enter an order requiring JPMorgan to provide him with ten days' notice before producing any additional documents to the Select Committee. *See* Mot. to Compel Notice at 2, ECF 31.

The Congressional Defendants moved to dismiss, arguing that the lawsuit could not proceed against them due to the Speech or Debate Clause, that the case was moot because the documents at issue had already been produced by JPMorgan, and that Budowich failed to state a claim. *See* ECF 33. The same day, JPMorgan filed a motion to dismiss, arguing that the court lacked jurisdiction over certain counts and that Budowich failed to state a claim. *See* ECF 34.

On June 23, the district court dismissed Budowich's complaint. The court concluded that the suit against the Congressional Defendants was barred due to the

Speech or Debate Clause, and it therefore did not reach the other two grounds for dismissal. *See* Ex. 1 at 8-15.[3]

The court held that, because the Speech or Debate Clause applies to all "legislative acts," *id.* at 9 (quoting *Doe v. McMillan*, 412 U.S. 306, 312 (1973)), it "plainly immunizes the Congressional Defendants from all six of the claims against them, given that each challenge arises from a legislative act," *id.* The court determined that the Select Committee's investigation is "related to and in furtherance of a legitimate task of Congress," Ex. 1 at 10 (quoting *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491, 505 (1975)). The court further concluded that, because House Resolution 503 "empowered the [Select] Committee to investigate how 'technology' and 'financing' 'may have factored into the motivation, organization, and execution of the domestic terrorist attack on the Capitol,'" Ex. 1 at 11 (quoting H. Res. 503 § 4(a)(1)(B)), the Select Committee "validly made Budowich 'a subject of the investigation and subpoena,'" *id.* at 11-12 (quoting *Eastland*, 421 U.S. at 506).

The district court noted that the fact that the subpoenaed documents had already been produced to the Select Committee "makes the Court's decision even

[3] The court also dismissed the claims against JPMorgan for mootness and failure to state a claim. Ex. 1 at 15-38.

easier," because this Court's precedent holds that the Speech or Debate Clause prohibits courts from ordering a Congressional committee to return documents that have been produced. *Id.* at 12 (citing *Senate Permanent Subcommittee on Investigations v. Ferrer*, 856 F.3d 1080 (D.C. Cir. 2017)).

The court rejected four counterarguments by Budowich. *First*, the court rejected an argument that the Speech or Debate Clause does not apply by virtue of Budowich's allegation that Congressional Defendants committed "unlawful acts." Ex. 1 at 13 (quoting Mem. in Opp. to Mot. to Dismiss at 24, ECF 38). *Second*, the court rejected Budowich's contention that the Speech or Debate Clause did not apply because the subpoena lacked a legitimate legislative purpose. *See id.* *Third*, the court rejected Budowich's assertion that the Speech or Debate Clause is not a jurisdictional bar to suit. *See id.* at 14. *Fourth*, the court rejected the argument that Congress waived its Speech or Debate Clause immunity in the Right to Financial Privacy Act. *See id.* at 14-15.

On August 22, Budowich appealed to this Court. ECF 47.

ARGUMENT

This Court may summarily dispose of an appeal where "[t]he merits of the parties' positions are so clear as to warrant summary action," *Hassan v. FEC*, No. 12-5335, 2013 WL 1164506, at *1 (D.C. Cir. Mar. 11, 2013) (per curiam), and "no benefit will be gained from further briefing and argument of the issues presented."

Taxpayers Watchdog, Inc., v. Stanley, 819 F.2d 294, 298 (D.C. Cir. 1987) (per curiam); *see also Sills v. Bureau of Prisons*, 761 F.2d 792, 794 (D.C. Cir. 1985). This is such an appeal. The district court applied well-settled Speech or Debate Clause precedent from this Court and the Supreme Court to dismiss Budowich's complaint, and there would be no benefit to further briefing or argument.

The Speech or Debate Clause (U.S. Const., Art. I, § 6, cl. 1) plainly bars Budowich's suit. That Clause provides absolute immunity to Members of Congress and committees for all "legislative acts." *Doe*, 412 U.S. at 312. That immunity is not merely a defense. Rather—as the district court held, Ex. 1 at 14—because the Select Committee's issuance of the subpoena to JPMorgan pursuant to House Resolution 503 is plainly a legislative act, the Clause "operates as a jurisdictional bar." *Howard v. Off. of Chief Admin. Officer of U.S. House of Reps.*, 720 F.3d 939, 941 (D.C. Cir. 2013).

By "freeing the legislator from executive and judicial oversight that realistically threatens to control his conduct," *Gravel v. United States*, 408 U.S. 606, 618 (1972), the Clause both "preserve[s] the independence and … integrity of the legislative process," *United States v. Brewster*, 408 U.S. 501, 524 (1972), and "reinforc[es] the separation of powers," *Eastland*, 421 U.S. at 502. It also prevents litigation that would "divert [legislators'] time, energy, and attention from their legislative tasks," *id*. at 503, or lessen their ability "to represent the interests of

their constituents," *Rangel v. Boehner*, 785 F.3d 19, 23 (D.C. Cir. 2015) (internal quotation marks and citation omitted).

"[I]t is long settled that the Clause's protections range beyond just the acts of speaking and debating." *McCarthy v. Pelosi*, 5 F.4th 34, 38 (D.C. Cir. 2021), *cert. denied*, 142 S. Ct. 897 (2022). Indeed, the "Supreme Court has consistently read the Speech or Debate Clause 'broadly' to achieve its purposes." *Rangel*, 785 F.3d at 23 (quoting *Eastland*, 421 U.S. at 501). To that end, courts have routinely applied this immunity to bar suits challenging "legislative acts," *Doe*, 412 U.S. at 311-12, which are those that are "generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn v. Thompson*, 103 U.S. 168, 204 (1880); *see Gravel*, 408 U.S. at 624. The protections of the Clause extend not only to Congress, but to its committees as well. *See, e.g.*, *Eastland*, 421 U.S. at 501; *McSurely v. McClellan*, 521 F.2d 1024, 1036-37 (D.C. Cir. 1975); *Pentagen Techs. Int'l, Ltd. v. Comm. on Appropriations of U.S. House of Reps.*, 20 F. Supp. 2d 41, 43-45 (D.D.C. 1998). Speech or Debate immunity shields all acts that "occur in the regular course of the legislative process," *Brewster*, 408 U.S. at 525, and it bars Budowich's suit.

The Select Committee's subpoena to JPMorgan fits squarely within the Clause's protections. As this Court recently reaffirmed, "[i]ssuance of subpoenas … has long been held to be a legitimate use by Congress of its power to

investigate." *Judicial Watch, Inc. v. Schiff*, 998 F.3d 989, 992 (D.C. Cir. 2021) (citations omitted). Courts have long recognized that "[t]he power to investigate and to do so through compulsory process plainly falls within" the legislative sphere, *Eastland*, 421 U.S. at 504, because "legislative activities" include "authorizing an investigation pursuant to which … materials were gathered." *McMillan*, 412 U.S. at 313.

As the Supreme Court has explained, investigations and subpoenas are "indispensable ingredient[s] of lawmaking." *Eastland*, 421 U.S. at 505. "Without information, Congress would be shooting in the dark, unable to legislate 'wisely or effectively.'" *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020) (quoting *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927)); *see also Eastland*, 421 U.S. at 504 ("[A] legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change.").

The House voted to create the Select Committee to investigate what this Court has called "the most significant assault on the Capitol since the War of 1812." *Trump v. Thompson*, 20 F.4th at 18-19. The Select Committee seeks to learn as much as possible about what led to, and occurred during, the acts of domestic terrorism aimed at Congress itself, in order to prevent any such future acts of violence against any branch of the United States Government. The Select

Committee's authority is consistent with that charter, which includes customary investigatory powers such as the ability to issue subpoenas. *See* H. Res. 503, § 5(c)(4); *see also* Rule XI.2(m)(1)(B), Rules of the U.S. House of Representatives, 117th Cong. (2021) ("House Rules"). Moreover, the Select Committee is authorized to issue a final report, including recommendations for legislation. *See* H. Res. 503, § 4(a)(3). Accordingly, the Select Committee's activities manifestly reside in the "legislative sphere."

As the district court correctly concluded, Budowich's arguments about the Select Committee's formation, its adherence to the House Rules, and the purportedly "unique" allegations in this case—that is, allegations that the Select Committee "intentionally thwarted an individual's right to seek review of a congressional subpoena that is patently unconstitutional and *ultra vires*," ECF 38 at 24—have no bearing on whether Budowich's suit is barred by the Speech or Debate Clause (and are wrong on the merits). Far from being unique, similar arguments are "made in almost every Speech or Debate Clause case" and have "been rejected time and again." *Rangel*, 785 F.3d at 24. The Clause prevents a court from exercising jurisdiction when "a plaintiff alleges that [the act] violated the House Rules … or even the Constitution." *Id.* (citing *Kilbourn*, 103 U.S. at 203, and *McMillan*, 412 U.S. at 312-13). "Such is the nature of absolute immunity, which is—in a word—absolute." *Id.*

Furthermore, as the district court correctly held, the Speech or Debate Clause prevents a federal court from granting the relief Budowich seeks: ordering a Congressional committee to return materials in its possession. *See Senate Permanent Subcomm. on Investigations v. Ferrer*, 856 F.3d 1080 (D.C. Cir. 2017). In *Ferrer*, this Court rejected a plaintiff's demand that a Congressional committee return documents produced in response to a subpoena. As the court explained, "the separation of powers, including the Speech or Debate Clause, bars this court from ordering a congressional committee to return, destroy, or refrain from publishing the subpoenaed documents" because the Clause "affords Congress a privilege to use materials in its possession without judicial interference." *Id.* at 1086 (internal quotation marks omitted).

This Court's ruling in *Ferrer* followed substantial other precedent from this Circuit. *See Brown & Williamson Tobacco Corp. v. Williams*, 62 F.3d 408, 416 (D.C. Cir. 1995) (applying a similar analysis even where (unlike here) the plaintiff alleged that Members of Congress acquired documents illegally, and explaining that the Speech or Debate Clause "permits Congress to conduct investigations and obtain information without interference from the courts"); *Hearst v. Black*, 87 F.2d 68, 71-72 (D.C. Cir. 1936) ("If a court could say to the Congress that it could use or could not use information in its possession, the independence of the Legislature

would be destroyed and the constitutional separation of the powers of government invaded.").

As the district court here held, Budowich wrongly asserted that, for Speech or Debate protections to apply, courts must conduct a searching inquiry for a "valid legislative purpose." ECF 38 at 24. That argument misreads the Supreme Court's decision in *Eastland* and ignores this Court's precedent. The Supreme Court explained in *Eastland* that "once it is determined that Members are acting within the 'legitimate legislative sphere' the Speech or Debate Clause is an absolute bar to interference." 421 U.S. at 503 (citation omitted). Accordingly, the scope of the Supreme Court's inquiry in *Eastland* was "narrow." *Id.* at 506. As the Court put it, "[i]f the mere allegation that a valid legislative act was undertaken for an unworthy purpose would lift the protection of the Clause, then the Clause simply would not provide the protection historically undergirding it." *Id.* at 508-09. Thus, because Congress "was authorized to investigate any subject 'on which legislation could be had,' . . . its issuance of subpoenas necessarily fell within the legislative sphere." *Brown & Williamson Tobacco Corp. v. Williams*, 62 F.3d at 416 (quoting *Eastland*, 421 U.S. at 504 n.15)).

As the district court noted, *see* Ex. 1 at 13, this Court recently applied these principles in *Judicial Watch v. Schiff*, rejecting the argument that a Congressional committee's subpoenas "served no legitimate legislative purpose and were

therefore unprotected by the Speech or Debate Clause." 998 F.3d at 992 (internal quotation marks and citation omitted). The Court explained that "[t]he wisdom of congressional approach or methodology is not open to judicial veto," "[n]or is the legitimacy of a congressional inquiry to be defined by what it produces." *Id.* (quoting *Eastland*, 421 U.S. at 509). Here, the Select Committee's investigation and subpoena easily fall within the "legislative sphere": the Select Committee is investigating an attack on Congress itself, and its authorizing resolution includes customary investigatory powers such as the ability to issue subpoenas. *See* H. Res. 503, § 5(c)(4); *see also* House Rule XI.2(m)(1)(B). As in *Eastland* and *Judicial Watch*, the Speech or Debate Clause provides "complete immunity" for the Select Committee's "issuance of th[e] subpoena." *Eastland*, 421 U.S. at 507.

Finally, the district court correctly rejected Plaintiff's contention that the Right to Financial Privacy Act waives Speech or Debate Clause immunity. No court has held that Speech or Debate Clause immunity is waivable. To be sure, a Congressional entity may choose not to assert its Speech or Debate immunity in a given case, but that is far different from saying that Congress has implicitly waived its immunity as to an entire category of litigation. *See Ferrer*, 856 F.3d at 1085-87 (rejecting argument that by "seeking to enlist the judiciary's assistance in enforcing its subpoena," the Senate subcommittee had "necessarily accepted an implicit restriction on the Speech or Debate Clause"). Even "[a]ssuming" that waiver of

Congressional immunity is "possible," it "can be found only after explicit and unequivocal renunciation of the protection." *United States v. Helstoski*, 442 U.S. 477, 490-91 (1979). As the district court noted, "Plaintiffs have not even attempted to identify in the RFPA an 'explicit and unequivocal renunciation' of the Clause's protection, nor could they." Ex. 1 at 15 (citation omitted).

CONCLUSION

For the foregoing reasons, the Court should summarily affirm the judgment of the district court.

Respectfully submitted,

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October 3, 2022

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I certify that this Motion complies with the type-volume limitation of Rule 27(d)(2), as it contains 4,006 words.

/s/ Douglas N. Letter
Douglas N. Letter

October 3, 2022

CERTIFICATE OF SERVICE

I certify that on October 3, 2022, I filed one copy of the foregoing Motion for Summary Affirmance via the CM/ECF system of the United States Court of Appeals for the District of Columbia Circuit, which I understand caused service on all registered parties.

/s/ Douglas N. Letter
Douglas N. Letter

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TAYLOR BUDOWICH, *et al.*, **Plaintiffs,** **v.** **NANCY PELOSI, *et al.*,** **Defendants.**	**Civil Action No. 21-3366 (JEB)**

MEMORANDUM OPINION

In the wake of last year's attempted insurrection, the House of Representatives established the Select Committee to Investigate the January 6th Attack on the United States Capitol. The House tasked the Committee with investigating and reporting the circumstances and causes of the riot and its interference with the peaceful transfer of power. In furtherance of that mission, the Committee issued subpoenas in late 2021 to Plaintiff Taylor Budowich and his bank, J.P. Morgan Chase Bank. The Committee sought Budowich's financial records, as it had reason to believe that he had directed significant funds from undisclosed sources to bankroll the promotion of the rally on the Ellipse that immediately preceded the attack on the Capitol. After Budowich sat for a deposition and produced responsive records, the bank — over his objection — also complied with the subpoena and disclosed documents to the Committee in late December.

Unhappy with this turn of events, Plaintiffs Budowich and his business, Conservative Strategies, Inc., brought this multiple-count lawsuit against Defendants Speaker Nancy Pelosi, the Select Committee, its members, and JPMorgan. Plaintiffs seek, among other things, the

return of the produced documents. The Congressional Defendants and JPMorgan now separately move to dismiss on a number of grounds. Because the Constitution's Speech or Debate Clause bars the claims against the Congressional Defendants and because Plaintiffs' variegated claims against JPMorgan bear their own assorted infirmities, the Court will grant Defendants' Motions.

I. Background

A. The Select Committee

"On January 6, 2021, a mob professing support for then-President Trump violently attacked the United States Capitol in an effort to prevent a Joint Session of Congress from certifying the electoral college votes designating Joseph R. Biden the 46th President of the United States." Trump v. Thompson, 20 F.4th 10, 15 (D.C. Cir. 2021), cert. denied, 142 S. Ct. 1350 (2022). The "rampage left multiple people dead, injured more than 140 people, and inflicted millions of dollars in damage to the Capitol." Id. (citations omitted). In response to the attack, the House of Representatives adopted House Resolution 503, which established the Select Committee to Investigate the January 6th Attack on the United States Capitol. See H.R. Res. 503, 117th Cong. § 3(1) (2021).

The Resolution directs the Committee to "investigate the facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol," "identify, review, and evaluate the causes of and the lessons learned from the domestic terrorist attack on the Capitol," and "issue a final report to the House containing such findings, conclusions, and recommendations for corrective measures" as necessary. Id. § 4(a)(1)–(3). Such "corrective measures" may include recommendations for any "changes in law, policy, procedures, rules, or regulations that could be taken" to prevent "future acts of violence . . . including acts targeted at American democratic institutions." Id. § 4(c)(1).

The authorizing Resolution states that the Speaker of the House "shall appoint 13 Members to the Select Committee, 5 of whom shall be appointed after consultation with the minority leader." Id. § 2(a). It also allows the Speaker to designate "one member to serve as chair of the Select Committee." Id. § 2(b). The Amended Complaint alleges that, during the relevant period in this case, the Committee operated with only nine members, seven of whom are Democrats and two of whom are Republicans. See ECF No. 30 (Am. Compl.), ¶ 77.

The Resolution also expressly incorporates Rule XI of the Rules of the House of Representatives. See H.R. Res. § 5(c). That incorporated rule, in turn, empowers the Committee "to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary." Rules of the U.S. House of Reps., 117th Cong., Rule XI.2(m)(1). It also states that such subpoenas "may be issued to any person or entity." Id., Rule XI.2(m)(3).

B. Factual and Procedural History

Taking the facts alleged in the Amended Complaint as true — as the Court must at this stage — on November 22, 2021, the Committee served Budowich, who lives in California, with a subpoena for production of documents and testimony at a deposition. See Am. Compl., ¶ 57. In a cover letter accompanying the subpoena, Chairman Bennie Thompson advised Plaintiff that the Committee had "credible evidence of [his] involvement in and knowledge of the events within the scope of the Select Committee's inquiry." ECF No. 30-1, Exh. A (Budowich Subpoena) at 4. More specifically, the cover letter stated, the Committee had "reason to believe" that Budowich had directed "approximately $200,000 from a source or sources that was not disclosed" to pay for an "advertising campaign to encourage people to attend the rally held on the Ellipse in Washington, D.C. on January 6, 2021, in support of then-President Trump and his

allegations of election fraud." Id. (citations omitted). This rally occurred just "before the attack on the Capitol," with the speakers "urging the crowd to 'fight much harder' and to 'stop the steal.'" Id. at 5. The subpoena thus sought Plaintiff's deposition and documents concerning financial transactions related to the rally, among other things. Id. at 5–7.

Budowich substantially complied with the subpoena. On December 14, he produced 391 responsive documents, "including all financial account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally." Am. Compl., ¶ 60; see also ECF No. 30-4, Exh. D (Budowich Response to Subpoena). He also made an additional production several days later. See Am. Compl., ¶ 61. Plaintiff then sat for a four-hour deposition on December 22, 2021, before the Committee in Washington, during which he "answered questions concerning payments made and received regarding his involvement in the planning" of the rally. Id., ¶¶ 63–64.

On November 23, meanwhile, the Committee also issued a subpoena to JPMorgan, Budowich's bank. Id., ¶ 4; see ECF No. 30-2, Exh. B (JPMorgan Subpoena). That subpoena sought Budowich's bank records dating back to October 2020. See JPMorgan Subpoena at 5–6. On December 16, Plaintiff's counsel notified JPMorgan that he "objects to JP Morgan Chase disclosing his customer/banking records to Congress without a warrant." ECF No. 30-5, Exh. E (Budowich Letter to JPMorgan) at 2. The bank responded to him days later, explaining that it "will comply with this subpoena in a timely manner unless it receives documentation legally obligating it to stop taking such steps." ECF No. 30-6, Exh. F (JPMorgan Letter to Budowich) at 2. It further advised Plaintiff that any such documentation must be received by December 24, the deadline for JPMorgan's response to the subpoena. Id.; see ECF No. 30-10, Exh. J, at 2. Having

not received such documentation, JPMorgan produced a number of records responsive to the subpoena to the Committee on December 24. See Am. Compl., ¶ 73.

That same day, Budowich and Conservative Strategies filed this lawsuit against Speaker Pelosi, the Committee, its members, and JPMorgan. See ECF No. 1 (Complaint). They concurrently filed a Motion for Temporary Restraining Order, which the Court denied without prejudice as moot after a hearing on December 29. See Minute Order of Dec. 29, 2021. Plaintiffs refiled an Amended Motion for Temporary Restraining Order days later, which the Court again denied after allowing for briefing and holding another hearing. See ECF No. 27 (TRO Hearing Transcript) at 32–34.

In early February 2022, the parties submitted a Joint Status Report. The Congressional Defendants explained that, "to their knowledge, they have received all of the financial records requested, and do not anticipate issuing any more subpoenas to Defendant JPMorgan concerning Plaintiffs." ECF No. 28 (JSR of Feb. 3, 2022) at 1. They further stated that they believed that the initial subpoena "does not compel production of more financial records beyond Defendant JPMorgan's production made on December 24, 2021." Id. at 2. JPMorgan, for its part, stated that it "has no present intention to produce additional documents pursuant to the subpoena." Id.

Later in February, Plaintiffs filed an Amended Complaint against the Congressional Defendants and JPMorgan. See Am. Compl. at 1–2. This pleading — the operative one here — contains nine counts. Id., ¶¶ 115–95. Two allege that the Committee was not "duly authorized" (Count I) and that it lacked a valid legislative purpose (Count II). Id., ¶¶ 115–29. Three others assert Constitutional violations of the following provisions: the Fifth Amendment's Due Process Clause (Count III), the First Amendment (Count V), and the Fourth Amendment (Count VI). Id., ¶¶ 130–35, 147–55. One count invokes a federal statute — to wit, the Right to Financial Privacy

Act (Count IV). Id., ¶¶ 136–46. The last three allege violations of the California Constitution (Count VII) and of two different provisions of the California Unfair Competition Law (Counts VIII and IX). Id., ¶¶ 156–95. Plaintiffs' first six counts are brought against all Defendants, while the final three name only JPMorgan. Budowich and his business seek declaratory and injunctive relief, as well as actual and punitive damages. Id. at 35–36.

The Congressional Defendants and JPMorgan now separately move to dismiss the Amended Complaint. See ECF No. 33-1 (Cong. Defs.' MTD); ECF No. 34 (JPMorgan MTD).

