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16 *Attorneys for Plaintiffs*

17 IN THE UNITED STATES DISTRICT COURT

18 FOR THE DISTRICT OF ARIZONA, PRESCOTT DIVISION

20 Dr. Michael P. Ward, D.O. and Dr. Kelli  
 21 Ward, D.O., husband and wife; and Mole  
 22 Medical Services, P.C., an Arizona  
 Professional Corporation;

23 Plaintiffs,

24 v.

25 Bennie G. Thompson, in his official capacity  
 26 as Chairman of the House Select Committee  
 27 to Investigate the January 6th Attack on the  
 28 United States Capitol; Select Committee to  
 Investigate the January 6th Attack on the

Case No.:

**Complaint**

**(Jury trial demanded)**

1 United States Capitol, a committee of the  
2 United States House of Representatives; T-  
3 Mobile USA, Inc., a Delaware Corporation;  
4 Defendants.

5 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

6 Plaintiffs Dr. Michael P. Ward, D.O., Dr. Kelli Ward, D.O., and Mole Medical  
7 Services, P.C., by and through their attorneys, the Davillier Law Group, LLC and Samek  
8 | Werther | Mills, LLC, bring this action against Defendants, Chairman Bennie G.  
9 Thompson, The Select Committee to Investigate the January 6th Attack on the United  
10 States Capitol, and T-Mobile USA, Inc., and allege as follows:

11 **INTRODUCTION**

12 1. On or around January 25, 2022, Mole Medical received a letter dated  
13 January 24, 2022, from the T-Mobile Legal and Emergency Response Team stating that  
14 T-Mobile had received a subpoena *duces tecum* from the United States House of  
15 Representatives Select Committee to Investigate the January 6th Attack on the United  
16 States Capitol. (Exhibit A, Letter from T-Mobile and attached subpoena).

17 2. The January 19, 2022 Subpoena *Duces Tecum* by the House of  
18 Representatives of the Congress of the United States of America to T-Mobile Before the  
19 Select Committee to Investigate the January 6th Attack on the United States Capitol (the  
20 “Subpoena”) (Exhibit A) called for the production of certain documents covering a date  
21 range from November 1, 2020 to January 31, 2021 by the deadline of February 4, 2022.  
22 This subpoena specifically requested certain information related to the lines associated  
23 with the T-Mobile account ending 4220 assigned to Mole Medical by T-Mobile (the  
24 “Phone Number”) including the records of incoming and outgoing calls, their durations  
25 and associated phone numbers, and information about the callers commonly called  
26 “metadata,” or call data records.  
27  
28









*The Nature of the Subpoena*

1  
2 27. The Subpoena requires that T-Mobile produce certain documents associated  
3 with the Phone Number.

4 28. Among these documents, the Subpoena requires that T-Mobile provide  
5 “subscriber information,” including all authorized users on the associated account, all  
6 phone numbers, SIM, IMSI, and other identifiers associated with the account, and the  
7 names and identifies of individuals associated with the account, including IP addresses.  
8 Exh. A, Section A, ¶ 1.

9  
10 29. The Subpoena also requires T-Mobile produce “Connection Records, and  
11 Records of Session Times and Durations,” specifically seeking

12 All call, message (SMS & MMS), Internet Protocol (“IP”), and data-  
13 connection detail records associated with the Phone Numbers, including all  
14 phone numbers, IP addresses, or devices that communicated with the Phone  
15 Number via delivered and undelivered inbound, outbound, and routed calls,  
16 messages, voicemail, and data connections.

17 Exh. A, Section A, ¶ 2.

18 30. In particular, the Subpoena also requires that the electronic document  
19 productions preserve “metadata,” which is data about data, identifying such features as the  
20 date of creation, modification, file sizes and extensions, authors, subjects, titles, message  
21 identifiers and headers, and internal file paths for all documents provided. Exh. A,  
22 Document Production Definitions and Instructions, ¶ 5, at b. This type of metadata is also  
23 known as “call data records.”

24 [https://en.wikipedia.org/wiki/Call\\_detail\\_record#:~:text=A%20call%20detail%20record](https://en.wikipedia.org/wiki/Call_detail_record#:~:text=A%20call%20detail%20record%20(CDR,through%20that%20facility%20or%20device)  
25 [%20\(CDR,through%20that%20facility%20or%20device](https://en.wikipedia.org/wiki/Call_detail_record#:~:text=A%20call%20detail%20record%20(CDR,through%20that%20facility%20or%20device) (last accessed February 1, 2022).

