

Exhibit 1



Disclosures - Klayman v. Obama et. al (D.D.C.)

Larry Klayman <leklayman@gmail.com>
To: "Gilligan, Jim (CIV)" <James.Gilligan@usdoj.gov>

Mon, Mar 31, 2014 at 2:40 PM

In light of this, we will be moving to compel, as you do not consent to obey the Local Rules.

Sincerely,

Larry Klayman

On Mon, Mar 31, 2014 at 1:03 PM, Gilligan, Jim (CIV) <James.Gilligan@usdoj.gov> wrote:

Mr. Klayman,

Regarding your e-mails sent on Friday, March 28, a discovery conference and initial disclosures in the Klayman cases are premature at this time. Pursuant to Federal Rule of Civil Procedure 26(f)(1) and D.D.C. Local Civil Rule 16.3(a), counsel must confer within 21 days before a scheduling conference is held or a scheduling order is due under Fed. R. Civ. P. 16(b), unless "the court orders otherwise." Here, the Court has ordered otherwise. Specifically, in its Standing Order entered in Klayman I and Klayman II on June 12, 2013 (see attached), the Court ordered the parties to confer pursuant to FRCP 26(f) and LR 16.3 "within 30 days of all defendants answering the complaint or filing other motions under Rule 12(b)." See No. 13-851, ECF No. 6 at 2 (emphasis added); see also No. 13-881, ECF No. 4 at 4 (same).

Here, because the individual federal defendants have neither answered nor filed a motion under Rule 12(b), the Court's order governing this matter makes clear that it is not yet time to consult on discovery issues pursuant to Rule 26(f), or, relatedly, to make initial disclosures pursuant to Rule 26(a)(1)(C). See Fed. R. Civ. P. 26(a)(1)(C) (requiring parties to make initial disclosures "at or within 14 days after the parties' Rule 26(f) conference . . ."). Nor would it make sense to do so at this time. With part of the litigation on appeal (encompassing both subject matter jurisdiction and the merits), another part subject to a motion for partial dismissal, and the Government Defendants' stay motion still pending, we do not believe that it would be productive to engage in a Rule 26(f) conference or exchange initial disclosures until the parties know what, if anything, will be left of the case in district court and to which discovery obligations would be joined.

So far as Klayman III is concerned, we are not aware of the Government Defendants being served with process in that case.

4/1/2014

Gmail - Disclosures - Klayman v. Obama et. al (D.D.C.)

James J. Gilligan

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From: Larry Klayman [mailto:leklayman@gmail.com]

Sent: Thursday, March 27, 2014 7:25 PM

To: Gilligan, Jim (CIV)

Subject: Disclosures - Klayman v. Obama et. al (D.D.C.)

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