II. Legal Standard

Defendants' Motions invoke the legal standards for dismissal under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). When a defendant seeks dismissal under Rule 12(b)(1), the plaintiff must demonstrate that the court has subject-matter jurisdiction to hear his claims. See Lujan v. Defs. of Wildlife, 504 U.S. 555, 561 (1992); US Ecology, Inc. v. U.S. Dep't of Interior, 231 F.3d 20, 24 (D.C. Cir. 2000). "Because subject-matter jurisdiction focuses on the court's power to hear the plaintiff's claim," the court has "an affirmative obligation to ensure that it is acting within the scope of its jurisdictional authority." Grand Lodge of the Fraternal Order of Police v. Ashcroft, 185 F. Supp. 2d 9, 13 (D.D.C. 2001). "Absent subject matter jurisdiction over a case, the court must dismiss it." Bell v. U.S. Dep't of Health & Human Servs., 67 F. Supp. 3d 320, 322 (D.D.C. 2014).

In policing its jurisdictional borders, the court must scrutinize the complaint, granting the plaintiff the benefit of all reasonable inferences that can be derived from the alleged facts. See Jerome Stevens Pharms., Inc. v. FDA, 402 F.3d 1249, 1253 (D.C. Cir. 2005). The court need not rely "on the complaint standing alone," however, but may also look to undisputed facts in the record or resolve disputed ones. See Herbert v. Nat'l Acad. of Scis., 974 F.2d 192, 197 (D.C.

Cir. 1992). Nor need the court accept inferences drawn by the plaintiff if those inferences are unsupported by facts alleged in the complaint or merely amount to legal conclusions. See Browning v. Clinton, 292 F.3d 235, 242 (D.C. Cir. 2002).

Under Federal Rule of Civil Procedure 12(b)(6), by contrast, a court must dismiss a suit when the complaint "fail[s] to state a claim upon which relief can be granted." In evaluating a motion to dismiss, the Court must "treat the complaint's factual allegations as true and must grant plaintiff the benefit of all inferences that can be derived from the facts alleged." Sparrow v. United Air Lines, Inc., 216 F.3d 1111, 1113 (D.C. Cir. 2000) (citation and internal quotation marks omitted); see also Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). A court need not accept as true, however, "a legal conclusion couched as a factual allegation," nor an inference unsupported by the facts set forth in the complaint. Trudeau v. FTC, 456 F.3d 178, 193 (D.C. Cir. 2006) (quoting Papasan v. Allain, 478 U.S. 265, 286 (1986)). Although "detailed factual allegations" are not necessary to withstand a Rule 12(b)(6) motion, Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007), "a complaint must contain sufficient factual matter, [if] accepted as true, to state a claim to relief that is plausible on its face." Iqbal, 556 U.S. at 678 (internal quotation omitted). A plaintiff may survive a Rule 12(b)(6) motion even if "recovery is very remote and unlikely," but the facts alleged in the complaint "must be enough to raise a right to relief above the speculative level." Twombly, 550 U.S. at 555–56 (quoting Scheuer v. Rhodes, 416 U.S. 232, 236 (1974)).

III. Analysis

In their Motion, the Congressional Defendants contend that the Speech or Debate Clause mandates dismissal of all six causes of action against them. See Cong. Defs.' MTD at 8. JPMorgan, for its part, takes on the numerous counts in a more piecemeal fashion, maintaining

that certain counts are moot and that others fail to state a plausible claim for a variety of reasons. See JPMorgan MTD at 9–31. The Court thus first considers the Congressional Defendants' main argument before turning to JPMorgan's disparate contentions. At the end of the day, the Court agrees with all Defendants that none of the nine counts survives.

A. Congressional Defendants

Right out of the gate, the Congressional Defendants posit that the Speech or Debate Clause bars all of Plaintiffs' claims against them. See Cong. Defs.' MTD at 8; see also ECF No. 42 (Cong. Defs.' Reply) at 2–9. While they also contend that the counts against them are moot, "[b]oth those arguments state jurisdictional objections." McCarthy v. Pelosi, 5 F.4th 34, 38 (D.C. Cir. 2021), cert. denied, 142 S. Ct. 897 (2022); see also Rangel v. Boehner, 785 F.3d 19, 22 (D.C. Cir. 2015) (Speech or Debate challenge is jurisdictional). "And while [a court] must resolve jurisdictional questions before [it] can address the merits of a dispute, [it] can take up jurisdictional issues in any order." McCarthy, 5 F.4th at 38 (citing Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp., 549 U.S. 422, 431 (2007)). Here, the Court "opt[s] to begin with the question of Speech-or-Debate-Clause immunity," and because it concludes that "the Clause bars consideration" of Plaintiffs' causes of action, it has "no need to consider whether" the claims are also moot as to these Defendants. Id.

The Speech or Debate Clause states that "Senators and Representatives . . . for any Speech or Debate in either House . . . shall not be questioned in any other Place." U.S. Const. art. I, § 6, cl. 1. The central purpose of the Clause is "to protect the individual legislator, not simply for his own sake, but to preserve the independence and thereby the integrity of the legislative process." United States v. Brewster, 408 U.S. 501, 524 (1972). The Clause does so by preventing "intimidation of legislators by the Executive and accountability before a possibly

hostile judiciary." Gravel v. United States, 408 U.S. 606, 617 (1972). It thereby "serves the additional function of reinforcing the separation of powers so deliberately established by the Founders." Eastland v. U. S. Servicemen's Fund, 421 U.S. 491, 502 (1975) (quoting United States v. Johnson, 383 U.S. 169, 178 (1966)).

"The Supreme Court has consistently read the Speech or Debate Clause 'broadly' to achieve its purposes." Rangel, 785 F.3d at 23 (quoting Eastland, 421 U.S. at 501). As a result, while the Clause "by [its] terms prohibits 'Speech or Debate in either House' from being 'questioned in any other Place,' it is long settled that the Clause's protections range beyond just the acts of speaking and debating." McCarthy, 5 F.4th at 38 (quoting U.S. Const. art. I, § 6, cl. 1). Rather, the Clause applies to all "legislative acts." Doe v. McMillan, 412 U.S. 306, 312 (1973). Legislative acts, the Supreme Court has explained, are those "generally done in a session of the House by one of its members in relation to the business before it." Kilbourn v. Thompson, 103 U.S. 168, 204 (1880). That means that the Clause covers all matters that are "an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House." Gravel, 408 U.S. at 625.

Applying those principles to this case, the Speech or Debate Clause plainly immunizes the Congressional Defendants from all six of the claims against them, given that each challenge arises from a legislative act. In so holding, the Court concurs with the conclusion reached by Judge Timothy Kelly of this district in a recent opinion involving a similar suit against the Committee and its members challenging the Committee's issuance of a different subpoena. See Republican Nat'l Comm. v. Pelosi, No. 22-659, 2022 WL 1294509, at *7–10 (D.D.C. May 1,

2022). As Judge Kelly recognized in that case, "Eastland, in which the Supreme Court resolved a challenge to a subpoena issued by a Senate subcommittee, provides a useful analytical template" for this type of dispute. Id. at *7.

Eastland involved two main inquiries. The Supreme Court first examined whether the subcommittee investigation at issue was "related to and in furtherance of a legitimate task of Congress." 421 U.S. at 505. The Court explained that, as a general matter, "[t]he power to investigate and to do so through compulsory process plainly falls within" that ambit because "the power to investigate is inherent in the power to make laws." Id. at 504. Thus, the "issuance of a subpoena pursuant to an authorized investigation is similarly an indispensable ingredient of lawmaking." Id. at 505. Without the subpoena power, the power to investigate "would be meaningless." Id. Indeed, "[t]o hold that Members of Congress are protected for authorizing an investigation, but not for issuing a subpoena in exercise of that authorization, would be a contradiction denigrating the power granted to Congress in Art. I and would indirectly impair the deliberations of Congress." Id. Eastland thus held that because the "Subcommittee was acting under an unambiguous resolution from the Senate authorizing it," and that resolution showed that the investigation "concerned a subject on which legislation could be had," the investigation at issue fell "within the sphere of legitimate legislative activity." Id. at 506 (internal quotation marks and citations omitted).

Here, the Select Committee's investigation and subsequent subpoena easily satisfy this threshold inquiry. The D.C. Circuit has already held that the "Committee plainly has a 'valid legislative purpose' and its inquiry 'concern[s] a subject on which legislation could be had.'" Thompson, 20 F.4th at 41 (quoting Trump v. Mazars USA, LLP, 140 S. Ct. 2019, 2031–32 (2020)); see also Republican Nat'l Comm., 2022 WL 1294509, at *8. Indeed, Plaintiffs

themselves "do not dispute that the Select Committee has some legislative purpose." ECF No. 38 (Pl. Opp. to Cong. Defs.) at 17. This conclusion obtains regardless of Plaintiffs' complaints about the Committee's composition, id. at 13–16, because "[a]n 'act does not lose its legislative character' for Speech or Debate Clause purposes 'simply because a plaintiff alleges that it violated the House Rules.'" Republican Nat'l Comm., 2022 WL 1294509, at *10 (quoting Rangel, 785 F.3d at 24). Rather, "legislative immunity applies whether the disputed legislative action 'was regular, according to the Rules of the House, or irregular and against their rules.'" Id. (quoting Kilbourn, 103 U.S. at 203); see also id. ("Thus, House Defendants are immune from suit even assuming the subpoena was issued . . . against the House's rules governing the committee.").

In addition to the legitimate-task inquiry, Eastland also considered "the propriety of making [the subpoena target] a subject of the investigation and subpoena." 421 U.S. at 506. The Supreme Court there emphasized, "The courts should not go beyond the narrow confines of determining that a committee's inquiry may fairly be deemed within its province." Id. (quoting Tenney v. Brandhove, 341 U.S. 367, 378 (1951)). Courts should instead cabin themselves to only a "cursory look at the facts presented by the pleadings" to conclude that the subpoena at issue has a legitimate target and scope. Id.

The same limits apply here. As explained, the House instructed the Select Committee to "investigate and report upon the facts, circumstances, and causes relating to" the January 6 attack, including "the influencing factors that fomented such an attack." H.R. Res. 503, § 3(1). The House further empowered the Committee to investigate how "technology" and "financing" "may have factored into the motivation, organization, and execution of the domestic terrorist attack on the Capitol." Id. § 4(a)(1)(B). In light of that charge, the Committee validly made

Budowich "a subject of the investigation and subpoena." Eastland, 421 U.S. at 506. In fact, not only do Plaintiffs not dispute that the Committee has "some legislative purpose," they further "do not dispute that some of the records Plaintiff Budowich had already provided to the Select Committee could be relevant to its investigation." Pl. Opp. to Cong. Defs. at 17. That concession makes sense: the Committee had "reason to believe that" Budowich had directed significant funds to pay for the Ellipse rally that immediately preceded the attack on the Capitol. See Budowich Subpoena at 4–5. It thus logically follows that its decision to subpoena his financial information for the period surrounding January 6, 2021, "may fairly be deemed within its province and thus falls within the scope of the Clause." Republican Nat'l Comm., 2022 WL 1294509, at *8 (citing Eastland, 421 U.S. at 506).

The fact that Budowich has already produced the subpoenaed documents to the Committee makes the Court's decision even easier. That conclusion flows inexorably from Senate Permanent Subcommittee on Investigations v. Ferrer, 856 F.3d 1080 (D.C. Cir. 2017). There, an individual who was subpoenaed by a Senate Subcommittee "turned over some of the [requested] documents, and the Subcommittee completed its investigation" during the pendency of the appeal. Id. at 1083. Relying on a line of circuit precedent tracing back nearly a century, the Court of Appeals held that "the separation of powers, including the Speech or Debate Clause, bars this court from ordering a congressional committee to return, destroy, or refrain from publishing the subpoenaed documents." Id. at 1086 (citing Brown & Williamson Tobacco Corp. v. Williams, 62 F.3d 408 (D.C. Cir. 1995), and Hearst v. Black, 87 F.2d 68 (D.C. Cir. 1936)). That holding only fortifies the Court's conclusion here that the Speech or Debate Clause precludes Budowich — who seeks the return of his produced documents, see Am. Compl. at 36 — from pursuing this case against the Congressional Defendants.

Plaintiffs' arguments to the contrary do not hold water. They first contend that under the "unique and egregious facts of this case, the Speech or Debate Clause does not immunize the unlawful acts of the Select Committee." Pl. Opp. at 24. But a version of "[t]his 'familiar' argument — made in almost every Speech or Debate Clause case — has been rejected time and again." Rangel, 785 F.3d at 24 (quoting Eastland, 421 U.S. at 510). Indeed, "[a]n act does not lose its legislative character simply because a plaintiff alleges that it violated the House Rules, or even the Constitution." Id. (citations omitted).

Plaintiffs next argue that the Committee's subpoena was overbroad and exceeded any legitimate legislative purpose. See Pl. Opp. at 24–27. As explained, however, the Court's inquiry into such an assertion is deferential, and the Committee has put forth an adequate basis for its investigation and subpoena. See Eastland, 421 U.S. at 508–09 ("If the mere allegation that a valid legislative act was undertaken for an unworthy purpose would lift the protection of the Clause, then the Clause simply would not provide the protection historically undergirding it."). In fact, the D.C. Circuit recently rejected the similar argument that a congressional committee's subpoenas "served no legitimate legislative purpose" and were "too tangential to the purpose of an impeachment inquiry." Jud. Watch, Inc. v. Schiff, 998 F.3d 989, 992 (D.C. Cir. 2021) (internal quotation marks and citation omitted). There, the panel emphasized that the "scope of inquiry is narrow," and that the "wisdom of congressional approach or methodology is not open to judicial veto." Id. (internal quotation marks and citation omitted). The Court of Appeals thus concluded that, "based on the record, the unsupported objections to the relevance of the information sought by the Committee's subpoenas fail." Id. So, too, here, especially in light of the Select Committee's purpose and knowledge of Budowich's role in funding the Ellipse rally.

Plaintiffs' last two primary counterarguments can be swiftly disposed of. First, they somewhat perplexingly argue that "the Speech or Debate Clause is not a jurisdictional bar to suit." Pl. Opp. at 25. The D.C. Circuit has repeatedly made clear, however, that "[t]he Speech or Debate Clause operates as a jurisdictional bar when the actions upon which a plaintiff [seeks] to predicate liability [are] legislative acts." Howard v. Off. of Chief Admin. Officer of U.S. House of Representatives, 720 F.3d 939, 949 (D.C. Cir. 2013) (quoting Fields v. Office of Eddie Bernice Johnson, 459 F.3d 1, 13 (D.C. Cir. 2006) (*en banc*)). As the Supreme Court has explained, the cases Plaintiffs cite in support of their position stand for the uncontroversial proposition that "the speech or debate privilege was . . . unavailable to certain House and committee employees" who were not involved "in the performance of legislative acts." Gravel, 408 U.S. at 618 (distinguishing Powell v. McCormack, 395 U.S. 486 (1969), and Kilbourn, 103 U.S. at 168); see also McCarthy, 5 F.4th at 41 ("The three decisions principally relied on by the plaintiffs — Kilbourn[ ], [Dombrowski v. Eastland, 387 U.S. 82, 87 (1967)], and Powell[ ] — are not to the contrary.").

The final arrow in Plaintiffs' speech-or-debate quiver relies on a supposed waiver of the immunity. They contend that under the Right to Financial Privacy Act, "Congress waived Speech or Debate Clause immunity by authorizing suits against it." Pl. Opp. at 31. But this arrow veers off course upon release. For starters, Plaintiffs themselves admit that they are not sure whether Congress ever "can waive the Speech or Debate Clause protections." Id. Indeed, they have not supplied a single case holding that the Clause's immunity may be waived, and the Court is not aware of one. Further, in the instances in which courts have assumed — without deciding — that the Clause's protections may be waived under some circumstances, they apply an unusually high standard for finding waiver. In fact, "assuming that [waiver] is possible," it

"can be found only after explicit and unequivocal renunciation of the protection." United States v. Helstoski, 442 U.S. 477, 490–91 (1979). The Supreme Court has explained, "The ordinary rules for determining the appropriate standard of waiver do not apply in this setting" because the Clause "was designed neither to assure fair trials nor to avoid coercion." Id. Here, Plaintiffs have not even attempted to identify in the RFPA an "explicit and unequivocal renunciation" of the Clause's protection, nor could they. See Pl. Opp. at 31–32; 12 U.S.C. § 3417. Congress did not somehow unwittingly waive its Speech or Debate Clause immunity by enacting the RFPA.

In sum, the Speech or Debate Clause precludes Plaintiffs' claims against the Congressional Defendants, who will be dismissed for lack of subject-matter jurisdiction.

B. JPMorgan

That leaves Defendant JPMorgan and Plaintiffs' nine counts against it. The Court takes these up in three tranches, first addressing the Constitutional and non-statutory federal claims (Counts I–III, V, and VI), then the federal statutory count (Count IV), and last the state-law causes of action (Counts VII–IX). Although the Amended Complaint does not distinguish between counts brought by Conservative Strategies and Budowich, Plaintiffs now concede that the former cannot bring certain counts against JPMorgan. See ECF No. 39 (Pl. Opp. to JPMorgan) at 14 n.1 ("Plaintiffs respectfully concede that RFPA does not apply to Conservative Strategies, Inc."); id. at 31 n.5 ("Plaintiff Conservative Strategies, Inc. respectfully concedes that it cannot assert an invasion of privacy claim under the California Constitution."). They also never assert that Conservative Strategies has claims that are broader than Budowich's or that require additional examination. To streamline its analysis, the Opinion thus discusses only Budowich's counts against JPMorgan without separately addressing Conservative Strategies'.

1. *Counts I–III, V, and VI*

The Court first takes up JPMorgan's contention that Counts I–III, V, and VI are moot, with which it agrees. Out of an abundance of caution, however, the Court will also explain why, at any rate, Counts III, V, and VI — which raise constitutional claims — independently founder because JPMorgan is not a state actor.

a. Mootness

Defendant posits that Counts I–III, V, and VI are moot because the bank has already produced the documents required by the subpoena and Plaintiff does not seek damages on these counts. See JPMorgan MTD at 15–16; ECF No. 41 (JPMorgan Reply) at 3–6. Plaintiff counters with several theories: he actually is seeking damages and is challenging an ongoing policy and practice, or, in the alternative, these counts are capable of repetition yet evading review. See Pl. Opp. to JPMorgan at 7–12. None of those theories prevails.

"Article III of the Constitution limits [the Court's] jurisdiction to 'actual, ongoing controversies.'" Foretich v. United States, 351 F.3d 1198, 1210 (D.C. Cir. 2003) (quoting Honig v. Doe, 484 U.S. 305, 317 (1988)). "A lawsuit becomes moot — and is therefore no longer a 'Case' or 'Controversy' — 'when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.'" Almaqrami v. Pompeo, 933 F.3d 774, 779 (D.C. Cir. 2019) (quoting Chafin v. Chafin, 568 U.S. 165, 172 (2013)). "This happens 'only when it is impossible for a court to grant any effectual relief whatever to the prevailing party.'" Zukerman v. United States Postal Serv., 961 F.3d 431, 442 (D.C. Cir. 2020) (quoting Knox v. Serv. Emps. Int'l Union, 567 U.S. 298, 307 (2012)). If "intervening events make it impossible to grant the prevailing party effective relief," no live controversy remains. See Lemon v. Geren, 514 F.3d 1312, 1315 (D.C. Cir. 2008) (citation omitted).

Here, it is uncontroverted that JPMorgan produced records responsive to the subpoena to the Committee on December 24, 2021. See Am. Compl., ¶¶ 72–73. It is similarly undisputed that JPMorgan "has no present intention to produce additional documents pursuant to the subpoena." JSR of Feb. 3, 2022, at 2. The Court is thus powerless to order the bank to withhold Budowich's financial records from the Committee, as he requests. See Am. Compl. at 35. Critically, Plaintiff does not also seek damages from JPMorgan on the claims at issue here. Id. at 36. That means that a finding in his favor would entitle him to neither injunctive relief nor damages. In other words, "intervening events" have made "it impossible to grant the prevailing party effective relief" on these claims, even if Budowich were to succeed on the merits. See Lemon, 514 F.3d at 1315. The counts are thus moot. See Crooker v. U.S. State Dep't, 628 F.2d 9, 10 (D.C. Cir. 1980) ("Once the records are produced the substance of the controversy disappears and becomes moot.").

Plaintiff's rejoinders go nowhere. He first argues that "Defendants ignore that Plaintiffs seek monetary damages and a return of their documents." Pl. Opp. to JPMorgan at 8. While Budowich is correct that he seeks monetary damages on certain counts — specifically those alleging violations of the RFPA and California law (Counts IV, VII, VIII, and IX) — his prayer for relief makes plain that he does not seek damages from JPMorgan on the counts now at issue. See Am. Compl. at 36. In any event, damages would be unavailable against JPMorgan for any constitutional violations (alleged in Counts III, V, and VI). That is because under Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971), and its progeny, such a claim is unavailable against a private entity, even when it is acting under color of federal law. See Corr. Servs. Corp. v. Malesko, 534 U.S. 61, 66 (2001) (declining to extend Bivens to "confer a right of action for damages against private entities acting under color of federal law"). Similarly, while

Plaintiff is correct that he seeks an injunction "mandating that the Select Committee Defendants disgorge, promptly return, sequester, or destroy private financial records belonging to Plaintiffs," Am. Compl. at 36 (emphasis added), he does not seek an injunction ordering JPMorgan to return the documents. That makes sense: the bank has already produced the documents to the Committee and is thus powerless to return them, even upon a court order.

Budowich next asserts that these counts are not moot because he is challenging "an ongoing policy: the Select Committee's issuance of unnoticed, overbroad subpoenas that exceed a valid legislative purpose and are issued by a committee that is not duly formed." Pl. Opp. to JPMorgan at 8. Notably, however, he does not dispute that JPMorgan has no intention or plan to produce additional documents to the Committee, nor that the Committee has no intention to again subpoena JPMorgan. To the extent that Plaintiff is challenging a Committee policy that remains ongoing, that has no bearing on whether certain claims against JPMorgan — which is not alleged to have any such "ongoing policy" — are moot.

Not to worry, Budowich says, because "this case fits into the mootness exception for cases capable of repetition yet evading review." Id. at 9. Nope. "To satisfy the exception, a party must demonstrate that (1) the challenged action is in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there [is] a reasonable expectation that the same complaining party [will] be subjected to the same action again." Ralls Corp. v. Comm. on Foreign Inv. in U.S., 758 F.3d 296, 321 (D.C. Cir. 2014) (internal quotation marks and citation omitted). "When these two circumstances are simultaneously present, the plaintiff has demonstrated an exceptional circumstance in which the exception will apply." Id. (internal quotation marks and citation omitted). Here, even assuming that Budowich has carried his burden as to the first prong of the exception, he falls short on the second.