26 An analysis of call data records can reveal a large amount of personal information and  
27 social network contact information. Blondel, V.D., Decuyper, A. & Krings G., *A survey*  
28

1 of results on mobile phone datasets analysis, 4 EPJ Data Science,  
2 <https://epjdatascience.springeropen.com/articles/10.1140/epjds/s13688-015-0046-0>  
3 (2015) (“even the simple knowledge of communication patterns between individuals or  
4 their mobility traces contains highly personal information that one typically does not want  
5 to be disclosed”).

6  
7 31. When Congress “seeks information directly from a party,” that party “can  
8 resist and thereby test the subpoena.” *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491,  
9 501 n.14 (1975). But when Congress “seeks that same information from a third person,”  
10 that option is not available to the party; the third party might not have an interest in  
11 protecting the information or resisting the subpoena, and its “compliance with the  
12 subpoena “could frustrate any judicial inquiry.” *Id.* For that reason, the law allows the  
13 person whose information will be exposed to sue in federal court for an “injunction or  
14 declaratory judgment” to block the subpoena’s “issuance, service on, or enforcement  
15 against” the third party. *U.S. Servicemen’s Fund v. Eastland*, 488 F.2d 1252, 1259 (D.C.  
16 Cir. 1973), *subsequent merits decision rev’d on other grounds*, 421 U.S. 491; *see also*  
17 *Trump v. Deutsche Bank AG*, 943 F.3d 627, 635 (2d Cir. 2019) (“No dispute that Plaintiffs  
18 had standing in the District Court to challenge the lawfulness of the Committees’  
19 subpoenas by seeking injunctive relief against the Banks as custodians of the documents.”).

### 20 ***The Nature of the Congressional Power of Inquiry***

21 32. While the Congressional power of inquiry is “an essential and appropriate  
22 auxiliary to the legislative function,” it is limited solely to that “only legitimate object”—  
23 legislating. *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927). “[N]either house is invested  
24 with ‘general’ power to inquire into private affairs and compel disclosures.” *McGrain*,  
25 273 U.S. at 173.

26 33. There is a constitutional burden is on the Committee to justify the need for  
27 the information sought.  
28



1 Unless the subject matter has been made to appear with undisputable clarity,  
2 it is the duty of the investigative body, upon objection of the witness on  
3 grounds of pertinency, to state for the record the subject under inquiry at that  
4 time and the manner in which the propounded questions are pertinent thereto.  
5 To be meaningful, the explanation must describe what the topic under inquiry  
6 is and the connective reasoning whereby the precise questions asked relate  
7 to it.  
8

9 *Watkins v. United States*, 354 U.S. 178, 214-15 (1957).

10 34. “Investigations conducted solely for the personal aggrandizement of the  
11 investigators or to ‘punish’ those investigated are indefensible[,]” and Congress has no  
12 power to “try” someone before a subcommittee for any crime or wrongdoing, because law  
13 enforcement is assigned “under our Constitution to the Executive and the Judiciary.”  
14 *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031-2032 (2020) (internal citations  
15 omitted).

16 35. Deputy Attorney General Lisa Monaco recently gave an exclusive interview  
17 to CNN where she made clear that Republican appointees for electors who, like the Wards  
18 are alleged to have signed certifications that they were casting their electoral votes for  
19 Donald Trump, are the subjects of a federal criminal investigation.<sup>1</sup>

20 36. “Recipients of legislative subpoenas retain their constitutional rights  
21 throughout the course of an investigation. And recipients have long been understood to  
22 retain common law and constitutional privileges with respect to certain materials, such as  
23

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26 <sup>1</sup> Evan Perez, *Exclusive: Federal prosecutors looking at 2020 fake elector certifications,*  
27 *deputy attorney general tells CNN*, CNN (Jan. 26, 2022)  
28 [https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-](https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-department/index.html)  
[department/index.html](https://www.cnn.com/2022/01/25/politics/fake-trump-electoral-certificates-justice-department/index.html) (last accessed Feb. 1, 2022) (“We’ve received those referrals. Our  
prosecutors are looking at those and I can’t say anything more on ongoing investigations,”  
Monaco said in an exclusive interview).

