



FEDERAL ELECTION COMMISSION
Washington, DC 20463

VIA ELECTRONIC MAIL

Marc E. Elias, Esq.
Perkins Coie LLP
700 13th Street NW, Suite 600
Washington, DC 20005
MElias@perkinscoie.com

February 12, 2021

RE: MURs 7291 and 7449
Hillary for America and Elizabeth
Jones in her official capacity as
treasurer

Dear Mr. Elias:

On August 9, 2019, you were notified that the Federal Election Commission found reason to believe that your client, Hillary for America and Elizabeth Jones in her official capacity as treasurer, violated 52 U.S.C. § 30104(b)(5)(A) and (b)(6)(B)(v), provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. § 104.3(b)(3)(i) and (b)(4)(i) of the Commission regulations by misreporting the purpose of funds paid to Fusion GPS through Perkins Coie LLP.

Pursuant to its investigation of this matter, the Commission has issued the attached Order to Submit Written Answers and Subpoena to Produce Documents requiring your client to provide information, which will assist the Commission in carrying out its statutory duty of supervising compliance with the Act. It is required that your client submit all answers to questions under oath within 30 days of your receipt of this Order and Subpoena. Please do not hesitate to contact me with any questions at (202) 694-1572 or by email at tewald@fec.gov.

Sincerely,

A handwritten signature in blue ink that reads "Thaddeus H. Ewald".

Thaddeus H. Ewald
Attorney

Enclosure

Order to Submit Written Answers and Subpoena to Produce Documents

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MURs 7291 and 7449
)

ORDER TO SUBMIT WRITTEN ANSWERS
SUBPOENA TO PRODUCE DOCUMENTS

TO: Hillary for America, Inc. and Elizabeth Jones
in her official capacity as treasurer
c/o Marc E. Elias, Esq.
Perkins Coie LLP
700 13th Street NW, Suite 600
Washington, DC 20005

Pursuant to 52 U.S.C. § 30107(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 1050 First Street, NE, Washington, DC 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chair of the Federal Election Commission has hereunto set her hand in Washington, DC on this 11th day of February, 2021.

On behalf of the Commission,

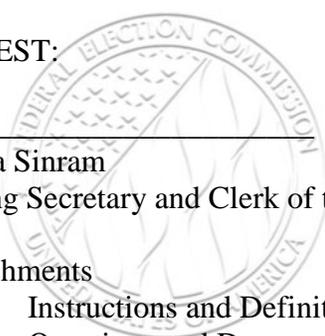


Shana M. Broussard
Chair

ATTEST:

Laura Sinram
Acting Secretary and Clerk of the Commission

Attachments
Instructions and Definitions
Questions and Document Requests



INSTRUCTIONS

1. In answering these questions and requests for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.
2. Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.
3. The response to each question propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the response.
4. If you cannot answer the following questions in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.
5. Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.
6. Mark each page with identification and consecutive document control numbers (*i.e.*, Bates numbers). Provide a master list showing the name of each person from whom responsive documents are submitted and the corresponding consecutive document control numbers used to identify that person's documents.
7. The discovery requests shall refer to the time period from January 1, 2016 to the present.
8. The following questions and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.
9. All responses must be submitted under oath or affirmation under penalty of perjury, including any response that you have no responsive documents.

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

1. “You” or “HFA” shall mean Hillary for America, Inc. and Elizabeth Jones in her official capacity as treasurer, including any officers, employees, agents, consultants, representatives, or other individuals acting for or on its behalf.
2. “Person” shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization, group, or entity.
3. “Document” shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term “document” includes, but is not limited to, books, letters, electronic mail, social media postings, messages sent via Twitter, instant messages, text messages, contracts, notes, diaries, log books, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, financial records, calendar entries, appointment records, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained. If the document request calls for a document that is maintained on or in a magnetic, optical, or electronic medium (for example, but not limited to, computer hard drive, USB drive, or CD-ROM), provide both “hard” (*i.e.*, paper) and “soft” (*i.e.*, in the magnetic or electronic medium) copies, including drafts, and identify the name (*e.g.*, Microsoft Word for Windows, WordPerfect) and version numbers of the software by which the document(s) will be most easily retrieved.
4. “Identify” with respect to a document shall mean state the nature or type of document (*e.g.*, letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, and the number of pages comprising the document.
5. “Identify” with respect to a person shall mean state the full name, the most recent business and residential addresses and the corresponding telephone numbers, email addresses, the present occupation or position of such person, the occupation or position of such person during the relevant time period, and the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

MURs 7291 and 7449

Order and Subpoena

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6. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.
7. “Communication” shall be deemed to include both singular and plural, and to include written, oral, telephonic and electronic communications.

QUESTIONS AND DOCUMENT REQUESTS

1. Provide all retainer agreements, invoices, checks or other instruments of payment (including copies of canceled checks) relating to Fusion GPS or the services provided by Fusion GPS.
2. Provide all documents and records of communications relating to Fusion GPS or the services provided by Fusion GPS, including, but not limited to:
 - a. all documents related to any authorization given to Perkins Coie LLP to expend funds for research on Donald J. Trump;
 - b. any communications to or from HFA, and provide the date of each communication, a description of the content of each communication, and identify the persons making and receiving the communication;
 - c. to the extent not provided in response to Question 2.b, all communications between HFA and any officer, employee, consultant, representative, or agent of Fusion GPS, including the date of each communication, the identity of the persons making and receiving the communication, and a description of the content of each communication;
 - d. to the extent not provided in response to Question 2.b, all communications between Marc Elias or any other officer, employee, representative, or agent of Perkins Coie LLP and HFA, including the date of each communication, the identity of the persons making and receiving the communication, and a description of the content of each communication; and
 - e. to the extent not provided in response to Question 2.b, all communications relating to Fusion GPS between HFA and any officer, employee, consultant, representative, or agent of DNC Services Corporation/Democratic National Committee, including the date of each communication, the identity of the persons making and receiving the communication, and a description of the content of each communication.
3. Provide a list of each payment HFA made to Perkins Coie LLP that included funds to pay Fusion GPS, including, but not limited to, the date, purpose of the payment, amount of the payment, and the payment's location on a HFA disclosure report filed with the Commission.
4. Identify the person(s) responsible for creating, drafting, reviewing, and filing HFA's Federal Election Commission disclosure reports between January 1, 2016 and December 31, 2016. State the dates during which each person had that responsibility.

5. Identify any officer, employee, consultant, representative, or agent of HFA who met with:
 - a. any officer, employee, consultant, representative, or agent of Fusion GPS. Identify all of the persons who attended each meeting, the location of the meeting, and a description of what was discussed at the meeting; and
 - b. any officer, employee, consultant, representative, or agent of Orbis Business Intelligence. Identify all of the persons who attended each meeting, the location of the meeting, and a description of what was discussed at the meeting.
6. To the extent not provided in response to Questions 2 and 5, identify any officer, employee, consultant, representative, or agent of Fusion GPS or Orbis Business Intelligence with whom any officer, employee, consultant, representative, or agent of HFA had any contact. Describe the nature of the contact (*e.g.*, oral, written, in person), identify all persons involved in each contact, provide the date of each contact, and a description of what was discussed.
7. Provide the names, telephone numbers, residential addresses, email addresses, and HFA title of the persons providing information responsive to these questions.