To satisfy the latter prong, "[t]he party invoking the exception must show 'a reasonable degree of likelihood that the issue will be the basis of a continuing controversy between the[ ] two parties.'" J. T. v. D.C., 983 F.3d 516, 524 (D.C. Cir. 2020) (quoting Pharmachemie B.V. v. Barr Labs., Inc., 276 F.3d 627, 633 (D.C. Cir. 2002)). Indeed, "[t]his prong requires that the same parties will engage in litigation over the same issues in the future." Id. (internal quotation marks and citation omitted; emphasis added). "The relevant inquiry, however, is not 'whether the precise historical facts that spawned the plaintiff's claims are likely to recur.'" Id. (quoting Del Monte Fresh Produce Co. v. United States, 570 F.3d 316, 324 (D.C. Cir. 2009)). Instead, "'[t]he wrong that is, or is not, capable of repetition must be defined in terms of the precise controversy it spawns,' to wit, 'in terms of the legal questions it presents for decision.'" Id. (quoting PETA v. Gittens, 396 F.3d 416, 422–23 (D.C. Cir. 2005)).

Here, Plaintiff has not carried his burden to show that the same issue may continue to arise between him and JPMorgan. Critically, he asserts in his Opposition merely that "it is likely that Select Committee Defendants will issue unnoticed subpoenas to additional third-parties that maintain Plaintiffs' private information." Pl. Opp. to JPMorgan at 10. Perhaps. But he nowhere alleges (neither in the Opposition nor in the Amended Complaint) that the Committee will again subpoena JPMorgan, or that JPMorgan will again produce more of Budowich's financial records to the Committee. Rather, the Committee explained that, "to their knowledge, they have received all of the financial records requested, and do not anticipate issuing any more subpoenas to Defendant JPMorgan concerning Plaintiffs." JSR of Feb. 3, 2022, at 1. JPMorgan, meanwhile, "has no present intention to produce additional documents pursuant to the subpoena." Id. at 2. Budowich has thus not shown the requisite "reasonable degree of likelihood

that the issue will be the basis of a continuing controversy between" him and his bank. J. T., 983 F.3d at 524 (internal quotation marks and citation omitted).

Counts I, II, III, V, and VI are therefore moot as to JPMorgan.

b. State Action

In any event, even if certain claims against JPMorgan — which allege violations of the First Amendment (Count III), the Fourth Amendment (Count V), and the Fifth Amendment (Count VI) — were not moot, they also fail to state a claim. That is because the bank did not engage in state action when it responded to the Committee's subpoena.

It is axiomatic that, in order for claims under the Constitution to go forward, "the party charged with the deprivation must be a person who may fairly be said to be a state actor." Lugar v. Edmondson Oil Co., 457 U.S. 922, 937 (1982); see Cheeks v. Fort Myer Const. Co., 722 F. Supp. 2d 93, 111 (D.D.C. 2010) ("A cognizable constitutional deprivation requires that the deprivation be the result of government action.") (internal quotation marks and citation omitted). While the precise formulations for determining when to attribute action taken by a private entity to the state vary by the context and right at issue, at bottom the inquiry examines whether "there is such a close nexus between the State and the challenged action that seemingly private behavior may be fairly treated as that of the State itself." Brentwood Acad. v. Tennessee Secondary Sch. Athletic Ass'n, 531 U.S. 288, 295 (2001) (internal quotation marks and citation omitted). Courts have looked at factors, for instance, such as "the extent to which the actor relies on governmental assistance and benefits," "whether the actor is performing a traditional governmental function," and "whether the injury caused is aggravated in a unique way by the incidents of governmental authority." Edmonson v. Leesville Concrete Co., 500 U.S. 614, 621–22 (1991) (internal citations omitted). In the Fourth Amendment context, the Supreme Court has explained, "Although

the . . . Amendment does not apply to a search or seizure, even an arbitrary one, effected by a private party on his own initiative, the Amendment protects against such intrusions if the private party acted as an instrument or agent of the Government." Skinner v. Ry. Lab. Executives' Ass'n, 489 U.S. 602, 614 (1989). Under the Fifth Amendment, meanwhile, our Court of Appeals has inquired into whether the private entity has "undertaken to perform a service for the government or entered into a symbiotic relationship with the government." Anderson v. USAir, Inc., 818 F.2d 49, 56 (D.C. Cir. 1987).

Here, under any of the above standards, it is plain that JPMorgan did not engage in state action when it complied with the congressional subpoena. For starters, it is worth noting that Plaintiff has cited no cases in which a bank or other private entity's compliance with a congressional subpoena constitutes state action for purposes of evaluating a constitutional claim. See Pl. Opp. to JPMorgan at 25–27. On the contrary, courts have routinely held that banks are not state actors under an array of circumstances. See, e.g., Swope v. Northumberland Nat. Bank, 625 Fed. Appx. 83, 87 (3d Cir. 2015) ("[T]he Bank Defendants neither deprived him of a constitutional right nor acted under color of law."); Hoskins v. TCF Nat. Bank, 248 Fed. Appx. 742, 743 (7th Cir. 2007) ("The bank is not a state actor."); Dailey v. Bank of Am., 106 Fed. Appx. 533, 533 (9th Cir. 2004) ("We conclude that the district court did not err in concluding that the Bank was neither a state actor nor acting under color of state law, and in dismissing Dailey's 1983 action."); Elsman v. Standard Fed. Bank, 46 Fed. Appx. 792, 798 (6th Cir. 2002) ("[T]hese defendants are not state actors.").

To be sure, these decisions do not bind this Court and arose in different procedural postures from how this case arrives here. But these decisions — together with the complete lack of cases supporting Plaintiff's position — are consistent with the common-sense conclusion that

a private party's compliance with a congressional subpoena does not somehow transform that entity into a state actor. If it were otherwise, then presumably all private parties that comply with a government subpoena would become state actors and thus be bound by the U.S. and state constitutions. Such a sweeping holding could force subpoena recipients to choose between facing penalties (perhaps including contempt and criminal prosecution) for non-compliance or being sued for constitutional violations. Budowich supplies no compelling reason to adopt such a broad position, and the Court declines to be the first to do so.

2. *Count IV*

Moving from the Constitution to a federal statute, next up is Plaintiff's RFPA count against JPMorgan (Count IV). Budowich there alleges that the bank violated the statute by producing his financial records to the Committee without complying with various requirements imposed by the Act. See Am. Compl., ¶¶ 136–46. Defendant points out that the RFPA, by its terms, simply does not apply to congressional subpoenas such as this one. The Court concurs.

The RFPA states, "No financial institution, or officer, employees, or agent of a financial institution, may provide to any Government authority access to or copies of, or the information contained in, the financial records of any customer except in accordance with the provisions of this chapter." 12 U.S.C. § 3403(a). The Act goes on to list a number of procedural requirements that must be followed for covered subpoenas or document productions. Id. §§ 3405–3408. The critical issue here is not whether those procedures were followed, but whether the Select Committee is a "Government authority" within the meaning of the RFPA. If not, then the statute's procedural requirements do not apply. To that end, the Act further specifies that the phrase "'Government authority' means any agency or department of the United States, or any officer, employee, or agent thereof." Id. § 3401(3). The precise statutory issue here,

consequently, is whether a congressional committee is an "agency or department of the United States."

The Court's analysis on this point is guided by the Second Circuit's lengthy examination of the same issue in Trump v. Deutsche Bank AG, 943 F.3d 627, 641 (2d Cir. 2019), vacated and remanded sub nom. Trump v. Mazars USA, LLP, 140 S. Ct. 2019 (2020). There, relying on the RFPA's text, context, structure, and legislative history, the majority "conclude[d] that RFPA does not apply to Congress." Id. at 641–45. Although Judge Debra Livingston dissented in part on other issues in the case, she unequivocally concurred with the majority on the RFPA issue: "[W]e agree that the Right to Financial Privacy Act . . . does not apply to Congress because, as the majority correctly concludes, Congress is not a 'Government authority' within the meaning of that statute." Id. at 677 (Livingston, J., concurring in part and dissenting in part). Further, while the Supreme Court vacated and remanded the Second Circuit's decision on other grounds, the appellants did not challenge the RFPA ruling, and the Supreme Court did not pass on the issue. See Mazars USA, LLP, 140 S. Ct. at 2036.

Consider first the RFPA's text. "[T]he plain meaning of 'agency or department' at the time RFPA was enacted in 1978" does not encompass Congress or its committees. See Deutsche Bank AG, 943 F.3d at 641. In Deutsche Bank AG, there was no dispute that the term "agency" "could possibly refer to Congress." Id. While Plaintiff here contends otherwise, that position lacks support. For instance, dictionary definitions contemporaneous with the enactment of the RFPA define "agency" as a "department or other instrumentality of the executive branch of the federal government." Agency, Black's Law Dictionary (5th ed. 1979) (emphasis added). That definition is in keeping with the ordinary usage of the term "agency" as referring to executive agencies.

As for whether the Committee is a "department of the United States," 12 U.S.C. § 3401(3), the plain meaning similarly favors JPMorgan. As the Second Circuit explained, "Contemporary dictionaries support the" conclusion that "department" refers to "[o]ne of the major administrative divisions of the executive branch of the government." Deutsche Bank AG, 943 F.3d at 641 (quoting Black's Law Dictionary (5th ed. 1979)) (emphasis added); see also Webster's Third New International Dictionary (1971) (defining "department" as "an administrative division or branch of a national or municipal government"). Similarly, the ordinary, everyday usage of the term "department" refers to executive-branch divisions, such as the Department of Justice or the Department of Labor.

Looking beyond just the statutory definition at issue, "other contextual clues in RFPA indicate that neither Congress nor its committees are an 'agency or department of the United States' within the meaning of RFPA, and therefore Congress did not subject itself or its committees to the Act." Deutsche Bank AG, 943 F.3d at 642. Section 3408 of the Act, for example, authorizes a "Government authority" to request financial records "pursuant to a formal written request only if . . . the request is authorized by regulations promulgated by the head of the agency or department." 12 U.S.C. § 3408(2). But "Congress does not promulgate regulations, and its leadership and that of its committees are not considered the 'head' of an 'agency or department.'" Deutsche Bank AG, 943 F.3d at 642. Rather, the Supreme Court has explained, "The term 'head of a Department' means . . . the Secretary in charge of a great division of the [E]xecutive [B]ranch of the government, like the State, Treasury, and War, who is a member of the Cabinet." Burnap v. United States, 252 U.S. 512, 515 (1920); see also Freytag v. Commissioner of Internal Revenue, 501 U.S. 868, 886 (1991). Relatedly, the RFPA's provisions for obtaining financial records all require that the records sought are "relevant to a

legitimate law enforcement inquiry." 12 U.S.C. §§ 3405(1), 3407(1), 3408(3). Congress, however, cannot exercise "the powers of law enforcement" because "those powers are assigned under our Constitution to the Executive and the Judiciary." Quinn v. United States, 349 U.S. 155, 161 (1955). These contextual clues confirm that the RFPA's definition of a "Government authority" does not encompass Congress or its committees.

The legislative history of the statute is in accord. As the Second Circuit explained, "A draft bill [of the Act] submitted by the Departments of Justice and the Treasury would have explicitly covered access to financial records by Congress, and distinguished Congress from 'any agency or department of the United States.'" Deutsche Bank AG, 943 F.3d at 642 (citations omitted). Congress rejected this proposal, however, omitting the provision covering access to records by Congress in the final law that it enacted. Id. at 643. "Although the failure of Congress to enact is often an unreliable indication of congressional intent[,] . . . , the omission of pertinent language from a bill being considered by Congress is far more probative of such intent, especially when the omission is from a draft bill submitted by the Department of Justice, a principal source of proposed legislation." Id. (citation omitted). Even if this legislative history is not determinative, it buttresses the Court's text-based statutory construction.

Plaintiff may resist this conclusion, but as Star Trek's Dr. Spock intoned, "Resistance is futile." Budowich contends that "Congress is commonly referred to as a 'department' of the federal government," and he supports that position by citing to cases using that phrase to refer to non-executive agencies. See Pl. Opp. to JPMorgan at 18–19 (collecting cases). For instance, as far back as 1803, he points out, the Supreme Court famously stated, "It is emphatically the province and duty of the judicial department to say what the law is." Marbury v. Madison, 5 U.S. (1 Cranch) 137, 177 (1803) (emphasis added). But Budowich's argument ignores entirely

the Supreme Court's more recent explanation addressing such language and the meaning of the phrase "department" or "agency." In Hubbard v. United States, 514 U.S. 695 (1995), the Court acknowledged that "while we have occasionally spoken of the three branches of our Government, including the Judiciary, as 'department[s],' that locution is not an ordinary one." Id. at 699 (cleaned up). Rather, "[f]ar more common is the use of 'department' to refer to a component of the Executive Branch." Id. Indeed, "[i]n ordinary parlance, federal courts are not described as 'departments' or 'agencies' of the Government," and "it would be strange indeed to refer to a court as an 'agency.'" Id. The same logic applies to Congress.

Budowich also makes much of the fact that another provision of the RFPA specifically addresses Congress and its committees. Section 3412(d) states, "Nothing in this chapter shall authorize the withholding of information by any officer or employee of a supervisory agency from a duly authorized committee or subcommittee of the Congress." 12 U.S.C. § 3412(d). In Plaintiff's view, "If congressional subpoenas were never intended to come within RFPA's scope, there would be no reason to include this provision; any other interpretation would render this provision superfluous." Pl. Opp. to JPMorgan at 22. Hardly. Section 3412, which is titled "Use of information," governs the transfer of records between agencies or departments. See 12 U.S.C. § 3412(a), (d). In that light, the language at issue is best read to make clear that the RFPA does not authorize a supervisory agency within the government (defined in section 3401(7)) to withhold information from a congressional committee. While the Court believes that Defendant thus has the better reading of this provision, it need not rely on this tangential subsection because the plain text of the more relevant section resolves the issue. See Deutsche Bank AG, 943 F.3d at 645 n.28 (deeming neither side's argument about § 3412(d) particularly "persuasive,

especially in light of the textual and legislative history support for our conclusion, explained above, that RFPA does not apply to Congress").

3. *Counts VII–IX*

Having struck out under federal law, Plaintiff heeds well-known advice from the 19th century: Go West, young man. For Budowich, a California resident, that means alleging that JPMorgan violated the Golden State's laws when it complied with the Committee's subpoena. More specifically, he alleges an invasion of privacy under California law (Count VII) and violations of two aspects of the California Unfair Competition Law (Counts VIII and IX). See Am. Compl., ¶¶ 156–95. Unfortunately for Plaintiff, however, all he finds here is fool's gold.

a. Invasion of Privacy

Budowich's first state-law count alleges that JPMorgan's production of his financial records constituted an unlawful invasion of privacy under the California Constitution. Id., ¶¶ 156–68. To prevail on such a claim, "[p]laintiffs must show that (1) they possess a legally protected privacy interest, (2) they maintain a reasonable expectation of privacy, and (3) the intrusion is 'so serious . . . as to constitute an egregious breach of the social norms' such that the breach is 'highly offensive.'" In re Facebook, Inc. Internet Tracking Litig., 956 F.3d 589, 601 (9th Cir. 2020), cert. denied sub nom. Facebook, Inc. v. Davis, 141 S. Ct. 1684 (2021) (quoting Hernandez v. Hillsides, Inc., 211 P.3d 1063 (2009)). Defendant appears to not contest that Budowich has satisfied the first two elements, and the Court will thus assume that those threshold factors are met. See JPMorgan MTD at 21–24. JPMorgan vigorously contests the third element, however, and the Court ultimately concurs that Plaintiff has not satisfied the "high bar for an invasion of privacy claim." Low v. LinkedIn Corp., 900 F. Supp. 2d 1010, 1025 (N.D. Cal. 2012).

As stated, the California Constitution requires a plaintiff to "show more than an intrusion upon reasonable privacy expectations" to prevail. In re Facebook, Inc. Internet Tracking Litig., 956 F.3d at 606 (quoting Hernandez, 211 P.3d at 1063). Instead, "[a]ctionable invasions of privacy also must be 'highly offensive' to a reasonable person, and 'sufficiently serious' and unwarranted so as to constitute an 'egregious breach of the social norms.'" Id. (quoting Hernandez, 211 P.3d at 1063). "Determining whether a defendant's actions were 'highly offensive to a reasonable person' requires a holistic consideration of factors such as the likelihood of serious harm to the victim, the degree and setting of the intrusion, the intruder's motives and objectives, and whether countervailing interests or social norms render the intrusion inoffensive." Id. (quoting Hernandez, 211 P.3d at 1063). Further, while "analysis of a reasonable expectation of privacy primarily focuses on the nature of the intrusion, the highly offensive analysis focuses on the degree to which the intrusion is unacceptable as a matter of public policy." Id.

Any intrusion upon Budowich's reasonable privacy expectations here was neither highly offensive nor so serious as to constitute an egregious breach of the social norms. As a threshold matter, the nature of the intrusion likely cuts against Plaintiff, although the Court need not rely on this as the overriding consideration. Courts have routinely held that "[e]ven disclosure of personal information, including social security numbers, does not constitute an egregious breach of the social norms to establish an invasion of privacy claim." Low, 900 F. Supp. 2d at 1025 (internal quotation marks omitted). For instance, in addition to social security numbers, disclosure of sensitive personal information such as unique device-identifier numbers and geolocation information, the personal information of job applicants, and personal addresses have been deemed insufficiently egregious to establish such a claim. See, e.g., In re iPhone

Application Litig., 844 F. Supp. 2d 1040, 1063 (N.D. Cal. 2012) (unique device-identifier number and geolocation information); Ruiz v. Gap, Inc., 540 F. Supp. 2d 1121, 1127–28 (N.D. Cal. 2008), aff'd, 380 Fed. Appx. 689 (9th Cir. 2010) (personal information of job applicants); Folgelstrom v. Lamps Plus, Inc., 195 Cal. App. 4th 986, 992 (2011) (personal address). While Budowich's financial records are no doubt ordinarily private, he has not persuasively explained how his bank's sharing portions of them in response to a valid subpoena constitutes an egregious breach of social norms.

In any event, regardless of the precise nature of any intrusion, the circumstances surrounding JPMorgan's production of Budowich's financial records strongly counter the notion that such invasion was "highly offensive." Consider first the "degree and setting of the intrusion." In re Facebook, Inc. Internet Tracking Litig., 956 F.3d at 606 (quoting Hernandez, 211 P.3d at 1063). Defendant provided Plaintiff's financial records only in response to a congressional subpoena, as it was legally required to do. Such compliance by private entities is routine; indeed, Budowich himself complied with a similar subpoena in the days leading up to JPMorgan's producing the records at issue. See Am. Compl., ¶¶ 60–64; see also Budowich Response to Subpoena. What is more, before disclosing the records to the Committee, the bank notified Plaintiff that it "will comply with this subpoena in a timely manner unless it receives documentation legally obligating it to stop taking such steps." JPMorgan Letter to Budowich at 2. Defendant then produced the responsive records only once the deadline for doing so came without its receiving such documentation from Budowich. Id.; see Am. Compl., ¶ 73. In that context, the setting and circumstances of any intrusion on Budowich's privacy heavily favor JPMorgan's position.

Defendant's "motives and objectives" are in accord. There is no indication that JPMorgan produced the documents in order to harm Budowich or to maliciously advance its own interests. On the contrary, there is every reason to believe that the production was motivated by the belief that compliance with the congressional subpoena was mandated by law. So, too, there are strong "countervailing interests or social norms [that] render the intrusion inoffensive." In re Facebook, Inc. Internet Tracking Litig., 956 F.3d at 606. There is a strong norm of complying with congressional subpoenas and promptly producing the requested information. As the Supreme Court has stated, "It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action. It is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees and to testify fully with respect to matters within the province of proper investigation." Watkins v. United States, 354 U.S. 178, 187–88 (1957). Relatedly, there is also a societal interest in promoting compliance with such subpoenas. Id.

The Supreme Court of California has explained, "No community could function if every intrusion into the realm of private action, no matter how slight or trivial, gave rise to a cause of action for invasion of privacy." Hill v. Nat'l Collegiate Athletic Ass'n., 865 P.2d 633, 655 (1994). At bottom, that common-sense principle guides the resolution of this claim. As discussed in the context of Plaintiff's counts under the U.S. Constitution, it would be problematic and unprecedented to hold that everyday compliance with a governmental subpoena subjects a third party to legal liability. Indeed, were Budowich's theory here to carry the day, it stands to reason that any financial institution that produces financial information in response to a government subpoena would be violating California law. He has not put forth any compelling

evidence in favor of adopting such a dramatic rule with such far-reaching consequences, and the Court declines to take such a position.

Plaintiff unsurprisingly objects, contending that it is inappropriate to make this determination at the pleading stage. See Pl. Opp. to JPMorgan at 31–32. The Court disagrees. While it is true that resolving an invasion-of-privacy claim can implicate factual questions that require further litigation, see In re Facebook, Inc. Internet Tracking Litig., 956 F.3d at 606, courts also dismiss California invasion-of-privacy claims at the pleading stage when appropriate. For instance, a federal court in California recently relied on the "weight of the case law" to conclude that the plaintiff's "allegations simply do not approach the sort of 'egregious' or 'highly offensive' conduct which courts have typically permitted to proceed beyond the motion to dismiss stage." Mastel v. Miniclip SA, 549 F. Supp. 3d 1129, 1142 (E.D. Cal. 2021) (collecting cases); see also In re iPhone Application Litig., 844 F. Supp. 2d at 1063. In fact, the Supreme Court of California has directed that the elements discussed above "must be viewed simply as 'threshold elements' that may be utilized to screen out" or "weed out claims" at the appropriate stage. Loder v. City of Glendale, 927 P.2d 1200, 1230 (1997); see also Hill, 865 P.2d at 655. Even assuming the veracity of Budowich's Amended Complaint — which the Court must — he has not "state[d] a claim to relief that is plausible on its face." Iqbal, 556 U.S. at 678 (internal quotation omitted). In other words, even if his allegations were borne out in discovery and at trial, JPMorgan's compliance with the subpoena simply does not constitute an "egregious breach of the social norms" as a matter of law. In re Facebook, Inc. Internet Tracking Litig., 956 F.3d at 606 (quoting Hernandez, 211 P.3d at 1063). This count proceeds no further.

b. Unfair Competition Law

Budowich's final two counts invoke California's Unfair Competition Law. The UCL prohibits "unlawful, unfair or fraudulent business act[s] or practice[s] and unfair, deceptive, untrue or misleading advertising." Cal. Bus. & Prof. Code §§ 17200, *et seq.* For those readers not on the West Coast, "[e]ach prong of the UCL is a separate and distinct theory of liability; thus, the 'unfair' practices prong offers an independent basis for relief" from the "unlawful" prong. Lozano v. AT & T Wireless Servs., Inc., 504 F.3d 718, 731 (9th Cir. 2007) (citation omitted). Here, Count VIII alleges that JPMorgan violated the UCL's "unlawful" prong, while Count IX alleges a separate violation of the "unfair" prong. The Court takes them up in turn.

i. Unlawful

"To prevail on a claim under the unlawful prong of the unfair competition law, the plaintiff must show that a challenged advertisement or practice violates any federal or California statute or regulation." Shaeffer v. Califia Farms, LLC, 44 Cal. App. 5th 1125, 1136 (2020) (internal quotation marks and citation omitted). In other words, "[s]ection 17200 borrows violations of other laws and treats them as unlawful practices that the unfair competition law makes independently actionable." Davis v. HSBC Bank Nevada, N.A., 691 F.3d 1152, 1168 (9th Cir. 2012) (internal quotation marks and citation omitted). While Budowich's precise theory of liability here is not crystal clear, he appears to allege that JPMorgan's document production contravened the California Financial Information Privacy Act (CalFIPA) as well as the Gramm-Leach-Bliley Act (GLBA), and that those violations form the predicate for a claim under the UCL's unlawful prong. See Pl. Opp. to JPMorgan at 34–37; Am. Compl., ¶¶ 169–85. Defendant counters that he has not sufficiently made out the requisite predicate violation of either. See JPMorgan MTD at 26–27.