1 attorney-client communications and governmental communications protected by  
2 executive privilege.” *Id.*, 140 S.Ct. at 2032.

3 **FIRST CAUSE OF ACTION**

4 **Declaratory Judgment and Injunctive Relief**

5 **The Subpoena is an *Ultra vires* Action by the Committee and Thus Invalid**

6 **(Against All Defendants)**

7 37. Plaintiffs incorporate by reference all preceding and subsequent allegations.

8 38. The Subpoena seeks records relating to a Phone Number assigned to the  
9 Plaintiffs, who have not been accused of or charged with presence at the January 6th attack  
10 on the United States Capitol.

11 39. Plaintiffs are volunteer members of the Arizona Republican Party who were  
12 the Republican appointees for presidential elector during the last general election.

13 40. Because the Subpoena fails to comport to its enabling resolution by seeking  
14 records pertaining to a Phone Number assigned to Plaintiffs, the Subpoena fails to provide  
15 a valid legislative purpose. *See e.g.*, U.S. Const. Art II, Sec. 1, Cl. 2 (the ability to legislate  
16 regarding the appointment and mode of appointment of electors belongs exclusively to the  
17 States).

18 41. Furthermore, or in the alternative, because the Subpoena seeks an overbroad  
19 survey of the phone conversations and phone metadata of several private citizens unrelated  
20 to the enabling resolution of the issuing Committee, it fails to concern a subject on which  
21 legislation could be had.

22 42. Furthermore, or in the alternative, the subpoena fails to set forth with  
23 “undisputable clarity” the connection between the records being sought and a valid  
24 legislative purpose. That is a constitutional requirement the Committee has not met.

25 43. Furthermore, or in the alternative, the Subpoena appears to facially serve the  
26 purpose of law enforcement or as a prelude to a criminal investigation against individuals  
27  
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1 nominated as electors. It is therefore invalid as an *ultra vires* expression of congressional  
2 power.

3 44. Furthermore, or in the alternative, the Phone Number is used for a wide  
4 range of personal and professional uses by Plaintiffs, from talking with their children to  
5 conversing about sensitive medical information with patients. As such, the subpoena is  
6 not narrowly tailored to its purported purpose and is being used as a general power of  
7 inquiry into private affairs, and as such must be declared invalid and enjoined.  
8

9 45. Furthermore, or in the alternative, it is public knowledge that Republicans  
10 sent a competing slate of electors from Arizona. Thus, it is highly likely here that the  
11 subpoena is being used for a purpose or purposes well outside of the legitimate  
12 Congressional subpoena power, whether for the personal aggrandizement of investigators,  
13 and/or to punish those investigated, and/or to expose for the sake of exposure, some or  
14 all of which are forbidden *ultra vires* actions and must therefore be declared as such and  
15 enjoined.

## 16 SECOND CAUSE OF ACTION

### 17 Violation of the 1st Amendment to the United States Constitution

#### 18 (Against Defendants Chairman Thompson and the Committee)

19 46. Plaintiffs incorporate by reference all preceding and subsequent allegations.

20 47. An individual's First Amendment freedoms require by nature a "correlative  
21 freedom to engage in group effort toward those ends." *Roberts v. United States Jaycees*,  
22 468 U.S. 609, 622 (1984).

23 48. "Implicit in the right to engage in activities protected by the First  
24 Amendment [is] a corresponding right to associate with others in pursuit of a wide variety  
25 of political, social, economic, educational, religious, and cultural ends." *Brock v. Local*  
26 *375, Plumbers Int'l Union*, 860 F.2d 346, 349 (9th Cir. 1988) (internal citations omitted).  
27  
28

1           49. Kelli Ward is the Chair of the Republican Party of Arizona and served in the  
2 Arizona State Senate from 2012 to 2015. It is her job to contact and coordinate with  
3 members of her party about elections. Her job responsibilities are especially acute when  
4 there is public controversy concerning the outcome of an election. Such a controversy was  
5 raging in Arizona (and nationally) during the exact time period covered by the Subpoena.  
6

7           50. When political associational rights are at stake, the Supreme Court analyzes  
8 potential infringement under a framework that it has described as “exacting scrutiny.”  
9 Exacting scrutiny requires that there be “a substantial relation between the disclosure  
10 requirement and a sufficiently important governmental interest, and that the disclosure  
11 requirement be narrowly tailored to the interest it promotes.” *Ams. for Prosperity Found.*  
12 *v. Bonta*, 141 S. Ct. 2373, 2385 (2021) (internal citations omitted).