Start with CalFIPA, which states, "Except as provided in Sections 4053, 4054.6, and 4056, a financial institution shall not sell, share, transfer, or otherwise disclose nonpublic personal information to or with any nonaffiliated third parties without the explicit prior consent of the consumer to whom the nonpublic personal information relates." Cal. Fin. Code § 4052.5. Here, the violation was simple, says Budowich: JPMorgan disclosed nonpublic personal information to a third party without his explicit prior consent. Not so fast, responds Defendant: Plaintiff's theory overlooks one of the enumerated exceptions in CalFIPA. More specifically, section 4056 states, as relevant here:

> (b) Notwithstanding Sections 4052.5, 4053, 4054, and 4054.6, a financial institution may release nonpublic personal information under the following circumstances:
>
> . . .
>
> (7) The nonpublic personal information is released to comply with federal, state, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, administrative, or regulatory investigation or subpoena or summons by federal, state, or local authorities; or to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes as authorized by law.

Id. § 4056(b)(7).

For two independent reasons, the Court agrees with the bank. First, assuming that JPMorgan's production would otherwise be covered by section 4052.5, the bank shared Budowich's personal information "to comply with federal . . . and other applicable legal requirements." Id. JPMorgan's obligation to comply with federal law includes the mandates of 2 U.S.C. § 192, which makes noncompliance with a congressional subpoena a federal crime. Id. ("Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before . . . any

committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor."); see also Watkins, 354 U.S. at 187 ("It is unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action."). Defendant's production thus plainly falls within CalFIPA's exception allowing financial institutions to disclose nonpublic personal information when doing so is necessary "to comply with federal . . . and other applicable legal requirements." Cal. Fin. Code § 4056(b)(7).

Second, JPMorgan's production also satisfied another provision of section 4056(b)(7). Specifically, the bank's release of Budowich's financial information was done "to comply with a properly authorized civil, criminal, administrative, or regulatory investigation or subpoena or summons by federal, state, or local authorities." Id. The subpoena at issue in this case fits within this provision, as the code's expansive language covers the range of subpoenas issued by both state and federal governments. Id. Plaintiff suggests otherwise, but he provides no cases or other compelling reason causing the Court to doubt that the subpoena falls within the exception's plain language — which includes both an "investigation or subpoena." Id.; see Pl. Opp. to JPMorgan at 34–37. For instance, the Committee itself believes that it is "investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power." JPMorgan Subpoena at 4 (emphasis added). Similarly, there is no reason to think that a congressional committee does not constitute a "federal authority" within the meaning of CalFIPA. Once again, adopting Budowich's interpretation of state law (this time, CalFIPA) would lead to the unlikely scenario in which state law prohibits third parties from complying with a wide range of subpoenas issued by the federal government. Wisely, however, the plain

text of section 4056(b)(7) forecloses such an anomalous result by excepting from CalFIPA's coverage disclosures made pursuant to legitimate government investigations or subpoenas, such as the one at issue here.

Pivoting from state to federal law as the alleged predicate for UCL liability, Budowich has similarly not made out a claim by way of an underlying violation of the GLBA. That Act's requirements largely parallel CalFIPA, and the Court's analysis therefore does as well. Similar to the state law, the federal statute states, "Except as otherwise provided in this subchapter, a financial institution may not, directly or through any affiliate, disclose to a nonaffiliated third party any nonpublic personal information, unless such financial institution provides or has provided to the consumer a notice that complies with section 6803 of this title." 15 U.S.C. § 6802(a). Like CalFIPA, the GLBA and its implementing regulations also go on to create an exception when such disclosure is necessary to comply with "Federal, state, or local laws, rules and other applicable legal requirements," or with "a properly authorized civil, criminal, or regulatory investigation, or subpoena or summons by Federal, state, or local authorities." 12 C.F.R. § 1016.15(a)(7). Astute readers should recognize the language of that exception. In fact, its reference to compliance with federal laws or "other applicable legal requirements," as well as to valid investigations or subpoenas from "Federal . . . authorities," mirrors the corresponding exceptions in CalFIPA. Compare id., with Cal. Fin. Code § 4056(b)(7). Same exceptions, same result.

In sum, as Budowich has not pled a predicate violation of federal or state law, he has not alleged an "unlawful" claim under the UCL.

ii. Unfair

Last but not least is unfairness, which is distinct from the statute's "unlawful" provision. "To determine whether conduct is 'unfair' under the UCL, California courts have articulated two main tests." Hall v. Fiat Chrysler Am. US LLC, 550 F. Supp. 3d 847, 853 (C.D. Cal. 2021), aff'd in part, rev'd in part and remanded sub nom. on other grounds Hall v. FCA US LLC, No. 21-55895, 2022 WL 1714291 (9th Cir. May 27, 2022); see also Colgate v. JUUL Labs, Inc., 402 F. Supp. 3d 728, 758 (N.D. Cal. 2019) ("In California, the unfairness standard is currently in flux.") (internal quotation marks and citation omitted). One line of cases follows the so-called Sperry test, which defines "unfair" as "prohibiting conduct that is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers and requires the court to weigh the utility of the defendant's conduct against the gravity of the harm to the alleged victim." Bardin v. DaimlerChrysler Corp., 136 Cal. App. 4th 1255, 1260 (2006). The other line follows the "tethering" test, which "requires the public policy at issue to be tethered to specific constitutional, statutory, or regulatory provisions." Colgate, 402 F. Supp. 3d at 758–59 (internal quotation marks and citation omitted).

Budowich's UCL claim passes neither test. Under the Sperry one, he has provided no basis for concluding that JPMorgan's compliance with a congressional subpoena was "immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers." Bardin, 136 Cal. App. 4th at 1260. To reiterate: it is "unquestionably the duty of all citizens to cooperate with the Congress in its efforts to obtain the facts needed for intelligent legislative action." Watkins, 354 U.S. at 187. Indeed, "[i]t is their unremitting obligation to respond to subpoenas, to respect the dignity of the Congress and its committees." Id. Far from acting immorally or oppressively, Defendant was thus following the law and the Committee's instructions when it produced

Budowich's financial records. See 2 U.S.C. § 192. Plaintiff's claim of unfairness therefore does not get out of the gates.

To the extent that the Court must "weigh the utility of the defendant's conduct against the gravity of the harm to the alleged victim," Bardin, 136 Cal. App. 4th at 1260, the scales also tip in JPMorgan's favor. There is undeniably utility in promoting compliance with congressional subpoenas such as this one. On the other side of the ledger, it is far from clear from the Amended Complaint precisely what harm was inflicted on Budowich beyond a compressed timeframe — especially in light of the fact that he had previously produced many of his own documents and sat for a lengthy deposition.

Plaintiff also meets the same fate under the other main test, which looks at whether there was a violation of a public policy that is tethered to a specific legal provision. See Colgate, 402 F. Supp. 3d at 758–59. As explained in connection with Budowich's claim under the UCL's unlawful prong, he has not demonstrated that JPMorgan violated any predicate federal or state law. At bottom, that conclusion all but dooms him under the tethering test. Plaintiff contends otherwise, submitting that "California has a strong public policy of restricting disclosure of consumer's private information" and that the Amended Complaint "cite[s] five different constitutional or statutory provisions demonstrating this strong public policy." Pl. Opp. to JPMorgan at 37 (citing Am. Compl., ¶ 188). The main state law he appears to rely on, however, merely states in general terms the "[l]egislative intent" of CalFIPA. See Cal. Fin. Code § 4051. That provision of CalFIPA provides, "The Legislature intends for financial institutions to provide their consumers notice and meaningful choice about how consumers' nonpublic personal information is shared or sold by their financial institutions." Id. As discussed, however, CalFIPA includes an express carve-out for the disclosure of records in circumstances such as

these. Id. § 4056(b)(7). That carve-out makes clear that any general policy preference for restricting the disclosure of a consumer's information must be balanced against other legitimate countervailing policies and priorities.

What is more, even without looking at the applicable exceptions in CalFIPA, there is a strong argument that JPMorgan's disclosure did not contravene the purported general policy animating the law. The provision Budowich cites states merely that the legislative intent of CalFIPA is to protect consumers from having their personal information sold to third parties. Id. § 4051. But the production at issue in this case — which involves no such sale of personal data to a private third party — arose in a far different posture. It thus did not contravene any "public policy" that is "tethered to specific constitutional, statutory, or regulatory provisions." Colgate, 402 F. Supp. 3d at 758–59 (internal quotation marks and citation omitted).

IV. Conclusion

For the foregoing reasons, the Court will grant Defendants' Motions to Dismiss. A separate Order so stating will issue this day.

/s/ *James E. Boasberg*
JAMES E. BOASBERG
United States District Judge

Date: June 23, 2022

Exhibit 2

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TAYLOR BUDOWICH, and

CONSERVATIVE STRATEGIES, INC.
a California for profit corporation,

Plaintiffs,

v. Case No. 1:21-cv-03366-JEB

NANCY PELOSI, in her official capacity as Speaker
Of the United States House of Representatives

BENNIE G. THOMPSON, in his official capacity
as Chairman of the House Select Committee to
Investigate the January 6 Attack on the United States
Capitol; Rayburn House Office Building, 2466,
Washington, DC 20515

ELIZABETH L. CHENEY, in her official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

ADAM B. SCHIFF, in his official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

JAMIE B. RASKIN, in his official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

SUSAN E. LOFGREN, in her official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

ELAINE G. LURIA, in her official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

PETER R. AGUILAR, in his official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

STEPHANIE MURPHY, in her official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

ADAM D. KINZINGER, in his official capacity as
a Member of the United States House of Representatives,
Longworth House Office Building
Washington, D.C. 20515

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE UNITED STATES
CAPITOL, Longworth House Office Building
Washington, D.C. 20515

J.P. MORGAN CHASE BANK, N.A.,
10 S. Dearborn Street
Chicago, Illinois 60603,

Defendants.

_____/

AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. Plaintiffs, Taylor Budowich and Conservative Strategies, Inc., respectfully bring this Amended Complaint for Declaratory and Injunctive relief, and incorporated request for other remedies and relief, to invalidate and prohibit the enforcement of a subpoena from the Select Committee to Investigate the January 6th Attack on the United States Capitol of the U.S. House of Representatives (the "Select Committee") issued in whole or part in violation of the Constitution and laws of the United States.

2. The Select Committee wrongly compelled Mr. Budowich's financial institution to provide private banking information for which it lacked the lawful authority to seek and to

obtain. The Select Committee acted and is acting beyond its legislative power and threatens to violate longstanding principles of separation of powers by performing a law enforcement function absent authority to do so by issuing an *ultra vires* Congressional Subpoena seeking information not calculated to materially aid any valid legislative purpose.

3. From November 22, 2021 to present, Mr. Budowich has consistently cooperated with the Select Committee in good faith. Mr. Budowich's cooperation included producing documents and appearing for a deposition over his well-founded objections in an effort to cooperate with the Select Committee.

4. While Mr. Budowich was attending his deposition in Washington, D.C., his financial institution, Defendant JP Morgan Chase Bank, N.A. ("JPMorgan"), having received on November 23, 2021, a subpoena from the Select Committee for Mr. Budowich's and his company Conservative Strategies, Inc.'s financial records, intentionally delayed notifying Mr. Budowich of the subpoena for nearly an entire month. Specifically, JPMorgan transmitted to Mr. Budowich a letter dated December 21, 2021, stating that JPMorgan would produce documents pursuant to the subpoena, unless Mr. Budowich, by December 24, 2021, at 5:00 p.m. EST, provided JPMorgan with "documentation legally obligating it to stop taking such steps." Mr. Budowich received this letter from JPMorgan at 7:00 p.m. EST on December 23, 2021.

5. Despite Congress, this Court, and banking institutions across the nation being closed for the holiday weekend and that the Select Committee's investigation into past events does not present any exigency or immediacy, the Select Committee refused to extend the deadline for when JPMorgan could produce documents in order to provide Mr. Budowich with an opportunity to seek judicial relief. Further, JPMorgan itself refused to extend its arbitrary and self-imposed Christmas Eve production deadline despite reasonable requests by Mr. Budowich.

6. As a consequence, Mr. Budowich was deprived of any prior opportunity to review the subpoena at issue in order to ascertain the extent or scope of information and records requested, and to request judicial intervention and relief prior to production by JPMorgan of his private financial records to the Select Committee.

7. Moreover, the Select Committee and JPMorgan dispensed with all procedural rules, failed to accord due process, and neglected to provide formal notice and sufficient time to respond and/or object, as required by the Right to Financial Privacy Act ("RFPA"), 12 U.S.C. § 3405. Instead, JPMorgan proceeded to unlawfully produce Mr. Budowich's private and personal financial records on Christmas Eve, thus depriving Mr. Budowich of any meaningful opportunity to seek judicial review and redress prior to its production.

8. Additionally, the Select Committee now takes the position that its subpoena was not continuing and that the end date for documents—"to the present"—is the date the subpoena was issued, to wit: November 23, 2021. (ECF No. 28). Yet JPMorgan has refused to advise whether it produced any private financial records of Plaintiff beyond November 23, 2021, and likewise, has yet to provide Plaintiffs with copies of their own private financial records that JPMorgan provided to the Select Committee, despite Plaintiffs' written request for the same on February 7, 2022.

PARTIES

9. At all relevant times, Plaintiff Taylor Budowich was and is a citizen of the state of California. Mr. Budowich is also the sole owner of Conservative Strategies, Inc.

10. Conservative Strategies, Inc. is a California for-profit company with its principal place of business in Sacramento, California.

11. Defendant Nancy Pelosi ("Speaker Pelosi") is a Democrat member of the U.S. House of Representatives and Speaker of the House.

12. Defendant Bennie G. Thompson ("Chairman Thompson") is a Democrat member of the U.S. House of Representatives and Chairman of the "Select Committee to Investigate the January 6th Attack on the United States Capitol" (the "Select Committee"). The subpoena challenged herein were issued under his authority as Chair of the Select Committee.

13. Defendant Elizabeth L. Cheney is a Republican member of the U.S. House of Representatives and member of the Select Committee.

14. Defendant Adam B. Schiff is a Democrat member of the U.S. House of Representatives and member of the Select Committee.

15. Defendant Jamie B. Raskin is a Democrat member of the U.S. House of Representatives and member of the Select Committee.

16. Defendant Susan E. Lofgren is a Democrat member of the U.S. House of Representatives and member of the Select Committee.

17. Defendant Elaine G. Luria is a Democrat member of the U.S. House of Representatives and member of the Select Committee.

18. Defendant Peter R. Aguilar is a Democrat member of the U.S. House of Representatives and member of the Select Committee.

19. Defendant Stephanie Murphy is a Democrat member of the U.S. House of Representatives and member of the Select Committee.

20. Defendant Adam D. Kinzinger is a Republican member of the U.S. House of Representatives and member of the Select Committee.

21. Defendant Select Committee is a Select Committee created by House Resolution 503 ("H. Res. 503") passed by the House of Representatives on June 30, 2021.

22. JPMorgan is a financial banking institution and is the responding party to the Subpoena.

JURISDICTION & VENUE

23. This Court has subject matter jurisdiction in accordance with 28 U.S.C. § 1331, as this action arises under the Constitution and laws of the United States, as well as 28 U.S.C. § §§ 2201-02, which provide for declaratory relief.

24. This Court also has subject matter jurisdiction in accordance with the Right to Financial Privacy Act, 12 U.S.C. §§ 3416 and 3418, which provide for a private right of action and injunctive relief.

25. Supplemental jurisdiction also exists pursuant to 28 U.S.C. § 1367.

26. This Court has personal jurisdiction over Speaker Pelosi because she sponsored H.Res. 503 and oversaw its passage in the House.

27. This Court has personal jurisdiction over Chairman Thompson because he presides over the Select Committee and issued the JPMorgan Subpoena from his office address in Washington, D.C.

28. This court has personal jurisdiction over Elizabeth L. Cheney, Adam B. Schiff, Jamie B. Raskin, Susan E. Lofgren, Elaine G. Luria, Peter R. Aguilar, Stephanie Murphy, Adam D. Kinzinger because they serve as members of the Select Committee that issued the subpoena at issue from Washington, D.C.

29. This Court has personal jurisdiction over the Select Committee because it is located and operates in Washington, D.C.

30. The Court has personal jurisdiction over JPMorgan because JPMorgan transacts business in the District of Columbia; the claim arises from business transacted in the District of Columbia; and JPMorgan has minimum contacts with the District of Columbia such that the Court's exercise of personal jurisdiction would not offend traditional notions of fair play and substantial justice.

31. Venue is proper under 28 U.S.C. § 1391(b) as a substantial part of the events giving rise to the claim occurred in Washington, D.C.

FACTS & BACKGROUND

32. In a well-known episode on January 6, 2021, a large group of protestors in Washington, D.C., entered the U.S. Capitol, breached security, and disrupted the counting of Electoral College votes until order was restored. The U.S. Department of Justice arrested more than five-hundred (500) individuals in connection with the activities on January 6th.

A. Formation, Composition, and Authority of the Select Committee.

33. In 2021, Congress considered establishing a "National Commission to Investigate the January 6 Attack on the United States Capital Complex."

34. Chairman Thompson introduced H.R. 3233 on May 14, 2021. H.R. 3233 would have established the Commission for four (4) "purposes":

a. "To investigate and report upon the facts and causes relating to the January 6, 2021, domestic terrorist attack upon the United States Capitol Complex (hereafter referred to as the "domestic terrorist attack on the Capitol") and relating to the interference with the peaceful transfer of power, including facts and causes relatingto the preparedness and response of the United States Capitol Police and other Federal, State, and local law enforcement in the National Capitol Region and otherinstrumentality of government, as well as the influencing factors that fomented such attack on American representative democracy while engaged in a constitutional process."

b. "To examine and evaluate evidence developed by relevant Federal, State, and local governmental agencies, in a manner that is respectful of ongoing law enforcement activities and investigations regarding the domestic terrorist attack upon the Capitol, regarding the facts and circumstances surrounding such terrorist attack andtargeted violence and domestic terrorism relevant to such terrorist attack."

c. "To build upon the investigations of other entities and avoid unnecessary duplication by reviewing the findings, conclusions, and recommendations of other Executive Branch, congressional, or independent bipartisan or non-partisan commission investigations into the domestic terrorist attack on the Capitol and targeted violence and domestic terrorism relevant to such terrorist attack, including investigations into influencing factors related to such terrorist attack."

d. "To investigate and report to the President and Congress on its findings, conclusions, and recommendations for corrective measures that may include changes in law, policy, procedures, rules, or regulations that could be taken to prevent future acts of targeted violence and domestic terrorism, including to prevent domestic terrorist attacks against American democratic institutions, improve the security posture of the United States Capitol Complex while preserving accessibility of the Capitol Complex for all Americans, and strengthen the security and resilience of the Nation and American democratic institutions against domestic terrorism."

35. The Commission would have included a bipartisan group of ten members: (1) a "Chairperson" "appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate"; (2) a "Vice Chairperson" "appointed jointly by the minority leader of the House of Representatives and the minority leader of the Senate"; (3) "two members . . . appointed by the Speaker of the House of Representatives"; (4) "two members . . . appointed by the minorityleader of the House of Representatives"; (5) "two members . . . appointed by the majority leader of the Senate"; and (6) "two members . . . appointed by the minority leader of the Senate." Because Democrats control both chambers in the current Congress, the Commission would have included 5 members appointed by Democrats and 5 members appointed by Republicans.

36. The House passed H.R. 3233 on May 19, 2021.

37. The Senate considered a cloture motion to proceed on H.R. 3233 on May 28, 2021.

38. The motion failed by a vote of 54 yeas and 35 nays.

39. On June 28, 2021, Speaker Pelosi introduced H. Res. 503, "Establishing the Select Committee to Investigate the January 6th Attack on the United States Capitol." Two days later, the House passed H. Res. 503 on a near party-line vote of 222 yeas and 190 nays. Only two (2) Republicans, Rep. Liz Cheney of Wyoming and Rep. Adam Kinzinger of Illinois, voted in favor of H. Res. 503.

40. In contrast to H.R. 3233, which contemplated an evenly balanced Commission, H. Res. 503 instructs the Speaker of the House to appoint thirteen (13) members to the Select Committee, five (5) of which "shall be appointed after consultation with the minority leader."

41. Speaker Pelosi appointed Chairman Thompson, the original sponsor of H.R. 3233, to serve as Chair of the Select Committee and appointed six (6) additional Democrat members: Rep. Zoe Lofgren of California, Rep. Adam Schiff of California, Rep. Pete Aguilar of California, Rep. Stephanie Murphy of Florida, Rep. Jamie Raskin of Maryland, and Rep. Elaine Luria of Virginia. She also appointed Republican Rep. Liz Cheney of Wyoming without any designation of position. 167 Cong. Rec. H3597 (2021).

42. House Minority Leader Kevin McCarthy recommended five (5) Republican members to serve on the Select Committee, consistent with H. Res. 503: Rep. Jim Banks of Indiana, to serve as Ranking Minority Member, and Rep. Rodney Davis of Illinois, Rep. Jim Jordan of Ohio, Rep. Kelly Armstrong of North Dakota, and Rep. Troy Nehls of Texas, to serve as additional minority members.

43. Speaker Pelosi did not appoint Rep. Banks to serve as Ranking Minority Member, nor did she appoint any of the other recommendations by Minority Leader McCarthy. In a public statement, she acknowledged that her refusal to appoint the members recommended by the Minority Leader was an "unprecedented decision." See Nancy Pelosi, Speaker, U.S. House of Representatives, Pelosi Statement on Republican Recommendations to Serve on the Select Committee to Investigate the January 6th Attack on the U.S. Capitol (July 21, 2021), https://www.speaker.gov/newsroom/72121-2 (last visited Feb. 18, 2022). Instead, Speaker Pelosi appointed Rep. Adam Kinzinger and Rep. Liz Cheney— the only other Republicans who voted in favor of H. Res. 503—and left four vacancies. See 167 Cong. Rec. H3885 (2021).

44. Despite House Resolution 503 requiring thirteen members, Speaker Pelosi has refused to appoint additional members to the Select Committee.

45. Without reference to any authority, on September 2, 2021, Chairman Thompson announced in a press release that "he has named Representative Liz Cheney (R-WY) to serve as the Vice Chair of the Select Committee." See Press Release, Bennie Thompson, Chairman, Select Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, Chairman Thompson Announces Representative Cheney as Select Committee Vice Chair (Sept. 2, 2021), https://january6th.house.gov/news/press-releases/chairman-thompson-announces-representative-cheney-select-committee-vice-chair (last visited Feb. 18, 2022). H. Res. 503 does not mention a vice chair, much less authorize the chair to appoint a vice chair. See generally H. Res. 503, 117th Cong. (2021).

46. The official letterhead of the Select Committee indicates that Thompson is "Chairman" and lists the other members, including Cheney and Kinzinger, without designation. See Congressional Subpoena of Taylor Budowich (attached hereto as **Exhibit A**). The Select Committee's website provides a list of its members, including Thompson as Chairman, but no other members receive designation. See Membership, Select Comm. to Investigate the Jan. 6 Attack on the U.S. Capitol,https://january6th.house.gov/about/membership (last visited Feb. 18, 2022).

47. H. Res. 503 provides that "[t]he Select Committee may not hold a markup of legislation."

48. H. Res. 503 sets forth the purposes of the Select Committee, which are substantially similar to those of the Commission contemplated by H.R. 3233, except that H. Res. 503 omits the fourth purpose: "[t]o investigate and report to the President and Congress on its findings,

conclusions, and recommendations for corrective measures that may include changes in law, policy, procedures, rules, or regulations. "

49. H. Res. 503 establishes three (3) "functions" of the Select Committee: (1) to "investigate the facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol"; (2) to "identify, review, and evaluate the causes of and the lessons learned from the domestic terrorist attack on the Capitol"; and (3) to "issue a final report to the House containing such findings, conclusions, and recommendations for corrective measures described in subsection (c) as it may deem necessary."

50. Subsection (c) of Section 4 describes three (3) categories of "corrective measures": "changes in law, policy, procedures, rules, or regulations that could be taken" (1) "to prevent future acts of violence, domestic terrorism, and domestic violent extremism, including acts targeted at American democratic institutions"; (2) "to improve the security posture of the United States Capitol Complex while preserving accessibility of the Capitol Complex for all Americans"; and (3) "to strengthen the security and resilience of the United States and American democratic institutions against violence, domestic terrorism, and domestic violent extremism."

51. H. Res. 503 provides that "[t]he chair of the Select Committee, upon consultation with the ranking minority member, may order the taking of depositions, including pursuant to subpoena, by a Member or counsel of the Select Committee, in the same manner as a standing committee pursuant to section 3(b)(1) of House Resolution 8, One Hundred Seventeenth Congress." Section 3(b)(1) of H. Res. 8 provides that, "[d]uring the One Hundred Seventeenth Congress, the chair of a standing committee . . . , upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee."

B. Activities of the Select Committee.

52. Since its inception in July 2021, the Select Committee has held only one (1) public hearing. During that hearing, the Select Committee heard testimony from officers of the U.S. Capitol Police and D.C. Metropolitan Police Departments who were present at the Capitol on January 6, 2021.

53. The Select Committee has issued a wide range of subpoenas for documents and testimony of witnesses. See Chelsey Cox, "Who has been subpoenaed so far by the Jan. 6 committee?" USA Today (Feb. 15, 2022), available at https://www.usatoday.com/story/news/politics/2021/11/10/jan-6-committee-whos-been-subpoenaed/6378975001/ (last visited Feb. 18, 2022).

54. In August 2021, the Select Committee demanded records from fifteen (15) different social media companies, including Facebook, Reddit, Twitter, and YouTube. See Press Release, Bennie G. Thompson, Chairman, Select Comm. to Investigate the Jan. 6th Attack on the U.S. Capitol, Select Committee Demands Records related to January 6th Attack from Social Media Companies (Aug. 27, 2021). The subpoenas directed these companies to produce all internal company policies and actions taken relating to "misinformation" about the 2020 election, efforts to interfere with the 2020 election or electoral results, violent domestic extremists, foreign interference with the 2020 election, and more.

55. The Select Committee also issued numerous subpoenas seeking the production of documents and compelled testimony from individual witnesses, including more than a dozen former Trump Administration officials.

C. Plaintiff Budowich's Cooperation with the Select Committee.

56. Mr. Budowich was in Nevada on January 6, 2021, and did not participate in any rally or other political event on that date.

57. On or about November 22, 2021, the Select Committee served Mr. Budowich with a Congressional Subpoena for production of documents and testimony at a deposition. See Exhibit A.

58. The Congressional Subpoena requested, *inter alia*, identification of all financial accounts for which Mr. Budowich was the direct or indirect beneficial owner, or over which he exercised control, into which funds were transferred or withdrawn for any purpose in connection with the Ellipse Rally, along with documents sufficient to identify all account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally. See Exhibit A at pp. 5-6; see also Congressional Subpoena to JPMorgan (attached hereto as **Exhibit B**).

59. The Select Committee set December 6, 2021, as Mr. Budowich's deadline for production of documents and December 16, 2021, as the date of Mr. Budowich's deposition. Id. at p. 1. However, per the request of counsel for Mr. Budowich, the Select Committee subsequently agreed to extend its deadline for production of documents to December 13, 2021, and rescheduled Mr. Budowich's deposition for December 22, 2021. See Select Committee Correspondence (attached hereto as **Exhibit C**).

60. On or about December 14, 2021, counsel for Mr. Budowich produced to the Select Committee three-hundred ninety-one (391) documents responsive to the Congressional Subpoena, including all financial account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally. See Correspondence to Select Committee (attached hereto as **Exhibit D**).

61. Counsel for Mr. Budowich made supplemental production of forty-nine (49) additional documents, constituting 1,700 pages of production, on December 17, 2021. See Exhibit D at p. 5.

62. Included in Plaintiff Budowich's production were "documents sufficient to identify all account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally."

63. Additionally, Mr. Budowich traveled to Washington, D.C. at his own expense and sat for a four (4) hour deposition before the Select Committee on December 22, 2021.

64. At his deposition, Mr. Budowich answered questions concerning payments made and received regarding his involvement in the planning of a peaceful, lawful rally to celebrate President Trump's accomplishments.

D. Production of Private Financial Records by Defendant JPMorgan.

65. In an abundance of caution, on December 16, 2021, counsel for Plaintiffs transmitted correspondence to Defendant JPMorgan noting that Plaintiffs objected to the production of any private financial records pursuant to any Congressional Subpoena and requesting immediate notification should Defendant JPMorgan be served with a Congressional Subpoena. See Correspondence to JPMorgan (attached hereto as **Exhibit E**).

66. That correspondence was received by JPMorgan at 5:41 a.m. EST on December 22, 2021. See Exhibit E at p. 2.

67. Unbeknownst to Mr. Budowich, on or about November 23, 2021, the Select Committee served Defendant JPMorgan with a Congressional Subpoena for production of documents, requiring production of Plaintiffs' private financial records. See Exhibit B.

68. The Select Committee initially set December 7, 2021, as Defendant JPMorgan's deadline for production of documents. See Exhibit B at p. 1. However, prior to December 7, 2021, the Select Committee extended Defendant JPMorgan's production deadline until December 24, 2021, a date specifically requested by Defendant JPMorgan. See Correspondence with Select Committee (attached hereto as **Exhibit J**).

69. At 2:33 p.m. EST on December 21, 2021, while Mr. Budowich was in Washington, D.C. for his deposition before the Select Committee, and prior to receiving correspondence by counsel for Plaintiffs demanding notice of any Congressional Subpoena, Defendant JPMorgan sent correspondence to Mr. Budowich at an address in Sacramento, California, advising that it received a Congressional Subpoena for his private financial records and would produce the same on December 24, 2021 at 5:00 p.m. See Correspondence from JPMorgan (attached hereto as **Exhibit F**).

70. Related to his travel from Washington, D.C., Mr. Budowich did not receive this correspondence from Defendant JPMorgan until 7:00 p.m. EST on December 23, 2021. He immediately informed counsel of the JPMorgan letter.

71. Counsel for Plaintiffs then immediately contacted Defendant JPMorgan to object to any production of his private financial records and request an extension of time for Defendant JPMorgan's production to the Select Committee. See Correspondence with JPMorgan (attached hereto as **Exhibit G**).

72. On December 24, 2021, counsel for Plaintiffs – via telephone conversation and in writing to both the Select Committee and Defendant JPMorgan – requested an extension of Defendant JPMorgan's production deadline until January 3, 2022, in light of the long holiday weekend and federal government closures. See Correspondence to Select Committee (attached hereto as **Exhibit H**); Correspondence to JPMorgan (attached hereto as **Exhibit I**); Correspondence from Select Committee (attached hereto as **Exhibit J**). Despite prior extensions freely granted by the Select Committee related to document production by both Mr. Budowich and Defendant JPMorgan, the Select Committee and Defendant JPMorgan refused to extend the December 24, 20215:00 p.m. EST production deadline, notwithstanding their notice that Mr. Budowich "intend[ed] to exercise his legal rights in court" and that refusing to allow

an extension of time would make JPMorgan "complicit in preventing its customer, who it promised to treat with equity and fairness . . . from having his day in court," in light of federal government and national public holidays in the United States as designated at 5 U.S.C. § 6103. See Exhibit I at p. 1.

73. Defendant JPMorgan then proceeded to produce private financial records of Plaintiffs to the Select Committee and later argue along with the Select Committee at a hearing before this Court that Plaintiffs' request to enjoin production of his private financial records was moot given that it had already produced the financial records at issue, even though it had itself directly created the circumstance it averred preclude this Court from granting meaningful relief in this action.

74. Defendant JPMorgan's deliberate tactics and gamesmanship were designed to ambush Plaintiffs, gain unfair advantage, and deprive Plaintiffs of any meaningful opportunity to object to the production of private financial records, all of which demonstrates a lack of good faith by the Select Committee Defendants and Defendant JPMorgan.

75. Chief Executive Officer of Defendant JPMorgan, Jamie Dimon, has made numerous public remarks demonstrating his animus and disdain for former President Donald J. Trump.

THE SUBPOENAS ARE INVALID

A. The subpoena at issue was not validly issued by a duly authorized committee.

76. The composition of the House Select Committee to Investigate the January 6th Attack on the United States Capitol is governed by Section 2 of H. Res. 503. Section 2(a) states "Appointment Of Members.—The Speaker shall appoint 13 Members to the Select Committee, 5 of whom shall be appointed after consultation with the minority leader." H. Res. 503 117th Cong. (2021).

77. Speaker Pelosi appointed only nine members to the Select Committee: seven Democrats and two Republicans. None of these members were appointed from the five congressmen recommended by Minority Leader McCarthy.

78. Authorized congressional committees have subpoena authority implied by Article I of the Constitution. McGrain v. Daugherty, 273 U.S. 135, 174 (1927). The Select Committee, however, is not an authorized congressional committee because it fails to comport with its own authorizing resolution, House Resolution 503.

79. Congress' failure to act in accordance with its own rules is judicially cognizable. Yellin v. United States, 374 U.S. 109, 114 (1963). This is particularly significant where a person's fundamental rights are involved. Moreover, the Select Committee "must conform strictly to [its] resolution." Exxon Corp. v. FTC, 589 F.2d 582, 592 (D.C. Cir. 1978).

80. Speaker Pelosi failed to appoint members consistent with the authorizing resolution of the Select Committee. Speaker Pelosi appointed only nine (9) members to serve on the Select Committee; whereas the authorizing resolution instructs the Speaker "shall" appoint thirteen (13) members. H. Res. 503 § 2(a), 117th Cong. (2021).Further, of those nine (9) members Speaker Pelosi appointed, only one was appointed after consultation with the minority member, as is required by the authorizing resolution. See H. Res. 503 § 2(a), 117th Cong. (2021).

81. Thus, the Select Committee as it currently stands—and stood at the time it issued the subpoenas in question—has no authority to conduct business because it is not duly constituted. Chairman Thompson's subpoenas were and are invalid and unenforceable.

82. Chairman Thompson derives the authority to issue subpoenas solely from § 5(c)(6) of the Select Committee's authorizing statute, but this authority is qualified, not absolute. The Select Committee chairman may not order the taking of depositions without consultation with

the ranking minority member of the Select Committee. As currently composed, the Select Committee has no ranking minority member.

B. The subpoenas are not issued to further a valid legislative purpose.

83. The subpoena issued to Defendant JPMorgan was issued by the Select Committee as part of an unconstitutional attempt to usurp the Executive Branch's authority to enforce the law and to expose what the Select Committee believes to be problematic actions by a political opponent. Congress has no authority to issue subpoenas for these purposes.

84. This is evidenced by numerous statements by members of the Select Committee. For example, Representative Luria told CNN about the Committee: "[T]hat's exactly why we're conducting this investigation to find out all the facts, . . . and . . . hold people accountable who are responsible." See https://www.cnn.com/2021/12/21/politics/january-6-committee-criminal-referrals/index.html (last visited Dec. 24, 2021); see also CNN Politics, "Expose Each and Every Level: Lawmaker Makes Promise for Jan. 6 Hearings" (Jan. 16, 2022) (available at https://www.cnn.com/videos/politics/2022/01/16/rep-jamie-raskin-january-6th-hearings-dotb-acostanr-vpx.cnn) (last visited Feb. 18, 2022) (Defendant Raskin: The Select Committee is going to "expose each and every level of it . . . the closer you get to Donald Trump . . . a religious and political cult of personality . . . outside of our Constitutional order"); CNN Politics, "January 6 Committee Says It Would Make Criminal Referrals . . . Could Be Long Way Off" (Dec. 21, 2021) (available at https://www.cnn.com/2021/12/21/politics/january-6-committee-criminal-referrals/index.html) (last visited Feb. 18, 2022) (Defendant Luria: "[I]f we determine that criminal actions were taken . . . that will be forwarded from the committee and (in) the appropriate manner to the Department of Justice . . . . [T]hat's exactly why we're conducting this investigation to find out all the facts, . . . and . . . hold people accountable who are responsible."); Tom Hamburger, "Thompson Says Jan. 6 Committee . . . Weighing Criminal

Referrals, Washington Post (Dec. 23, 2021) (last visited Feb. 18, 2022) (Defendant Thompson: "I can assure you that if a criminal referral would be warranted, there would be no reluctance on the part of this committee to do that.").

85. Congress has no freestanding power to issue subpoenas. Instead, its investigative powers are ancillary to its legislative authority. See Trump v. Mazars USA, LLP, 140 S. Ct. 2019, 2031(2020). Because of this tie between the investigative and legislative powers, Congress may only issue subpoenas that serve a valid legislative purpose.

86. Law enforcement and the punishment of perceived legal wrongs are not valid legislative purposes. To the extent Congress seeks to utilize subpoenas to investigate and punish perceived criminal wrongdoing, it unconstitutionally intrudes on the prerogatives of the Executive Branch.

87. Similarly, a desire to "expose for the sake of exposure" cannot sustain a congressional subpoena. See Watkins v. United States, 354 U.S. 178, 200 (1957). Bringing information to light for the sake of bringing it to light is not a valid legislative end.

88. Even if Congress uses a subpoena to seek information relevant to contemplated legislation, the subpoena may still be invalid if the contemplated legislation would be unconstitutional—such as an impermissible limit on the conduct or authority of the executive. See McGrain v. Daugherty, 273 U.S. 135, 171 (1927); Kilbourn v. Thompson, 103 U.S. 168, 195 (1880); Nixon v. Fitzgerald, 457 U.S. 731, 749 (1982).

89. The legislative purpose inquiry analyzes whether a particular subpoena serves a valid purpose, not whether an investigation as a whole serves a valid purpose. See Mazars, 140 S. Ct. at 2031.

90. The Select Committee failed to identify any legislative purpose served by its Subpoena. It has not considered any draft legislation, nor has it provided any explanation for why its request would further any valid legislative end.

91. Instead of identifying any valid end or proposed legislation, the Select Committee issued public statements explicitly identifying law enforcement and the desire to expose for the sake of exposure as its motivations for subpoenaing targets of its investigation.

92. The Select Committee's authorizing resolution also fails to identify its legislative purpose. It is vague to the point of meaninglessness, authorizing the Select Committee to "investigate the facts, circumstances, and causes relating to the domestic terrorist attack on the Capitol, including facts and circumstances relating to . . . entities of the public and private sector as determined relevant by the Select Committee for such investigation."

93. Nor is the nature of the information sought by the subpoena of a kind that would further a valid legislative purpose.

94. The subpoena sought personal financial material that is irrelevant to any conceivable legislation and not pertinent to any purported purpose of the Select Committee. This information has no bearing on any contemplated constitutional legislation. It is relevant only to serve the Select Committee's stated purpose of engaging in ad-hoc law enforcement and its unstated purpose of antagonizing its political adversaries.

C. <u>The JPMorgan subpoena violated the Right to Financial Privacy Act.</u>

95. The JPMorgan Subpoena requires Defendant JPMorgan to produce Mr. Budowich's financial records without a Certificate of Compliance, as required by 12 U.S.C. § 3403(b).

96. The Select Committee did not provide Mr. Budowich and a sufficient period of time to object and/or respond, as required by 12 U.S.C. § 3405.

97. On December 23, 2021, Mr. Budowich received a letter dated December 21, 2021, from Defendant JPMorgan notifying him of its duty to comply with the subpoena. The letter provided that Defendant JPMorgan would comply with the subpoena unless Mr. Budowich provided a legal document obligating it not to comply by 5:00 p.m. EST on December 24, 2021. Of course, this provided Plaintiff Budowich with no opportunity to obtain relief. This Court had officially closed for the holiday weekend by the time Plaintiff Budowich received "notice" of the subpoena from JPMorgan.

98. Whatever financial information that could possibly be relevant to the Select Committee's investigation was previously produced by Plaintiff Budowich. Any requests in the JPMorgan Subpoena that exceeded the scope of the subpoena served personally on Plaintiff Budowich lacked pertinency and violate the Constitution.

99. Plaintiff Budowich has a reasonable expectation of privacy in his personal financial records.

100. The Fourth Amendment enumerates the right of private individuals to be free from unreasonable search and seizure by the government into their persons, houses, papers, and effects.It also protects a person's reasonable privacy expectations. See Katz v. United States, 389 U.S. 347, 351 (1967).

101. The Fourth Amendment restricts the ability of the Select Committee to issue sweeping subpoenas untethered from any valid legislative purpose. See Oklahoma Press Pub. Co.v. Walling, 327 U.S. 186, 196 (1946).

102. A Congressional subpoena must be reasonable. An all-encompassing subpoena for personal, nonofficial documents falls outside the scope of Congress' legitimate legislative power. See Mazars, 140 S. Ct. at 2040.

103. The Select Committee's subpoena to JPMorgan is duplicative of records already received by the Select Committee or exceeds the scope of the Select Committee's the lawfully authorized purpose of the Select Committee. See McPhaul v. United States, 364 U.S. 372, 381 (1960).

D. Compelled production of financial records under the JPMorgan Subpoena violated the First Amendment.

104. The subpoena of Plaintiff Budowich's private financial records violates his right to free association and chills the exercise of his and others free speech rights in a political context.

105. The Committee's subpoena of Plaintiff Budowich's private financial records requests data which Mr. Budowich already provided the Select Committee.

106. Additionally, Plaintiff Budowich used his financial accounts to engage in protected advocacy and other speech, as well as private, personal and lawful activities.

107. All of these associational and expressive activities are protected by the First Amendment. See Buckley v. Valeo, 424 U.S. 1, 64 (1976); Black Panther Party v. Smith, 661 F.2d 1243, 1267 (D.C. Cir. 1981); Am. Fed'n of Lab. & Cong. of Indus. Organizations v. Fed. Election Comm'n, 333 F.3d 168, 179 (D.C. Cir. 2003).

108. The Committee has no legitimate purpose for seeking the protected information demanded by the subpoena. Mr. Budowich already provided the Select Committee with responsive financial documents. Additional information will not meaningfully aid the Select Committee in any valid pursuit.

109. Even if it had a valid reason to seek protected information, the Select Committee has put in place no safeguards to protect Mr. Budowich's rights. It provided Mr. Budowich with no notice of the subpoena and provided him with no opportunity to assert objections or other legal protections over the demanded information. The entirety of the demanded information,

including that which is constitutionally or otherwise protected, will be turned over to the Select Committee to do with as it pleases.

110. The JPMorgan Subpoena is also a clear effort to chill the speech of the Select Committee Member's political adversaries.

111. The body that issued this subpoena is composed of nine (9) members, seven (7) of whom belong to the political party that opposed the President who Mr. Budowich now serves in a professional capacity.

112. As noted above, the subpoena served no substantive purpose in the Select Committee's investigation—it will not turn up any new relevant information.

113. Allowing an entirely partisan select committee of Congress to subpoena the personal and private financial records of private individuals would work a massive chilling of current and future, political, and associational and free speech rights.

114. The Select Committee's asserted interest is insufficient and its alternative means of obtaining this information are too obvious to justify such a drastic chilling of speech.

CLAIMS FOR RELIEF

COUNT I
DECLARATORY JUDGMENT: INVALID SUPBOENA SELECT COMMITTEE NOT DULY AUTHORIZED (ALL DEFENDANTS)

115. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

116. House Resolution 503, the resolution creating the Select Committee, requires that the Committee be comprised of thirteen (13) members. See H.R. 503, § 2(a) ("The Speaker shall appoint 13 Members to the Select Committee.").

117. The Select Committee has, and has always had, only nine (9) members.

118. Further, Section 2(a) requires that five (5) of the thirteen (13) members "be appointed after consultation with the minority leader." See H.R. 503, § 2(a).

119. There are only two (2) Republican members on the Select Committee, neither of whom were recommended by the minority leader. Additionally, only one member was appointed after Speaker Pelosi rejected Minority Leader McCarthy's recommendations.

120. As such, the Select Committee is not duly formed pursuant to its own authorizing resolution.

121. Consequently, the Select Committee is operating *ultra vires* and without authority thus nullifying and making void its subpoena for private financial records of Plaintiffs.