13           51. The Subpoena seeks all connection records and records of session times and  
14 durations of all calls made to and from the phone number for a three-month span,  
15 beginning just before one of the most contentious elections in modern history.

16           52. Providing that list to the Committee would give a committee of the House  
17 of Representatives, which was formed and chaired by political rivals, the personal  
18 telephone numbers, IP addresses, file names of attachments, and contact details of the  
19 party members most in communication with the state chair of the party at a time when the  
20 legitimacy of the last presidential election was in dispute. **As such, the Subpoena provides**  
21 **the Committee with the means to chill the First Amendment associational rights not just**  
22 **of the Plaintiffs but of the entire Republican Party in Arizona.**

23           53. Furthermore, the disclosure required by the Subpoena does not relate to a  
24 sufficiently important government interest because there has been no link, alleged or  
25 otherwise, between the events of the January 6th attack on the Capitol the Committee was  
26 formed to investigate, and the Plaintiffs.  
27  
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1           62.    In criminal matters:

2           A person shall not be examined as a witness in the following cases:...a  
3           physician or surgeon, without consent of the physician's or surgeon's patient,  
4           as to any information acquired in attending the patient which was necessary  
5           to enable the physician or surgeon to prescribe or act for the patient.  
6

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8           Ariz. Rev. Stat. § 13-4062.

9           63.    In civil matters:

10           Unless otherwise provided by law, all medical records and payment records,  
11           and the information contained in medical records and payment records, are  
12           privileged and confidential.  
13

14           Ariz. Rev. Stat. § 12-2292.

15           64.    Telephone metadata permits even rudimentary algorithms to determine  
16           intimate personal details, especially and specifically medical information specifically  
17           protected by Arizona law because that people should feel free “to seek treatment  
18           undeterred by fear that a private physical condition will become a matter of public  
19           discussion.” *Carondelet Health Network v. Miller*, 221 Ariz. 614, 616, 212 P.3d 952, 954  
20           (2009).

21           65.    Therefore, the provision of telephone metadata from the Phone Number by  
22           virtue of this Subpoena to the Committee constitutes a violation of Arizona state law  
23           related to medical privilege and must be enjoined until and unless limitations are put in  
24           place to protect the physician-patient privilege.

25           66.    Furthermore, or in the alternative, The Health Insurance Portability and  
26           Accountability Act (“HIPAA”) establishes procedural safeguards to maintain the privacy  
27           of individuals in their protected health information (“PHI”).  
28



1           75. The Subpoena issued on January 19, 2022, with the signature of the  
2 Chairman, Bennie Thompson (D-MS).

3           76. At the time of issuance of the Subpoena, the Committee had only nine  
4 members, seven Democrats and two Republicans.

5           77. The Committee's enacting resolution, H. Res. 503, passed by the House on  
6 June 30, 2021, provided that the Committee was to have 13 members. H. Res. 503 Section  
7 2(a).

8           78. At the time the subpoena was issued, the Committee had only nine members  
9 of which, on information and belief, none were appointed in consultation with the Minority  
10 Leader.

11           79. Under the House rules, a "measure ... may not be reported by a committee  
12 unless a majority of the committee is actually present." (Rule XI, clause 2(h)(1)).

13           80. To the extent that, on information and belief, the Subpoena constituted a  
14 "measure" under the Rule, that required a meeting at which a majority of the Committee  
15 was actually present, the Subpoena was not properly issued.

16           81. To the extent that, on information and belief, no meeting took place at which  
17 a majority of the Committee (7 of the 13 required members) was present, the Subpoena  
18 was not issued in accordance with the Rules of the House.

19           82. The specific power of the Committee to issue subpoenas for records is  
20 governed by the Rules of the House. Rule XI, clause 2(m) provides that subpoenas may  
21 be issued by a committee in the conduct of an investigation "only when authorized by the  
22 committee or subcommittee, a majority being present." (*Id.* at subsection (3)(A)(i)).

23           83. H. Res. 503 did not change the requirement in Rule XI, clause 2(m) that a  
24 majority of the issuing committee be present to authorize issuance of any subpoena.