122. As a direct and proximate result of the ultra vires, null, and void subpoena for private financial records by the Select Committee, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT II
DECLARATORY JUDGMENT: INVALID SUPBOENA
NO VALID LEGISLATIVE PURPOSE
(ALL DEFENDANTS)

123. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

124. The JPMorgan subpoena at issue seeks financial records of a private citizen totally unrelated to any public office or position held within the administration of any Government authority.

125. Further, there is no declared remedial purpose of the Select Committee investigation except to "investigate" and "report." See H. Res. 503, § 3(1)-(3).

126. Without a legislative purpose to serve, the JPMorgan subpoena cannot be calculated to materially aid any investigation in furtherance of a power to legislate.

127. As a result, in issuing the challenged JPMorgan subpoena exceeds any legitimate legislative purpose, the Select Committee is engaging in an impermissible law enforcement inquiry, and it therefore lacks authority to compel production of the private financial records of Plaintiffs and lacks any authorization or basis for their continued possession and use.

128. Moreover, the scope of the JPMorgan subpoena far exceeds any potential legitimate legislative purpose, rendering it invalid.

129. As a direct and proximate result of JPMorgan's production of private financial records of Plaintiffs to the Select Committee acting under color of law, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT III
DECLARATORY JUDGMENT:
VIOLATION OF RIGHT TO PROCEDURAL DUE PROCESS
(ALL DEFENDANTS)

130. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

131. The Due Process Clause of the Fifth Amendment to the United States Constitution provides that certain substantive rights – life, liberty, and property – cannot be deprived except pursuant to constitutionally adequate procedures.

132. JPMorgan's production of private financial records of Plaintiffs to the Select Committee implicates certain protected liberty interests, to wit: privacy, engagement in expressive speech, and associational rights.

133. JPMorgan's production of private financial records of Plaintiffs to the Select Committee was and is in violation of the Due Process rights of Plaintiffs to constitutionally adequate procedures – nominally notice and an opportunity to be heard – considering the private interests affected, the risk of erroneous deprivation of those interests, government interest at stake, and the basic entitlement by Plaintiffs to procedures that minimize substantively unfair or mistaken deprivations.

134. JPMorgan's production of private financial records of Plaintiffs to the Select Committee pursuant to an *ultra vires* subpoena was lacking in constitutionally adequate procedures.

135. As a direct and proximate result of JPMorgan's production of private financial records of Plaintiffs to the Select Committee acting under color of law, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT IV
VIOLATION OF THE RIGHT
TO FINANCIAL PRIVACY ACT
(ALL DEFENDANTS)

136. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

137. The Right to Financial Privacy Act ("RFPA"), 12 U.S.C. §§ 3401-23, provides: "No financial institution, or officers, employees or agent of the financial institution, may provide to any Government authority access to or copies of, or the information contained in, the financial records of any customer except in accordance with the provision of this chapter. See 12 U.S.C. § 3403(a).

138. The RFPA additionally provides: "A financial institution shall not release the financial records of a customer until the Government authority seeking such records *certifies in writing* to the financial institution that it has complied with the applicable provisions of this chapter." See 12 U.S.C. § 3403(b) (emphasis added); see also 12 U.S.C. § 3411 ("deliver the records to the Government authority *upon receipt of the certificate required* under section 3402(b) of this title") (emphasis added).

139. In pertinent part, the RFPA provides that "no Government authority may have access to or obtain copies of, or the information contained in the financial records of any customer from a financial institution unless the financial records are reasonable described and . . . such financial records are disclosed in response to an administrative subpoena or summons which meets the requirements of section 3405 of this title . . . [or] such financial records are disclosed in response to a formal written request which meets the requirements of section 3408 of this title." See 12 U.S.C. §§ 3402(2), (5).

140. Both 12 U.S.C. §§ 3405 (administrative subpoena or summons) and 3408 (formal written request) require that a copy of the subpoena or request "have been served upon the customer or mailed to his last known address on or before the date on which the subpoena or summons was served on the financial institution" together with a formal statutory notice allowing ten (10) days from the date or service or fourteen (14) days from the date of mailing the required notice. See 12 U.S.C. §§ 3405, 3408.

141. Additional provisions of RFPA establish the right of a financial institution customer to challenge a request for their financial records in an appropriate United States District Court and that proceedings involving such challenges should be completed or decided within seven (7) calendar days of the filing of any Government response. See 12 U.S.C. § 3410(a)-(b).

142. Neither the Select Committee nor JPMorgan served upon Plaintiffs or mailed to their last known address a copy of the subpoena for private financial records at issue on or before the date on which the subpoena or summons was served on JPMorgan together with a formal statutory notice allowing ten (10) days from the date or service or fourteen (14) days from the date of mailing the required notice. JPMorgan produced private financial records of Plaintiffs absent written certification by the Select Committee that it complied with the applicable provisions of the RFPA, as required by 12 U.S.C. §§ 3403(b), 3411.

143. JPMorgan produced private financial records of Plaintiffs pursuant to an *ultra vires* congressional subpoena seeking information not calculated to materially aid any valid legislative purpose.

144. JPMorgan produced private financial records of Plaintiffs notwithstanding its actual prior notice that Plaintiffs objected to production under, *inter alia*, the RFPA and other legal authorities, and knowledge that Plaintiffs would imminently seek judicial intervention on an emergency basis.

145. JPMorgan's violation of the RFPA was willful and intentional.

146. As a direct and proximate result of the violation of RFPA by the Select Committee and JPMorgan, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT V
DECLARATORY JUDGMENT:
VIOLATION OF FIRST AMENDMENT
(ALL DEFENDANTS)

147. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

148. The First Amendment to the United States Constitution prohibits infringement upon the right to free speech, expression, and association.

149. The Select Committee subpoena for private financial information relating to political adversaries infringes upon and suppresses the rights of Plaintiffs to free speech, expression, and association.

150. The Select Committee subpoena's concomitant suppression of Plaintiffs' protected rights of free speech, expression, and association is neither necessary nor the least restrictive means to achieve any compelling purpose.

151. As a direct and proximate result of the issuance of an invalid subpoena under color of law by the Select Committee and JPMorgan's production of private financial records of Plaintiffs to the Select Committee, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT VI
DECLARATORY JUDGMENT:
VIOLATION OF FOURTH AMENDMENT
(ALL DEFENDANTS)

152. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

153. The Fourth Amendment to the United States Constitution provides that "[t]he right of the people to be secure in their persons, house, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

154. JPMorgan's production of private financial records of Plaintiffs to the Select Committee acting *ultra vires* and absent any warrant, legal authority, or justification deprived Plaintiffs of rights, privileges, or immunities secured and protected by the Fourth Amendment to the United States Constitution.

155. As a direct and proximate result of the issuance of an invalid subpoena under color of law by the Select Committee and production by JPMorgan of private financial records of Plaintiffs to the Select Committee, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT VII
CONSTITUTIONAL VIOLATION:
INVASION OF PRIVACY
(DEFENDANT JPMORGAN)

156. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

157. Under California law, Plaintiffs have a constitutionally protected privacy interest in their financial records.

158. Plaintiffs had a reasonable expectation that their private financial records would not be disclosed without prior notice.

159. Plaintiffs had a reasonable expectation that their private financial records would only be disclosed when relevant to a legitimate proceeding and with prior notice.

160. Numerous statutes provide protection to California customers so that private financial records are not disclosed without notice and a showing of reasonableness.

161. The records produced by JPMorgan to the Select Committee were extremely overbroad, provided without sufficient notice to Plaintiffs, unnecessary to further a legitimate purpose, and provided without any procedural safeguards or protections.

162. Not only did the records produced contain Plaintiffs' private financial records, but because of Plaintiffs' work, included additional information regarding Plaintiffs' political affiliations.

163. Moreover, the Select Committee has access to financial records that provide nonpublic information regarding Plaintiffs' political activities and business activities for political opponents to members of the Select Committee.

164. JPMorgan did nothing to ensure that the Select Committee would protect Plaintiffs' private financial records.

165. Thus, JPMorgan's actions violated social norms of California customers such that the disclosure was unacceptable as a matter of California public policy.

166. Despite having ample opportunity to provide Plaintiffs with sufficient notice of the subpoena, JPMorgan intentionally provided Plaintiffs with insufficient notice to preclude their ability to challenge the subpoena. JPMorgan did this to punish Plaintiffs for their political affiliations and associations.

167. JPMorgan's actions constitute oppression, malice, and fraud.

168. As a direct and proximate result of JPMorgan's unlawful and intentional acts calculated to deprive Plaintiffs of their right to seek judicial review and intervention, Plaintiffs have suffered and will continue to suffer injury, including actual damages.

COUNT VIII
VIOLATION OF CALIFORNIA UNFAIR COMPETETION LAW
UNLAWFUL PRONG
(DEFENDANT JPMORGAN)

169. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

170. This claim is for violations of the California Unfair Competition Law, Cal. Bus. & Prof. Code §§ 1700, *et seq*.

171. JPMorgan violated numerous California and federal laws by wrongly disclosing Plaintiffs' personal, private financial information.

172. As a result of Defendant JPMorgan's unlawful conduct, Mr. Budowich has been required to purchase credit monitoring services to ensure that his financial information is not further misused.

173. Additionally, as a result of JPMorgan's unlawful conduct, Mr. Budowich paid more for JPMorgan's banking services then he would have otherwise paid had he known that JPMorgan was not going to adequately protect his personal financial information.

174. As alleged previously, JPMorgan intentionally provided Plaintiffs with insufficient notice regarding JPMorgan's production to the Select Committee.

175. JPMorgan intended to preclude any opportunity to challenge the records requested by the subpoena, as evidenced by its refusal to delay production until Plaintiffs could obtain a court order on its motion for temporary restraining order.

176. JPMorgan, after Plaintiffs informed it that they did not consent to release of their non-public personal information, nonetheless disclosed this information to the Select Committee.

177. JPMorgan flouted customer safeguards and purposefully disclosed Plaintiffs' private financial records without any regard to the relevance, need, use, or subsequent protection of those private financial records.

178. JPMorgan's actions violated numerous federal and state laws.

179. Specifically, JPMorgan violated the California Financial Information Privacy Act by sharing Plaintiffs' non-public personal information despite Plaintiffs' express protestations against doing so. This action was in direct violation of the California Financial Code § 4052.5.

180. JPMorgan's actions also violated the Graham-Leach-Bliley Act ("GLBA") which prohibits disclosure of Plaintiffs' non-public personal information. 15 U.S.C. § 6802(a).

181. Under the GLBA, JPMorgan had "an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers' nonpublic personal information." 15 U.S.C. § 6801(a). But JPMorgan's actions ignored that obligation.

182. JPMorgan is a financial institution.

183. JPMorgan disclosed Plaintiffs' nonpublic personal information.

184. JPMorgan's conduct also violated the RFPA, as stated more fully in Count IV.

185. The Select Committee did not have authority to request the information it requested from JPMorgan. Moreover, the subpoena was not properly authorized because the Select Committee lacks the requisite number of members and the records sought are not pertinent to any legislative purpose.

COUNT IX
VIOLATION OF CALIFORNIA UNFAIR COMPETETION LAW
UNFAIR PRONG
(DEFENDANT JPMORGAN)

186. Plaintiffs adopt and reallege the allegations in Paragraphs 1-114 as if stated herein.

187. This claim is for violations of the California Unfair Competition Law, Cal. Bus. & Prof. Code §§ 1700, *et seq*.

188. California has a strong public policy of protecting consumers from disclosure of their private information. See, e.g., Cal. Const. art. I, § 1; Cal. Fin. Code § 4051 (West) ("The Legislature intends for financial institutions to provide their consumers notice and meaningful choice about how consumers' nonpublic personal information is shared or sold by their financial institutions [and that the] California Financial Information Privacy Act to afford persons greater privacy protections than those provided in Public Law 106-102, the federal Gramm-Leach-Bliley Act . . . ."); Cal. Civ. Code § 1798.1 ("The Legislature declares that ... all individuals have a right of privacy in information pertaining to them . . . ."); Cal. Civ. Code § 1798.81.5(a) ("It is the intent of the Legislature to ensure that personal information about California residents is protected."); Cal. Bus. & Prof. Code § 22578 (explaining that the Legislature's intent was to have a uniform policy state-wide regarding privacy policies on the Internet).

189. Despite knowing Mr. Budowich was a California resident, JPMorgan implemented zero safeguards for personal financial information.

190. Specifically, even after JPMorgan was informed that Plaintiffs were going to challenge the legality of the Select Committee's subpoena, JPMorgan nonetheless produced Plaintiffs' records. This action demonstrated an utter disregard for the protection of Plaintiffs' private financial records and was immoral, unethical, oppressive, unscrupulous, and substantially injurious.

191. The Select Committee now has Plaintiffs' private financial information without any agreement or protections to safeguard such information.

192. Additionally, the Select Committee, because of JPMorgan's actions, have financial records that have no relation to any proffered legislative purpose. Moreover, the Select Committee has access to financial records that provide nonpublic information regarding Plaintiffs' political activities and business activities for political opponents to members of the Select Committee.

193. Had JPMorgan provided Plaintiffs with sufficient notice, Plaintiffs could have, and would have, informed JPMorgan that the records sought far exceeded those needed for any legislative purpose and JPMorgan could have negotiated a narrowed scope with the committee to protect the privacy of its customer.

194. Additionally, had JPMorgan provided Plaintiffs with sufficient notice, Plaintiffs could have challenged the subpoena before the documents were unlawfully provided to the Select Committee and a court could have narrowed the scope of the subpoena to ensure the records sought were pertinent to the Select Committee's purpose.

195. JPMorgan's actions to thwart any meaningful review of the subpoena were intentional with the purpose to injure Plaintiffs for exercising their First Amendment Rights under the United States Constitution and speech, assembly, and association rights under the California Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court enters judgment in their favor and against Defendants and enters an Order granting the following relief:

(a) A declaratory judgment that the JPMorgan subpoena was and is *ultra vires*, unlawful, and unenforceable;

(b) A declaratory judgment that the JPMorgan subpoena served and serves no valid legislative purpose and exceed the Select Committee's constitutional authority;

(c) A declaratory judgment that compliance with the JPMorgan subpoena violated the Right to Financial Privacy Act, 12 U.S.C. §§ 3401-22;

(d) A declaratory judgment that the JPMorgan subpoena violated Mr. Budowich's First Amendment rights;

(e) A declaratory judgment that the JPMorgan subpoena violated Mr. Budowich's Fourth Amendment rights;

(f) A declaratory judgment that the JPMorgan subpoena violated Mr. Budowich's Fifth Amendment procedural due process rights;

(g) In the alternative, an order modifying the JPMorgan subpoena to seek only unprivileged information that does not infringe on Mr. Budowich's constitutional rights;

(h) An injunction quashing the JPMorgan subpoena and prohibiting its enforcement by Defendants;

(i) An injunction prohibiting the Select Committee from imposing sanctions for noncompliance with the JPMorgan subpoena;

(j) An injunction prohibiting the Select Committee from inspecting, using, maintaining, or disclosing any information obtained per the JPMorgan subpoena;

(k) An injunction mandating that the Select Committee Defendants disgorge, promptly return, sequester, or destroy private financial records belonging to Plaintiffs

(l) An award in favor of Plaintiff of his actual damages, pursuant to 12 U.S.C. § 3417(a)(2);

(m) An award in favor of Plaintiff of punitive damages, pursuant to 12 U.S.C. § 3417(a)(3), as Defendants' violation is willful or intentional;

(n) An award in favor of Plaintiff for his reasonable expenses, including attorneys' fees and costs, incurred as a result of the JPMorgan Subpoena, pursuant to 12 U.S.C. § 3417(a)(4);

(o) An award of general and special damages, damages for emotional distress, punitive damages, and all other relief the Court deems just and equitable, related to Defendant JPMorgan's violations of the California Unfair Competition Law, Cal. Bus. & Prof. Code §§ 1700, *et seq*.

(p) Any and all other relief that the Court deems just and proper.

Date: February 18, 2022

Respectfully submitted,

s/ Christopher W. Dempsey
CHRISTOPHER W. DEMPSEY
D.D.C. Bar ID: AR0006
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Jared J. Burns
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EXHIBIT A

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Taylor Budowich

You are hereby commanded to be and appear before the

Select Committee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1540A Longworth House Office Building, Washington, DC 20515

Date: December 6, 2021 Time: 10:00 a.m.

☑ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: United States Capitol Building, Washington, DC 20515

Date: December 16, 2021 Time: 10:00 a.m.

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

To any authorized staff member or the United States Marshals Service

to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 22nd day of November, 2021.

Bennie G. Thompson
Chairman or Authorized Member

Attest: Kevin McCumber
Clerk

PROOF OF SERVICE

Subpoena for

Taylor Budowich

Address 1100 South Ocean Boulevard

Palm Beach, Florida 33480

before the Select Committee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) _____

Title _____

Manner of service _____

_____

Date _____

Signature of Server _____

Address _____

_____

BENNIE G. THOMPSON, MISSISSIPPI
CHAIRMAN

ZOE LOFGREN, CALIFORNIA
ADAM B. SCHIFF, CALIFORNIA
PETE AGUILAR, CALIFORNIA
STEPHANIE N. MURPHY, FLORIDA
JAMIE RASKIN, MARYLAND
ELAINE G. LURIA, VIRGINIA
LIZ CHENEY, WYOMING
ADAM KINZINGER, ILLINOIS

U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 22, 2021

VIA US and ELECTRONIC MAIL

Taylor Budowich
Office of Donald J. Trump
The Mar-a-Lago Club
1100 South Ocean Boulevard
Palm Beach, Florida 33480
tbudowich@gmail.com

Dear Mr. Budowich:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels you to produce the documents set forth in the accompanying schedule by December 6, 2021, and to appear for a deposition on December 16, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures, rules, or regulations. The inquiry includes examination of how various individuals and entities coordinated their activities leading up to the events of January 6, 2021.

The Select Committee's investigation and public reports have revealed credible evidence of your involvement in and knowledge of the events within the scope of the Select Committee's inquiry. According to information provided to the Select Committee and press reports, you solicited a 501(c)(4) organization to conduct a social media and radio advertising campaign to encourage people to attend the rally held on the Ellipse in Washington, D.C. on January 6, 2021, in support of then-President Trump and his allegations of election fraud.[1] The Select Committee has reason to believe your efforts included directing to the 501(c)(4) organization approximately $200,000 from a source or sources that was not disclosed to the organization to pay for the advertising campaign.[2] Press reports indicate that Caroline Wren may have been involved in

[1] Information on file with the Select Committee; Joaquin Sapien and Joshua Kaplan, *Top Trump Fundraiser Boasted of Raising $3 Million to Support Jan. 6 "Save America" Rally*, ProPublica (Oct. 18, 2021), https://www.propublica.org/article/top-trump-fundraiser-boasted-of-raising-3-million-to-support-jan-6-save-america-rally.
[2] Information on file with the Select Committee.

facilitating the transfer of some or all of those funds to the 501(c)(4) organization.[3] President Trump spoke at the January 6th rally shortly before the attack on the Capitol, urging the crowd to "fight much harder" and to "stop the steal." A Stop the Steal website promoting the rally mirrored this messaging, and directed attendees to march to the Capitol:

> Fight to #StopTheSteal, with President Trump
>
> On January 6, 2021, millions of Americans will descend upon Washington DC to let the establishment know we will fight back against this fraudulent election.
>
> Take a stand with President Trump and the #StopTheSteal coalition and be at The Ellipse (President's Park) at 7am. The fate of our nation depends on it.
>
> **At 1:00 PM, we will march to the US Capitol building to protest the certification of the Electoral College**.[4]

Accordingly, the Select Committee seeks documents and a deposition regarding these and other matters that are within the scope of the Select Committee's inquiry. A copy of the rules governing Select Committee depositions, and document production definitions and instructions are attached. Please contact staff for the Select Committee at 202-225-7800 to arrange for the production of documents.

Sincerely,

Bennie G. Thompson
Chairman

[3] Joaquin Sapien and Joshua Kaplan, *Top Trump Fundraiser Boasted of Raising $3 Million to Support Jan. 6 "Save America" Rally*, ProPublica (Oct. 18, 2021), https://www.propublica.org/article/top-trump-fundraiser-boasted-of-raising-3-million-to-support-jan-6-save-america-rally.

[4] https://web.archive.org/web/20210106065452/https://marchtosaveamerica.com/ (emphasis added).

SCHEDULE

In accordance with the attached definitions and instructions, you, Mr. Taylor Budowich, are hereby required to produce, all documents and communications in your possession, custody, or control—including any such documents or communications stored or located on personal devices (e.g., personal computers, cellular phones, tablets, etc.), in personal accounts, and/or on personal applications (e.g., email accounts, contact lists, calendar entries, etc.)—referring or relating to the following items.

1. For the time period December 19, 2020, to January 31, 2021, all documents and communications concerning the rally Women for America First held on the Ellipse in Washington, D.C. on January 6, 2021, at which President Donald Trump and others spoke (the "Ellipse Rally"), to include but not limited to any documents and communications concerning advertising, fundraising, and the transfer or expenditure of funds in support of the Ellipse Rally.

2. For the time period December 19, 2020, to January 31, 2021, documents sufficient to identify all financial accounts ("Financial Accounts") for which you were the direct or indirect beneficial owner, or over which you exercised control, and:

    a. Into which funds were transferred or deposited to compensate or reimburse you for your work in connection with the Ellipse Rally;

    b. From which funds were transferred or withdrawn for any purpose in connection with the Ellipse Rally; or

    c. Into which funds were transferred or deposited as a donation or otherwise to support the Ellipse Rally.

3. For each Financial Account identified in response to Request 3 above, documents sufficient to identify all account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally.

4. For the time period January 6 to 31, 2021, all documents and communications related to the January 6, 2021, attack on the U.S. Capitol ("Capitol Attack").

5. For the time period December 19, 2020, to January 6, 2021, all communications with President Trump, his family members, advisors, White House staff, or staff with Donald J. Trump for President, Inc., concerning allegations of fraud in the 2020 Presidential election, efforts to challenge or overturn the results of the 2020 election, or any of the facts and circumstances of the topics that are the subject of any of the above requests.

6. For the time period December 19, 2020, to January 6, 2021, all communications with Members or Members-elect of Congress, their advisors, campaign staffs, or congressional staffs concerning allegations of fraud in the 2020 Presidential election, efforts to challenge or overturn the results of the 2020 election, or any of the facts and circumstances of the topics that are the subject of any of the above requests.

7. To the extent not covered by the above requests, for the time period January 6, 2021, to present, all documents and communications whenever dated provided to any law enforcement agency, including but not limited to the U.S. Department of Justice and the Federal Bureau of Investigation, concerning the facts and circumstances of the topics that are the subject of any of the above requests.

8. For the time period January 6, 2021, to present, all correspondence or communications whenever dated from or to any law enforcement agency, including but not limited to the U.S. Department of Justice and the Federal Bureau of Investigation, concerning the facts and circumstances of the topics that are the subject of any of the above requests.