25           84. Therefore, to the extent that, on information and belief, the majority of the  
26 Committee, seven members, did not vote in favor of issuing the Subpoena at a meeting  
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1 with a “majority being present,” the Subpoena was issued contrary to the Rules of the  
2 House and should be declared invalid and enjoined.

3  
4 *Failure to Issue Subpoena in the Presence of a Quorum*

5 85. Further, or in the alternative, H. Res. 503 provides that two members would  
6 be a quorum for “taking testimony or receiving evidence.” However, the Subpoena was  
7 issued for records, not to take testimony or receive evidence.

8 86. H. Res. 503 additionally provides that one-third of the members is a quorum  
9 for taking “any action other than one for which the presence of a majority of the Select  
10 Committee is required.” (*Id.* at Sec. 5(c)(3)).

11 87. Issuing the Subpoena is a committee action that requires action at a meeting  
12 at which a majority of the committee was present and therefore the quorum requirement  
13 is a majority of the committee be present. (Rule XI, clause 2(m), at subsection (3)(A)(i)).

14 88. To the extent that, on information and belief, a quorum was not present for  
15 the issuance of the Subpoena, it was issued improperly and is a violation of House Rules  
16 and should be declared invalid and enjoined.

17 *Failure to Properly Delegate Authority for Subpoena Issuance to the Chairman*

18 89. Further, or in the alternative, the Rules of the House also provide that the  
19 Committee may delegate the power to issue subpoenas to the chair of the Committee.  
20 (House Rule XI, clause 2(m)(3)(A)(i)): “The power to authorized and issue subpoenas ...  
21 may be delegated to the chair of the committee under such rules and under such  
22 limitations as the committee may prescribe.”).

23 90. It is inferable from the House Rules that any committee action to delegate  
24 to the Chairman the authority to undertake actions that would require action by a majority  
25 of the committee at meeting where such a majority is present would likewise have the  
26 same quorum and vote requirements.  
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Respectfully submitted this 1st day of February, 2022.

/s/ Alexander Kolodin  
DAVILLIER LAW GROUP, LLC  
4105 North 20th Street  
Suite 110  
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/s/ Laurin Mills  
Laurin Mills  
SAMEK | WERTHER | MILLS, LLC  
2000 Duke Street  
Suite 300  
Alexandria, VA 22314  
(*Pro hac vice* to be submitted)



Via UPS Overnight Service

January 24, 2022

MOLE MEDICAL SERVICES PC

[REDACTED]

LAKE HAVASU CITY, AZ

Dear Sir or Madam,

T-Mobile USA, Inc. ("T-Mobile") received a subpoena for records related to a phone number associated with your T-Mobile account from the U.S. House Select Committee to Investigate the January 6th Attack on the United States Capitol. A copy of the relevant portions of the subpoena is included with this letter.

T-Mobile intends to produce records associated with your account in response to the subpoena on February 4, 2022, unless you or your representative provide the company with documentation no later than February 2, 2022, confirming that you have filed a motion for a protective order, motion to quash, or other legal process seeking to block compliance with the subpoena. Please direct any motion, legal process or question to T-Mobile's Legal and Emergency Response Team at [LERCustomerNotifications@T-Mobile.com](mailto:LERCustomerNotifications@T-Mobile.com).

Sincerely,

Legal and Emergency Response Team

**T-Mobile**

12920 SE 38<sup>th</sup> Street, Bellevue, WA 98006  
[www.t-mobile.com](http://www.t-mobile.com)

### SUBPOENA

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

To T-Mobile

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: February 2, 2022

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: \_\_\_\_\_

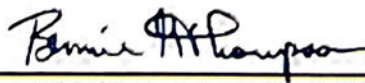
Time \_\_\_\_\_

To any authorized staff member or the 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 19 day of January, 2022.



Chairman or Authorized Member

Attest:

  
Clerk



T-Mobile  
Page 3

### SCHEDULE

In accordance with the attached definitions and instructions, you, T-Mobile, are hereby required to produce the documents and records ("Records") listed in Section A, below, **for the time period November 1, 2020, to January 31, 2021**, concerning the phone numbers listed in Section B, below (the "Phone Numbers"). This schedule does not call for the production of the content of any communications or location information.