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee').

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).

5. Electronic document productions should be prepared according to the following standards:

   a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

      BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

11. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
(2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

health, safety, and well-being of others present in the Chamber and surrounding areas. Members and staff will not be permitted to enter the Hall of the House without wearing a mask. Masks will be available at the entry points for any Member who forgets to bring one. The Chair views the failure to wear a mask as a serious breach of decorum. The Sergeant-at-Arms is directed to enforce this policy. Based upon the health and safety guidance from the attending physician and the Sergeant-at-Arms, the Chair would further advise that all Members should leave the Chamber promptly after casting their votes. Furthermore, Members should avoid congregating in the rooms leading to the Chamber, including the Speaker's lobby. The Chair will continue the practice of providing small groups of Members with a minimum of 5 minutes within which to cast their votes. Members are encouraged to vote with their previously assigned group. After voting, Members must clear the Chamber to allow the next group a safe and sufficient opportunity to vote. It is essential for the health and safety of Members, staff, and the U.S. Capitol Police to consistently practice social distancing and to ensure that a safe capacity be maintained in the Chamber at all times. To that end, the Chair appreciates the cooperation of Members and staff in preserving order and decorum in the Chamber and in displaying respect and safety for one another by wearing a mask and practicing social distancing. All announced policies, including those addressing decorum in debate and the conduct of votes by electronic device, shall be carried out in harmony with this policy during the pendency of a covered period.

117TH CONGRESS REGULATIONS FOR USE OF DEPOSITION AUTHORITY

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(b) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding the conduct of depositions by committee and select committee counsel for printing in the Congressional Record.

Sincerely,

JAMES P. MCGOVERN,
Chairman, Committee on Rules.

REGULATIONS FOR THE USE OF DEPOSITION AUTHORITY

1. Notices for the taking of depositions shall specify the date, time, and place of examination. Depositions shall be taken under oath administered by a member or a person otherwise authorized to administer oaths. Depositions may continue from day to day.

2. Consultation with the ranking minority member shall include three days' notice before any deposition is taken. All members of the committee shall also receive three days written notice that a deposition will be taken, except in exigent circumstances. For purposes of these procedures, a day shall not include Saturdays, Sundays, or legal holidays except when the House is in session on such a day.

3. Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.

4. The chair of the committee noticing the deposition may designate that deposition as part of a joint investigation between committees, and in that case, provide notice to the members of the committees. If such a designation is made, the chair and ranking minority member of the additional committee(s) may designate committee staff to attend pursuant to regulation 3. Members and designated staff of the committees may attend and ask questions as set forth below.

5. A deposition shall be conducted by any member or committee counsel designated by the chair or ranking minority member of the Committee that noticed the deposition. When depositions are conducted by committee counsel, there shall be no more than two committee counsel permitted to question a witness per round. One of the committee counsel shall be designated by the chair and the other by the ranking minority member per round.

6. Deposition questions shall be propounded in rounds. The length of each round shall not exceed 60 minutes per side, and shall provide equal time to the majority and the minority. In each round, the member(s) or committee counsel designated by the chair shall ask questions first, and the member(s) or committee counsel designated by the ranking minority member shall ask questions second.

7. Objections must be stated concisely and in a non-argumentative and non-suggestive manner. A witness's counsel may not instruct a witness to refuse to answer a question, except to preserve a privilege. In the event of professional, ethical, or other misconduct by the witness's counsel during the deposition, the Committee may take any appropriate disciplinary action. The witness may refuse to answer a question only to preserve a privilege. When the witness has refused to answer a question to preserve a privilege, members or staff may (i) proceed with the deposition, or (ii) either at that time or at a subsequent time, seek a ruling from the Chair either by telephone or otherwise. If the Chair overrules any such objection and thereby orders a witness to answer any question to which an objection was lodged, the witness shall be ordered to answer. If a member of the committee chooses to appeal the ruling of the chair, such appeal must be made within three days, in writing, and shall be preserved for committee consideration. The Committee's ruling on appeal shall be filed with the clerk of the Committee and shall be provided to the members and witness no less than three days before the reconvened deposition. A deponent who refuses to answer a question after being directed to answer by the chair may be subject to sanction, except that no sanctions may be imposed if the ruling of the chair is reversed by the committee on appeal.

8. The Committee chair shall ensure that the testimony is either transcribed or electronically recorded or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days after the witness has been notified of the opportunity to review the transcript, the witness may submit suggested changes to the chair. Committee staff may make any typographical and technical changes. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter signed by the witness requesting the changes and a statement of the witness's reasons for each proposed change. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

9. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, DC. Depositions shall be considered to have been taken in Washington, DC, as well as the location actually taken once filed there with the clerk of the committee for the committee's use. The chair and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

10. The chair and ranking minority member shall consult regarding the release of deposition testimony, transcripts, or recordings, and portions thereof. If either objects in writing to a proposed release of a deposition testimony, transcript, or recording, or a portion thereof, the matter shall be promptly referred to the committee for resolution.

11. A witness shall not be required to testify unless the witness has been provided with a copy of section 3(b) of H. Res. 8, 117th Congress, and these regulations.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2021.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

MADAM SPEAKER: Pursuant to section 3(s) of House Resolution 8, 117th Congress, I hereby submit the following regulations regarding remote committee proceedings for printing in the CONGRESSIONAL RECORD.

Sincerely,

JAMES P. MCGOVERN,
Chairman,
Committee on Rules.

REMOTE COMMITTEE PROCEEDINGS REGULATIONS PURSUANT TO HOUSE RESOLUTION 8

A. PRESENCE AND VOTING

1. Members participating remotely in a committee proceeding must be visible on the software platform's video function to be considered in attendance and to participate unless connectivity issues or other technical problems render the member unable to fully participate on camera (except as provided in regulations A.2 and A.3).

2. The exception in regulation A.1 for connectivity issues or other technical problems does not apply if a point of order has been made that a quorum is not present. Members participating remotely must be visible on the software platform's video function in order to be counted for the purpose of establishing a quorum.

3. The exception in regulation A.1 for connectivity issues or other technical problems does not apply during a vote. Members participating remotely must be visible on the software platform's video function in order to vote.

4. Members participating remotely off-camera due to connectivity issues or other technical problems pursuant to regulation A.1 must inform committee majority and minority staff either directly or through staff.

5. The chair shall make a good faith effort to provide every member experiencing connectivity issues an opportunity to participate fully in the proceedings, subject to regulations A.2 and A.3.

H. Res. 8

In the House of Representatives, U. S.,

January 4, 2021.

Resolved,

SECTION 1. ADOPTION OF THE RULES OF THE ONE HUNDRED SIXTEENTH CONGRESS.

The Rules of the House of Representatives of the One Hundred Sixteenth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Sixteenth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Seventeenth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in this resolution.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) CONFORMING CHANGE.—In clause 2(i) of rule II—

(1) strike the designation of subparagraph (1); and

(2) strike subparagraph (2).

(b) OFFICE OF DIVERSITY AND INCLUSION AND OFFICE OF THE WHISTLEBLOWER OMBUDS.—

SEC. 3. SEPARATE ORDERS.

(a) MEMBER DAY HEARING REQUIREMENT.—During the first session of the One Hundred Seventeenth Congress, each standing committee (other than the Committee on Ethics) or each subcommittee thereof (other than a subcommittee on oversight) shall hold a hearing at which it receives testimony from Members, Delegates, and the Resident Commissioner on proposed legislation within its jurisdiction, except that the Committee on Rules may hold such hearing during the second session of the One Hundred Seventeenth Congress.

(b) DEPOSITION AUTHORITY.—

(1) During the One Hundred Seventeenth Congress, the chair of a standing committee (other than the Committee on Rules), and the chair of the Permanent Select Committee on Intelligence, upon consultation with the ranking minority member of such committee, may order the taking of depositions, including pursuant to subpoena, by a member or counsel of such committee.

(2) Depositions taken under the authority prescribed in this subsection shall be subject to regulations issued by the chair of the Committee on Rules and printed in the Congressional Record.

(c) WAR POWERS RESOLUTION.—During the One Hundred Seventeenth Congress, a motion to discharge a measure introduced pursuant to section 6 or section 7 of the War

EXHIBIT B

SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To JPMorgan Chase Bank, N.A.

You are hereby commanded to be and appear before the

Select Commitee to Investigate the January 6th Attack on the United States Capitol

of the House of Representatives of the United States at the place, date, and time specified below.

☑ **to produce the things identified on the attached schedule** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1540A Longworth House Office Building, Washington, D.C. 20515

Date: December 7, 2021 Time: 10:00 a.m.

☐ **to testify at a deposition** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time: _____

☐ **to testify at a hearing** touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Date: _____ Time _____

To any authorized staff member or the U.S. Marshals Service

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 23rd day of November, 2021.

Bennie G. Thompson

Chairman or Authorized Member

Attest: Kevin McCumber

Clerk

PROOF OF SERVICE

Subpoena for
JPMorgan Chase Bank, N.A.

Address 383 Madison Avenue, New York, NY 10017

before the Select Commitee to Investigate the January 6th Attack on the United States Capitol

U.S. House of Representatives
117th Congress

Served by (print name) _____

Title _____

Manner of service _____

Date _____

Signature of Server _____

Address _____

U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

November 23, 2021

VIA US and ELECTRONIC MAIL

Custodian of Records
JPMorgan Chase Bank, N.A.
383 Madison Avenue
New York, NY 10017

Dear Custodian of Records:

Pursuant to the authorities set forth in House Resolution 503 and the rules of the House of Representatives, the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Select Committee") hereby transmits a subpoena that compels JPMorgan Chase Bank, N.A. to produce the documents set forth in the accompanying Schedule A by December 7, 2021.

The Select Committee is investigating the facts, circumstances, and causes of the January 6th attack and issues relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend to the House and its relevant committees corrective laws, policies, procedures rules, or regulations. The inquiry includes examination of how various individuals and entities utilized the U.S. financial system leading up to the events of January 6, 2021, and thereafter.

To expedite production and efficiently seek those documents most pertinent to its investigation, the Select Committee believes that a preliminary scoping call will be extremely valuable. By discussing which accounts and transactional activity is most pertinent – prior to production – the Select Committee can ensure that it obtains the most essential documents in the fastest way possible.

A copy of the rules governing Select Committee document production, definitions, and instructions are attached. Please contact Senior Investigative Counsel Amanda Wick at 202-225-7800 as soon as practicable to arrange for a scoping discussion and an order of production for the documents.

Sincerely,

Bennie G. Thompson
Chairman

SCHEDULE A

To: Custodian of Records
JPMorgan Chase Bank, N.A.
383 Madison Avenue
New York, NY 10017

In accordance with the attached Definitions and Instructions, please provide complete and unredacted copies of the following by December 7, 2021, with respect to:

1. Taylor Budowich
2. Conservative Strategies Inc.
3. [redacted]
4.
5.

or any account (including, but not limited to, any money market, securities or trading account or any loan account of structure) in the name of the above-named individual or entity (or any other name, alias, code name, code number, or entity used in lieu of the named individual or entity), as well as any account in which such individual or entity is or was, or has been identified as being, a trustee, settler or grantor, administrator or controlling party (as defined below), protector (also known as "protectorate"), signator or co-signator, beneficiary, or beneficial owner, or in which such individuals or entities have or have had in any way control over, individually or with others:

1. All monthly or other periodic account statements from October 1, 2020 to the present;

2. All documents related to account opening, due diligence, proposed closing or closing;

3. All cancelled checks drawn for amounts of $1,000 or more (front and back) from October 1, 2020 to the present;

4. All deposit slips in amounts of $1,000 or more for checking and savings accounts, and copies of any deposit items to which those slips relate from October 1, 2020 to the present;

5. All documents related to any transfer of funds to or from any such account, including any wire transfer, check, cashier's check, book entry transfer, or cash letter and any document indicating the originator, beneficiary, source of funds or destination of such transfer from October 1, 2020 to the present;

6. All documents that identify, address or are related to the identification of any trustee, settler or grantor, administrator or controlling party, protector, beneficiary, beneficial owner or signator, including but not limited to signature cards;

7. All documents related to monitoring for, identifying, or evaluating possible suspicious activity, including suspicious activity identified by JPMorgan Chase Bank, N.A.'s

surveillance/monitoring program or referred by any employee or third-party, including, but not limited to, suspicious activity relating to relationships, transactions, or ties with any foreign individual, entity, or government;

8. All documents concerning investigative reports or analyses conducted by JPMorgan Chase Bank, N.A. and related materials;

9. All documents related to, or provided in response to:

   a. any request, inquiry or investigation, by any U.S. federal, state or local agency;

   b. any administrative, civil, or criminal action;

   c. any subpoena, search warrant, seizure warrant, summons, or other legal writ, notice, or order or request for information, property, or material, including, but not limited to, those requested or provided by JPMorgan Chase Bank, N.A. pursuant to Sections 314(a) or 314(b) of the USA PATRIOT Act, Pub. L. 107-56, 115 Stat. 272, or any other tax, anti-money laundering or bank statute; or

   d. any request for information made to or by a third party, including, but not limited to any government agency or financial institution;

10. All correspondence or memoranda relating to each account from October 1, 2020 to the present; and

11. Currency Transaction Reports (U.S. Treasury Report Form 4789).

DOCUMENT PRODUCTION DEFINITIONS AND INSTRUCTIONS

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.

2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee').

3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.

4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes, but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).

5. Electronic document productions should be prepared according to the following standards:

   a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

      BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.

9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.

10. The pendency of or potential for litigation shall not be a basis to withhold any information.

11. In accordance with 5 U.S.C.§ 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.

12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.

13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.

14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.

15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document

is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.

18. All documents shall be Bates-stamped sequentially and produced sequentially.

19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
(2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.

4. The term "including" shall be construed broadly to mean "including, but not limited to."

5. The term "Company" means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.

6. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; (b) the individual's business or personal address and phone number; and (c) any and all known aliases.

7. The term "related to" or "referring or relating to," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.

8. The term "employee" means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.

9. The term "individual" means all natural persons and all persons or entities acting on their behalf.

EXHIBIT C

From: Tonolli, Sean
To: Daniel K Bean; Christopher Dempsey
Cc: Nelson, Jacob
Subject: RE: Mr. Taylor Budowich
Date: Wednesday, December 1, 2021 3:29:03 PM

Dan and Chris,

Thanks again for calling. As we discussed, we appreciate that you need time to run search terms against the documents before reviewing them. So we are fine with your proposal to move the production deadline to December 13th.

Regarding Mr. Budowich's text messages, can you please check his iCloud account and/or computer for backups, as we know he was using an iPhone. If he no longer has the text messages, we will need an explanation in the cover letter accompanying the production.

In terms of touching base early next week about the production volume, why don't you give me a call on Wednesday, the 8th, when I'll be back in the office. Would 10am work?

Thanks,
Sean

From: Tonolli, Sean
Sent: Wednesday, December 1, 2021 2:17 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Hi Dan,

I see I just missed your call on my cell phone. I'm at my desk. Please call 202-226-2888.

Thanks,
Sean

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Wednesday, December 1, 2021 9:23 AM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Sean,

Thanks for your note. Chris and I will call you around 1:30 p.m. today to give you an update and we

received the link from Jacob. Thank you.

Best, dkb

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Sent: Tuesday, November 30, 2021 9:06 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Dan,

Hope you had a nice Thanksgiving. Let me know when would be a good time tomorrow to talk. I'm open between 11:30 and 3. If Thursday's better, I should be generally available that day.

In the meantime, I've copied my colleague Jacob who will provide you a link to where document productions can be uploaded.

Thanks and looking forward to speaking,
Sean

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Wednesday, November 24, 2021 3:08 PM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

Thank you and we will circle back next week as requested.

Happy Thanksgiving to you as well.

Best, dkb

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Sent: Wednesday, November 24, 2021 3:01 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

Thanks for reaching out, Dan. The subpoena is attached. Glad to discuss early next week once you've had a chance to review with Mr. Budowich.

Have a great Thanksgiving.

Best,
Sean

Sean P. Tonolli
Senior Investigative Counsel
Select Committee to Investigate
the January 6th Attack on the United States Capitol
U.S. House of Representatives
(202) 226-2888 (o) / (202) 308-5947 (c)

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Wednesday, November 24, 2021 2:48 PM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: Mr. Taylor Budowich

Sir,

Please accept this communication in response to your recent telephone call of Monday, November 22, 2021, to Mr. Taylor Budowich regarding the Select Committee.

This Firm represents Mr. Taylor Budowich in connection with any process or proceedings involving the Select Committee going forward. We are authorized to accept service of the subpoena you referenced in your voice mail to Mr. Budowich.

Please note that Mr. Budowich did not receive the email to which you referred in your voice mail and we respectfully request that you re-forward same to our attention.

Thank you for your time and consideration in this matter.

Best, dkb

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Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean
To: Daniel K Bean
Cc: Nelson, Jacob; Melinda Higby; Christopher Dempsey; Jared Burns
Subject: RE: Mr. Taylor Budowich
Date: Friday, December 10, 2021 9:22:32 AM

Thanks Dan. The 22nd at 10am works well. We'll coordinate on logistics once we get closer to the day.

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Friday, December 10, 2021 9:20 AM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Nelson, Jacob <JNelson@mail.house.gov>; Melinda Higby <mhigby@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Jared Burns <jburns@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

How does December 21st or 22nd work for you all?

Best, dkb

ABL Abel Bean Law

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Sent: Friday, December 10, 2021 9:14 AM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Nelson, Jacob <JNelson@mail.house.gov>; Melinda Higby <mhigby@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

Good morning Dan,

Just circling back on the new date for your client's deposition. Among the dates we talked about, what is going to work best for you all?

Thanks,
Sean

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Tuesday, December 7, 2021 12:49 PM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Nelson, Jacob <JNelson@mail.house.gov>; Melinda Higby <mhigby@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

No worries. dkb

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Sent: Tuesday, December 7, 2021 12:46 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Nelson, Jacob <JNelson@mail.house.gov>; Melinda Higby <mhigby@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

My apologies, Dan, I missed your reply on this. 11am tomorrow is fine and I just sent out a calendar invite. We can talk about your client's schedule and the deposition then.

Thanks,
Sean

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Wednesday, December 1, 2021 7:59 PM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Nelson, Jacob <JNelson@mail.house.gov>; Melinda Higby <mhigby@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

Thank you Sean.

We appreciate the extension to December 13th and we will have our vendor check the icloud account/and or computer for backups and proceed accordingly.

Can we please slide the December 8th call to 11:00 a.m. as I have a summary judgment hearing argument at 10:00 a.m.?

Finally, Taylor has a scheduling conflict on December 16th. Can we please push that date back?

Best, dkb

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Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Sent: Wednesday, December 1, 2021 3:29 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>; Christopher Dempsey

<cdempsey@AbelBeanLaw.com>
Cc: Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Dan and Chris,

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In terms of touching base early next week about the production volume, why don't you give me a call on Wednesday, the 8th, when I'll be back in the office. Would 10am work?

Thanks,
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Sent: Wednesday, December 1, 2021 2:17 PM
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Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Hi Dan,

I see I just missed your call on my cell phone. I'm at my desk. Please call 202-226-2888.

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Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Sean,

Thanks for your note. Chris and I will call you around 1:30 p.m. today to give you an update and we received the link from Jacob. Thank you.

Best, dkb

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Sent: Tuesday, November 30, 2021 9:06 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Nelson, Jacob <JNelson@mail.house.gov>
Subject: RE: Mr. Taylor Budowich

Dan,

Hope you had a nice Thanksgiving. Let me know when would be a good time tomorrow to talk. I'm open between 11:30 and 3. If Thursday's better, I should be generally available that day.

In the meantime, I've copied my colleague Jacob who will provide you a link to where document productions can be uploaded.

Thanks and looking forward to speaking,
Sean

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Wednesday, November 24, 2021 3:08 PM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

Thank you and we will circle back next week as requested.

Happy Thanksgiving to you as well.

Best, dkb

Daniel K. Bean | Abel Bean Law P.A.

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From: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
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Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Mr. Taylor Budowich

Thanks for reaching out, Dan. The subpoena is attached. Glad to discuss early next week once you've had a chance to review with Mr. Budowich.

Have a great Thanksgiving.

Best,
Sean

Sean P. Tonolli
Senior Investigative Counsel
Select Committee to Investigate
the January 6th Attack on the United States Capitol
U.S. House of Representatives
(202) 226-2888 (o) / (202) 308-5947 (c)

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Wednesday, November 24, 2021 2:48 PM
To: Tonolli, Sean <Sean.Tonolli@mail.house.gov>
Cc: Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: Mr. Taylor Budowich

Sir,

Please accept this communication in response to your recent telephone call of Monday, November 22, 2021, to Mr. Taylor Budowich regarding the Select Committee.

This Firm represents Mr. Taylor Budowich in connection with any process or proceedings involving the Select Committee going forward. We are authorized to accept service of the subpoena you referenced in your voice mail to Mr. Budowich.

Please note that Mr. Budowich did not receive the email to which you referred in your voice mail and we respectfully request that you re-forward same to our attention.

Thank you for your time and consideration in this matter.

Best, dkb

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EXHIBIT D

ABL
Abel Bean Law

Daniel K. Bean, Esq.
dbean@abelbeanlaw.com

December 14, 2021

VIA ELECTRONIC MAIL

Chairman Bennie G. Thompson
c/o Sean P. Tonolli, Esq.
Select Committee to Investigate the
January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, D.C. 20515
Email: Sean.Tonolli@mail.house.gov

RE: Response to Subpoena dated November 22, 2021
Taylor Budowich || Document Production

Dear Chairman Thompson:

Our Firm represents Mr. Taylor Budowich in connection with the proceedings conducted by the "Select Committee to Investigate the January 6th Attack on the United States Capitol" (hereinafter the "Select Committee"), including the subpoena the Select Committee issued, dated November 22, 2021, for production of documents and things.

On behalf of Mr. Budowich, we write to respond and object to the Select Committee's Subpoena and its Definitions, Instructions, and Schedule (collectively its "Requests"), as follows:

GENERAL OBJECTIONS

Mr. Budowich objects to the Requests on the following grounds:

1. **Privileges**. Mr. Budowich objects to each Request to the extent that it calls for the disclosure of documents or information protected by the attorney-client privilege, the accountant-client privilege, or other applicable privileges.

2. **Work Product Doctrine**. Mr. Budowich objects to each Request to the extent that it seeks to discover information that is protected by the work product doctrine, including mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of Mr. Budowich concerning this litigation.

3. **Client Confidences**. Mr. Budowich objects to each Request as seeking to discover client confidences conveyed to Mr. Budowich, whether or not they are protected by the attorney-client privilege, the accountant-client privilege, or other applicable privileges, or the attorney work product doctrine.

4. **Select Committee Not Duly Authorized**. Mr. Budowich objects to each Request as the Select Committee is not properly and duly authorized in accordance with H. Res. 503 § 2(a), 117th Cong. (2021), as it not comprised of thirteen (13) members, five (5) of whom were appointed after consultation with the minority leader.

5. **No Valid Legislative Purpose**. Mr. Budowich objects to each Request as the subpoena does not further a valid legislative purpose ancillary to legislative authority, but rather serves a quintessentially law enforcement purpose reserved to the authority of the Executive branch, to wit: investigate facts, circumstances, and causes, as well as expose and punish alleged criminal wrongdoing. All of these are proffered objectives of the Select Committee are devoid of any legislative purpose.

6. **Violation of Constitutional Rights**. Mr. Budowich objects to each Request as violating his constitutional rights, including but not limited to: his First Amendment Right to freedom of speech; his First Amendment Right of freedom to assemble; his Fourth Amendment Right to be free of unreasonable searches and seizures; his Fourth Amendment Right that warrants be issued only upon a finding of probable cause; his Fifth Amendment Right to due process of law.

7. **Violation of Separation of Powers**. Mr. Budowich objects to each Request as violating the Separation of Powers doctrine.

SPECIFIC REQUESTS

Mr. Budowich responds to the Select Committee's specific Requests as follows:

1. For the time period December 19, 2020, to January 31, 2021, all documents and communications concerning the rally Women for America First held on the Ellipse in Washington, D.C. on January 6, 2021, at which President Donald Trump and others spoke (the "Ellipse Rally"), to include but not limited to any documents and communications concerning advertising, fundraising, and the transfer or expenditure of funds in support of the Ellipse Rally.

RESPONSE: Mr. Budowich reasserts each of his general objections. Mr. Budowich further objects to this request as overbroad, unduly burdensome, oppressive, and not reasonably calculated to further a valid legislative purpose ancillary to legislative authority. Subject to, without waiving, and notwithstanding the foregoing objections, Mr. Budowich will produce all responsive documents in his possession, custody, or control. Mr. Budowich reserves the right to supplement this response as more information becomes available.

2. For the time period December 19, 2020, to January 31, 2021, documents sufficient to identify all financial accounts ("Financial Accounts") for which you were the direct or indirect beneficial owner, or over which you exercised control, and:

a. Into which funds were transferred or deposited to compensate or reimburse you for your work in connection with the Ellipse Rally;

b. From which funds were transferred or withdrawn for any purpose in connection with the Ellipse Rally; or

c. Into which funds were transferred or deposited as a donation or otherwise to support the Ellipse Rally.

RESPONSE: Mr. Budowich reasserts each of his general objections. Mr. Budowich further objects to this request as overbroad, unduly burdensome, oppressive, and not reasonably calculated to further a valid legislative purpose ancillary to legislative authority. Subject to, without waiving, and notwithstanding the foregoing objections, Mr. Budowich will produce all responsive documents in his possession, custody, or control. Mr. Budowich reserves the right to supplement this response as more information becomes available.

3. For each Financial Account identified in response to Request 3 above, documents sufficient to identify all account transactions for the time period December 19, 2020, to January 31, 2021, in connection with the Ellipse Rally.

RESPONSE: Mr. Budowich reasserts each of his general objections. Mr. Budowich further objects to this request as overbroad, unduly burdensome, oppressive, and not reasonably calculated to further a valid legislative purpose ancillary to legislative authority. Subject to, without waiving, and notwithstanding the foregoing objections, Mr. Budowich will produce all responsive documents in his possession, custody, or control. Mr. Budowich reserves the right to supplement this response as more information becomes available.

4. For the time period January 6 to 31, 2021, all documents and communications related to the January 6, 2021, attack on the U.S. Capitol ("Capitol Attack").

RESPONSE: Mr. Budowich has no documents in his possession, custody, or control that are responsive to this Request.

5. For the time period December 19, 2020, to January 6, 2021, all communications with President Trump, his family members, advisors, White House staff, or staff with Donald J. Trump for President, Inc., concerning allegations of fraud in the 2020 Presidential election, efforts to challenge or overturn the results of the 2020 election, or any of the facts and circumstances of the topics that are the subject of any of the above requests.

RESPONSE: Mr. Budowich reasserts each of his general objections. Mr. Budowich further objects to this request as overbroad, unduly burdensome, oppressive, and not reasonably

calculated to further a valid legislative purpose ancillary to legislative authority. Subject to, without waiving, and notwithstanding the foregoing objections, Mr. Budowich will produce all responsive documents in his possession, custody, or control. Mr. Budowich reserves the right to supplement this response as more information becomes available.

6. For the time period December 19, 2020, to January 6, 2021, all communications with Members or Members-elect of Congress, their advisors, campaign staffs, or congressional staffs concerning allegations of fraud in the 2020 Presidential election, efforts to challenge or overturn the results of the 2020 election, or any of the facts and circumstances of the topics that are the subject of any of the above requests.

RESPONSE: Mr. Budowich has no documents in his possession, custody, or control that are responsive to this Request.

7. To the extent not covered by the above requests, for the time period January 6, 2021, to present, all documents and communications whenever dated provided to any law enforcement agency, including but not limited to the U.S. Department of Justice and the Federal Bureau of Investigation, concerning the facts and circumstances of the topics that are the subject of any of the above requests.

RESPONSE: Mr. Budowich has no documents in his possession, custody, or control that are responsive to this Request.

8. For the time period January 6, 2021, to present, all correspondence or communications whenever dated from or to any law enforcement agency, including but not limited to the U.S. Department of Justice and the Federal Bureau of Investigation, concerning the facts and circumstances of the topics that are the subject of any of the above requests.

RESPONSE: Mr. Budowich has no documents in his possession, custody, or control that are responsive to this Request.

Mr. Budowich is producing 391 documents bates labeled BUDO-00001 through BUDO-01580. Instructions for accessing the document production will be sent via separate correspondence. Three emails (BUDO-1567-68, BUDO-01576, and BUDO-01577-78) contain redactions of attorney-client communications, as Mr. Budowich forwarded those emails to counsel. All other redactions are of bank account information.

Thank you for your time and consideration in this matter.

Respectfully,

ABEL BEAN LAW P.A.

DANIEL K. BEAN, ESQ.

ABL
Abel Bean Law

Daniel K. Bean, Esq.
dbean@abelbeanlaw.com

December 17, 2021

VIA ELECTRONIC MAIL

Chairman Bennie G. Thompson
c/o Sean P. Tonolli
Select Committee to Investigate the
January 6th Attack on the United States Capitol
U.S. House of Representatives
Washington, D.C. 20515
Email: Sean.Tonolli@mail.house.gov

RE: Response to Subpoena dated November 22, 2021
Taylor Budowich || Supplemental Document Production

Dear Chairman Thompson:

As you know, our Firm represents Taylor Budowich in connection with the proceedings conducted by the "Select Committee to Investigate the January 6th Attack on the United States Capitol" (hereinafter the "Select Committee"), including the subpoena the Select Committee issued, dated November 22, 2021, for production of documents and things

On December 14, 2021, our Firm produced documents and things responsive to the Select Committee subpoena, subject to general and specific objections as stated in our correspondence of the same date. We write to supplement that production by Mr. Budowich, and in doing so, expressly incorporate herein by reference the general and specific objections provided in our original written responses.

Mr. Budowich is producing forty-nine (49) documents bates labeled BUDO-01581 through BUDO-01737. Instructions for accessing the document production will be sent via separate correspondence. Thank you for your time and consideration in this matter.

Respectfully,

ABEL BEAN LAW P.A.

DANIEL K. BEAN, ESQ.

EXHIBIT E

ABL
Abel Bean Law

Jared J. Burns, Esq.
jburns@abelbeanlaw.com

December 16, 2021

CERTIFIED MAIL RETURN RECEIPT REQUESTED

JP Morgan Chase Legal Department
480 Washington Boulevard FL 23
Jersey City, NJ 07310-2053

Re: Taylor Budowich Bank Records Subpoena

Dear Sir/Madam:

This law firm represents Taylor Budowich. Mr. Budowich is a JP Morgan Chase banking customer both as an individual and as a signatory on a business account. The accounts that Mr. Budowich holds are account # [redacted]5685 and as a signatory for Conservative Strategies, Inc. with account # 1[redacted]6101.

Mr. Budowich has been made aware that Congress may subpoena his banking records. This letter is to inform JP Morgan Chase that Mr. Budowich objects to JP Morgan Chase disclosing his customer/banking records to Congress without a warrant.

Additionally, Mr. Budowich requests that notification be sent to him and this law firm immediately upon a receipt of a subpoena for his banking records. Should you have any questions concerning this letter, please do not hesitate to contact me.

Very truly yours,

ABEL BEAN LAW P.A.

Jared J. Burns

Electronic Delivery Confirmation™

Reference	
USPS #	9414811898765845525897
USPS Mail Class	Certified with Return Receipt (Signature)
USPS Status	Your item was delivered at 5:41 am on December 22, 2021 in JERSEY CITY, NJ 07303.
USPS History	Available for Pickup, 12/20/2021, 4:18 pm, JERSEY CITY, NJ 07302 Out for Delivery, 12/20/2021, 2:05 pm, JERSEY CITY, NJ 07310 Arrived at Post Office, 12/20/2021, 1:54 pm, JERSEY CITY, NJ 07302 Departed USPS Regional Destination Facility, 12/19/2021, 9:13 pm, KEARNY NJ DISTRIBUTION CENTER Arrived at USPS Regional Destination Facility, 12/19/2021, 5:26 pm, KEARNY NJ DISTRIBUTION CENTER Departed USPS Regional Facility, December 18, 2021, 10:03 am, JACKSONVILLE FL DISTRIBUTION CENTER Arrived at USPS Regional Origin Facility, 12/18/2021, 2:36 am, JACKSONVILLE FL DISTRIBUTION CENTER Accepted at USPS Origin Facility, December 18, 2021, 1:21 am, JACKSONVILLE, FL 32202 Shipping Label Created, USPS Awaiting Item, December 16, 2021, 8:17 pm, JACKSONVILLE, FL 32202

EXHIBIT F

JPMORGAN CHASE & CO.

Doressia L. Hutton
Vice President
Assistant General Counsel
Litigation Department

December 21, 2021

Via Overnight Delivery
Taylor A. Budowich
1924 Manchester Road
Sacramento, CA 95815

Re: Subpoena House Select Committee to Investigate the January 6th Attack on the United States Capitol

Dear Mr. Budowich:

J.P. Morgan Chase Bank, N.A. received a subpoena regarding the matter cited above concerning a request for information involving you and/or your accounts. This is merely a notification.

As required, J.P. Morgan Chase Bank, N.A. will comply with this subpoena in a timely manner unless it receives documentation legally obligating it to stop taking such steps. Should you wish to send this documentation for our review, please email it to us at Doressia.Hutton@jpmchase.com no later than December 24, 2021 at 5:00 p.m. EST.

If you have legal representation, please provide them with a copy of this letter. Please note that we cannot provide you with legal counsel.

Should you have any questions or would like us to send you a copy of the subpoena, please contact the House Select Committee to Investigate the January 6th Attack on the United States Capitol.

Very truly yours,

/s/ Doressia L. Hutton

JPMorgan Chase & Co. • 10 S. Dearborn Street, Chicago, IL 60603
312-841-4750 Doressia.Hutton@jpmchase.com

FedEx

TRACK ANOTHER SHIPMENT

287866348245

ADD NICKNAME

Delivered
Wednesday, 12/22/2021 at 2:31 pm

DELIVERED
Signature not required

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM	TO
Chicago, IL US	Sacramento, CA US

MANAGE DELIVERY

Travel History

TIME ZONE
Local Scan Time

Wednesday, December 22, 2021

2:31 PM	Sacramento, CA	Delivered Package delivered to recipient address - release authorized
10:10 AM	SACRAMENTO, CA	On FedEx vehicle for delivery
9:09 AM	SACRAMENTO, CA	At local FedEx facility
7:22 AM	SACRAMENTO, CA	At destination sort facility
5:16 AM	MEMPHIS, TN	Departed FedEx hub

Tuesday, December 21, 2021

11:15 PM	MEMPHIS, TN	Arrived at FedEx hub
8:04 PM	CHICAGO, IL	Left FedEx origin facility
3:00 PM	CHICAGO, IL	Picked up

Monday, December 20, 2021	
2:33 PM	Shipment information sent to FedEx

Collapse History

Shipment Facts

TRACKING NUMBER 287866348245	**SERVICE** FedEx Standard Overnight	**WEIGHT** 0.5 lbs / 0.23 kgs
DIMENSIONS 1x1x1 in.	**DELIVERED TO** Residence	**TOTAL PIECES** 1
TOTAL SHIPMENT WEIGHT 0.5 lbs / 0.23 kgs	**TERMS** Shipper	**SHIPPER REFERENCE** 030653
PACKAGING FedEx Envelope	**SPECIAL HANDLING SECTION** Deliver Weekday, Residential Delivery	**SHIP DATE** 12/21/21
STANDARD TRANSIT 12/22/21 before 8:00 pm	**ACTUAL DELIVERY** 12/22/21 at 2:31 pm	

EXHIBIT G

From: Hutton, Doressia
To: Jared Burns
Cc: Daniel K Bean; Christopher Dempsey; Melinda Higby
Subject: RE: Congressional Committee Subpoena - T. Budowich
Date: Thursday, December 23, 2021 9:51:37 PM

Dear Mr. Burns:

Thank you for your email. What time(s) tomorrow are you available to discuss? JPMC needs to understand how much of an extension you are seeking and the legal basis for your objection. Additionally, your email states "fails to provide Mr. Budowich with meaningful notice, as required by law," kindly advise to which law(s) you are referring. Lastly, we need to understand the basis for your position that JPMC can provide you with a copy of the subpoena.

I look forward to speaking with you tomorrow.

Thank you,

Doressia L. Hutton she/her
Vice President, Assistant General Counsel | Government Investigations & Regulatory Enforcement | JPMorgan Chase & Co. | 10 S. Dearborn Street, Chicago, IL | ☎ O: 312-325-3743; C: 312-841-4750

From: Jared Burns <jburns@AbelBeanLaw.com>
Sent: Thursday, December 23, 2021 7:51 PM
To: Hutton, Doressia (Legal, USA) <doressia.hutton@jpmchase.com>
Cc: Daniel K Bean <DBean@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Melinda Higby <mhigby@AbelBeanLaw.com>
Subject: Congressional Committee Subpoena - T. Budowich

Good evening Ms. Hutton:

This law firm represents Taylor Budowich. Today, Mr. Budowich received a letter from you (attached) stating that the House Select Committee to Investigate the January 6th Attack on the United States Capitol had subpoenaed Mr. Budowich's financial records from JPMorgan Chase & Co. On December 16, 2021, this firm sent the attached letter objecting to any disclosure of Mr. Budowich's records. Mr. Budowich requests that a copy of the subpoena be sent to him immediately. Further, J.P.Morgan Chase & Co.'s arbitrary deadline must be extended. Sending a letter on December 21, 2021 and then demanding "documentation" "legally obligating [J.P.Morgan] to stop taking such steps" by December 24, 2021 is inherently unreasonable and fails to provide Mr. Budowich with meaningful notice, as required by law. Moreover, Mr. Budowich requests copies of any records that J.P.Morgan intends to disclose.

Mr. Budowich reserves all of his rights and will enforce his rights to the fullest

extent under federal and California law. We look forward to hearing from you.

Respectfully,

Jared

Jared J. Burns | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4110

jburns@abelbeanlaw.com | www.abelbeanlaw.com

EXHIBIT H

From: Daniel K Bean
To: Tonolli, Sean
Cc: Jared Burns; Christopher Dempsey
Subject: Taylor Budowich
Date: Friday, December 24, 2021 11:59:09 AM

Sean,

Our client was notified yesterday by his financial institution (JP Morgan Chase) that the financial institution received a subpoena from the January 6th Committee for his and his company's financial records. The Committee is apparently demanding the financial institution respond by 5:00 p.m. today (Friday) notwithstanding the financial institutions and courts are closed today. We asked the financial institution for a copy of the subpoena so that we could understand the scope of the request, which we have not received. Would you please provide us a copy of same so we can better understand the scope of the request to the financial institution? And would you please have the Committee extend the financial institution's deadline to respond to Monday, January 3, 2022 given the multiple days lost over the next week to the Holidays?

Best, dkb

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

EXHIBIT I

From: Daniel K Bean
To: Hutton, Doressia
Cc: Christopher Dempsey; Melinda Higby; Jared Burns
Subject: RE: Congressional Committee Subpoena - T. Budowich
Date: Friday, December 24, 2021 1:13:07 PM
Attachments: How We Do Business.pdf

Ms. Hutton,

Thank you and your teammate again for your time today.

After our phone conversation this morning, we sent a written request to the Committee's counsel for an extension for JP Morgan to respond to the Committee's unlawful subpoena.

We followed that with a telephone call an hour later.

We have not received a response to either transmission.

We note within the Right to Financial Privacy Act, Title 12 United States Code, Sections 3401-22, that an individual is entitled to notice, absent certain exceptions not applicable here, from the government of the government's intent to request financial documents. Neither our client nor his lawyers, received such notice from the government.

Having not received a copy of the subpoena, we have no choice but to file today, to a courthouse we all know is closed for the Holiday, a petition for declaratory relief.

Knowing that our client intends to exercise his legal rights in court, we ask that you also consider whether JP Morgan wants to be complicit in preventing its customer, who it promised to treat with equity and fairness (see attached), from having his day in court.

We request again that JP Morgan delay its response to the subpoena to permit Mr. Budowich to seek relief from the Court. Should JP Morgan proceed to produce Mr. Budowich's and his company's financial records, he will view that as willful or intentional in accordance with Section 3417 of the aforementioned statute. Mr. Budowich reserves all rights.

Respectfully,

D. K. Bean

ABL
Abel Bean Law

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Hutton, Doressia <doressia.hutton@jpmchase.com>
Sent: Thursday, December 23, 2021 9:51 PM
To: Jared Burns <jburns@AbelBeanLaw.com>
Cc: Daniel K Bean <DBean@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Melinda Higby <mhigby@AbelBeanLaw.com>
Subject: RE: Congressional Committee Subpoena - T. Budowich

Dear Mr. Burns:

Thank you for your email. What time(s) tomorrow are you available to discuss? JPMC needs to understand how much of an extension you are seeking and the legal basis for your objection. Additionally, your email states "fails to provide Mr. Budowich with meaningful notice, as required by law," kindly advise to which law(s) you are referring. Lastly, we need to understand the basis for your position that JPMC can provide you with a copy of the subpoena.

I look forward to speaking with you tomorrow.

Thank you,

Doressia L. Hutton she/her
Vice President, Assistant General Counsel | Government Investigations & Regulatory Enforcement | JPMorgan Chase & Co. | 10 S. Dearborn Street, Chicago, IL | ☎ O: 312-325-3743; C: 312-841-4750

From: Jared Burns <jburns@AbelBeanLaw.com>
Sent: Thursday, December 23, 2021 7:51 PM
To: Hutton, Doressia (Legal, USA) <doressia.hutton@jpmchase.com>
Cc: Daniel K Bean <DBean@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>; Melinda Higby <mhigby@AbelBeanLaw.com>
Subject: Congressional Committee Subpoena - T. Budowich

Good evening Ms. Hutton:

This law firm represents Taylor Budowich. Today, Mr. Budowich received a letter from you (attached) stating that the House Select Committee to Investigate the

January 6th Attack on the United States Capitol had subpoenaed Mr. Budowich's financial records from JPMorgan Chase & Co. On December 16, 2021, this firm sent the attached letter objecting to any disclosure of Mr. Budowich's records. Mr. Budowich requests that a copy of the subpoena be sent to him immediately. Further, J.P.Morgan Chase & Co.'s arbitrary deadline must be extended. Sending a letter on December 21, 2021 and then demanding "documentation" "legally obligating [J.P.Morgan] to stop taking such steps" by December 24, 2021 is inherently unreasonable and fails to provide Mr. Budowich with meaningful notice, as required by law. Moreover, Mr. Budowich requests copies of any records that J.P.Morgan intends to disclose.

Mr. Budowich reserves all of his rights and will enforce his rights to the fullest extent under federal and California law. We look forward to hearing from you.

Respectfully,

Jared

Jared J. Burns | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4110

jburns@abelbeanlaw.com | www.abelbeanlaw.com

EXHIBIT J

From: Aganga-Williams, Temidayo
To: Daniel K Bean
Cc: Wick, Amanda; Jared Burns; Christopher Dempsey
Subject: RE: Taylor Budowich
Date: Friday, December 24, 2021 3:49:41 PM

Daniel,

We considered your request for an extension of the current deadline to JPMC, and we will not be extending today's deadline.

To provide further background, on November 23, 2021, JPMC accepted service of a subpoena concerning Mr. Budowich and Conservative Strategies Inc. JPMC's deadline to produce responsive documents was December 7, 2021.

Prior to the December 7 deadline, the Select Committee and JPMC had discussions regarding the applicability of the RFPA. The Select Committee indicated its position regarding the applicability of the RFPA to JPMC but made clear that it could not provide legal advice to JPMC as to how to proceed.

Further, the current December 24 deadline is a date that JPMC selected.

To the extent you have any further questions, please let us know.

Thank you

Temidayo Aganga-Williams
Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives
202-924-6429 (cell)

From: Daniel K Bean <DBean@AbelBeanLaw.com>
Sent: Friday, December 24, 2021 2:29 PM
To: Aganga-Williams, Temidayo <Temidayo.AgangaWilliams@mail.house.gov>
Cc: Wick, Amanda <Amanda.Wick@mail.house.gov>; Jared Burns <jburns@AbelBeanLaw.com>; Christopher Dempsey <cdempsey@AbelBeanLaw.com>
Subject: RE: Taylor Budowich

Thank you. dkb

ABL
Abel Bean Law

Daniel K. Bean | Abel Bean Law P.A.

100 N. Laura Street, Suite 501

Jacksonville, FL 32202

O: 904.944.4104

M: 904.887.4277

dbean@abelbeanlaw.com | www.abelbeanlaw.com

From: Aganga-Williams, Temidayo <Temidayo.AgangaWilliams@mail.house.gov>
Sent: Friday, December 24, 2021 2:08 PM
To: Daniel K Bean <DBean@AbelBeanLaw.com>
Cc: Wick, Amanda <Amanda.Wick@mail.house.gov>
Subject: Taylor Budowich

Daniel,

Good speaking with you. Below is my contact information.

Thank you

Temidayo Aganga-Williams
Investigative Counsel
Select Committee to Investigate the January 6th Attack
on the United States Capitol
U.S. House of Representatives
202-924-6429 (cell)