**Please email the records to [SELECT\\_CLERKS@MAIL.HOUSE.GOV](mailto:SELECT_CLERKS@MAIL.HOUSE.GOV) or, in the alternative, send them by mail to 1540A Longworth House Office Building, Washington, DC 20515, care of Jacob Nelson, Select Committee to Investigate the January 6th Attack on the U.S. Capitol.**

#### **Section A – Records to Be Produced for Each Phone Number**

1. **Subscriber Information**: All subscriber information for the Phone Number, including:
  - a. Name, subscriber name, physical address, billing address, e-mail address, and any other address and contact information;
  - b. All authorized users on the associated account;
  - c. All phone numbers associated with the account;
  - d. Length of service (including start date) and types of service utilized;
  - e. Telephone or instrument numbers (including MAC addresses), Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Equipment Identities ("IMEI") associated with the accounts;
  - f. Activation date and termination date of each device associated with the account;
  - g. Any and all number and/or account number changes prior to and after the account was activated;
  - h. Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses); and
2. **Connection Records and Records of Session Times and Durations**: All call, message (SMS & MMS), Internet Protocol ("IP"), and data-connection detail records associated with the Phone Numbers, including all phone numbers, IP addresses, or devices that communicated with the Phone Number via delivered and undelivered inbound, outbound, and routed calls, messages, voicemail, and data connections.

T-Mobile  
Page 4

**Section B - Phone Numbers**

██████████-4220

**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.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

	)	
<b>In Re Subpoena to T-Mobile Issued By Select</b>	)	<b>Case No. <i>to be assigned</i></b>
<b>Committee to Investigate the January 6<sup>th</sup> Attack on</b>	)	<b>MOTION TO QUASH</b>
<b>the U.S. Capitol.</b>	)	<b>CONGRESSIONAL</b>
	)	<b>SUBPOENA</b>

**Declaration of Kelli Ward in Support of Motion to Quash**

1. I am of over 18 years of age and have personal knowledge of the facts set forth herein.
2. I am a resident of Lake Havasu City, Arizona.
3. I obtained my BS in psychology from Duke University in Durham, North Carolina in 1991.
4. I attended medical school at the West Virginia School of Osteopathic Medicine in Lewisburg, West Virginia, where I received my Doctor of Osteopathic Medicine (D.O.) degree in 1996.
5. Since December of 2019, I have practiced exclusively in the field of medical weight loss.
6. My understanding is that the subpoena issued to T-Mobile seeks the production of certain information about all individuals who called, or were called, from the telephone numbers associated with the account 928-486-4220 (Mole Medical) between November 1, 2020 and January 31, 2021.
7. I became aware that this information had been subpoenaed on or around January 25, 2022
8. In 2019, I was elected Chairwoman of the Arizona Republican Party, a position I still hold. However, I still practice medicine part-time. The position of Chairwoman is unpaid, so treating medical weight loss patients allows me to maintain an income stream. I also derive meaning and satisfaction from my work outside of politics as a doctor.
9. Since the COVID-19 pandemic began, I have seen patients almost exclusively via telemedicine.
10. For many of my patients, the mere fact that they are seeing a doctor for medical weight loss is a sensitive issue.
11. Further, my patients sometimes bring up other sensitive topics during their telemedicine visits. Examples include diabetes, high blood pressure, thyroid

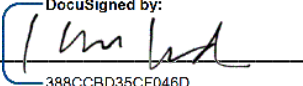
issues, psychological problems, anxiety, depression, insomnia, and eating disorders.

- 12. I use a HIPAA-compliant videoconferencing system during my patients' telemedicine visits. However, sometimes my patients or I will have trouble with the system. In such cases, I call patients from a telephone line associated with Mole Medical and we conduct the visit telephonically. When this occurs, my typical practice is to note it in the medical records for that visit.
- 13. From November 1, 2020, to January 31, 2021, I worked approximately five shifts.
- 14. I estimate that I typically see 30-40 patients per shift.
- 15. To the best of my knowledge, all my patients are located in Arizona. However, many of them have moved to Arizona from other states and have telephone numbers with area codes associated with different states.
- 16. In general, I call some patients by telephone during a normal shift. Hard confirmation of which patients I called during a given shift and their phone numbers would require me to look through the medical records for each of my patients that I saw on a given day which would be an extraordinarily burdensome task.
- 17. Other than my line, there are three other active phone lines associated with this account: one belonging to my husband, and two to my children.
- 18. Besides my patients, I frequently exchange calls and texts with my daughter, son (and his girlfriend), mother, mother-in-law, father-in-law, father, stepfather, friends, etc. on my Mole Medical line. I also make and receive calls of a political nature on the line as well.
- 19. Because of the controversy associated with my service as Republican nominee for elector and AZGOP Chairwoman in the aftermath of the 2020 election, I have received numerous death threats, harassing letters, and phone calls.

I declare under penalty of perjury under the laws of The United States of America

that the foregoing is true and correct and that this declaration was executed on this

1/31/2022, at Salt Lake City, Utah (city), (state).

Signature:  Printed Name: Kelli Ward

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

	)	
<b>In Re Subpoena to T-Mobile Issued By Select</b>	)	<i>Case No. to be assigned</i>
<b>Committee to Investigate the January 6<sup>th</sup> Attack on</b>	)	<b>MOTION TO QUASH</b>
<b>the U.S. Capitol.</b>	)	<b>CONGRESSIONAL</b>
	)	<b>SUBPOENA</b>

**Declaration of Michael Ward in Support of Motion to Quash**

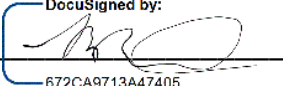
1. I am of over 18 years of age and have personal knowledge of the facts set forth herein.
2. I am a resident of Lake Havasu City, Arizona where my wife Kelli Ward and I own a home.
3. I served in the United States Air Force for over 30 years, both active duty and reserve.
4. I joined the United States Air Force after high school serving first as an Air Force medic for approximately eight years. I then received a direct commission as a medical officer. I served stateside during the first Gulf War. I also participated in Operation Iraqi Freedom, deploying to Kirkuk Iraq in 2004. I retired in 2017 with the rank of Colonel. My last assignment was as State Air Surgeon for the State of Arizona. In that capacity I was the senior medical advisor to the Adjutant General.
5. During my time in the Air Force, I attended medical school at the Kirksville College of Osteopathic Medicine in Kirksville, Missouri, where I received my Doctor of Osteopathic Medicine (D.O.) degree in 1995.
6. After graduating from medical school, I attended a residency in emergency medicine that I completed in 1999. Since that time, I have been in the active practice of emergency medicine in the State of Arizona.
7. I work as a contractor, treating patients in various emergency departments under Mole Medical. Most of these departments are near Lake Havasu City.
8. In certain circumstances, I will give my Mole Medical phone number to patients that I care for in the emergency departments. I do this so that we can follow up, via voice or text, regarding their questions, the status of their condition, and whether they are improving.
9. I estimate that I give my number to patients several times over the course of a normal week. During the COVID pandemic, I have given the number to patients more frequently, in part because COVID patients have many questions about their treatment, needed follow-up, and prescriptions.

- 10. I also use the line to consult with other physicians about patients.
- 11. In addition to my medical practice as an emergency physician, I am the medical director for an air ambulance company where I am constantly on call to them for medical advice.
- 12. My understanding is that the subpoena issued to T-Mobile seeks the production of certain information about all individuals who called, or were called, from the telephone numbers associated with the account 928-486-4220 (Mole Medical) between November 1, 2020 and January 31, 2021.
- 13. During this date range I was actively practicing medicine.
- 14. I cannot think of any way to know for certain exactly which incoming and outgoing calls from the date range in question were with patients.
- 15. Besides my patients, I frequently exchange calls and texts with my daughter, sons (and the girlfriend of one of the sons), my parents, my in-laws, aunts and uncles, friends, etc. on my Mole Medical line. I also make and receive calls to and from people in the political world on the line as well.
- 16. Although I see all my patients in Arizona, many of my patients have telephone numbers that do not have Arizona area codes.
- 17. Because of my service as Republican nominee for elector, I have received threatening and harassing messages on social media. For example, some individuals have sent me messages wishing death upon me or stating that my wife had performed sexual acts with President Trump.
- 18. My daughter has also received threatening and harassing messages because of our family's political activities which we have had several conversations about.

I declare under penalty of perjury under the laws of The United States of America

that the foregoing is true and correct and that this declaration was executed on this

1/31/2022, at Salt Lake City (city), Utah (state).

Signature:  Printed Name: Michael Ward

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