

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS
DOMESTIC RELATIONS DIVISION

LUNDEN ROBERTS

PLAINTIFF

VS.

NO. 32DR-19-187-2

HUNTER BIDEN

DEFENDANT

TRANSCRIPT

OF

HEARING

MAY 1, 2023,

BEFORE THE HONORABLE HOLLY MEYER

IN BATESVILLE, ARKANSAS

AMBER BARNETT

CERTIFIED COURT REPORTER

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EXHIBITS:

NO EXHIBITS WERE INTRODUCED OR ADMITTED INTO THE RECORD DURING THE COURSE OF THIS HEARING.

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P R O C E E D I N G S

* * * * *

THE COURT: Good morning. Welcome. Please be seated. Counsel ready to proceed?

MR. LANGDON: Yes, Your Honor.

MR. LANCASTER: Yes, Your Honor.

THE COURT: Excellent. I have a list -- I'm sure that each of you has a list as well -- of things that we need to get done today. Let me begin today by saying that there are no cameras permitted in the courtroom, no microphones, no recording devices, that any outbursts or unsolicited comments will result in your immediate ejection from the courtroom. So I appreciate everybody being on good behavior and appreciating the seriousness of what we do here in court.

We're here today in the Circuit Court of Independence County, Arkansas, in the matter of *Roberts versus Biden*, this is cause number 32DR-19-187-2. My name is Holly Meyer, and I am the presiding judge. Counsel, I've got a list of things in no particular order.

AS TO THE INTERLOCUTORY ORDER

THE COURT: The first thing I wanted to address was the interlocutory order that was filed on April

1 the 28th of this year. Mr. Lancaster prepared the
2 order from our Zoom hearing on April 24th. Mr.
3 Langdon asked the Court not to enter it because you
4 were communicating on edits, which is something that
5 routinely occurs. And then when an objection was
6 filed, Mr. Langdon, your objection was that it wasn't
7 timely filed, which is rather circular. But I have
8 now entered that interlocutory order. Does anyone
9 want to make a record on that?

10 MR. LANCASTER: No, Your Honor. Not from the
11 Plaintiff.

12 MR. LANGDON: No, Your Honor, I don't believe
13 so. I just believe that based upon the order that
14 the Court entered with regard to the continuance
15 motion, it kind of overlapped a little bit on the
16 interlocutory order, but I think we all understand
17 where we are at this point.

18 THE COURT: I think we do, too.

19 MR. LANGDON: Yes.

20 **DEFENDANT'S MOTION FOR PRO HAC VICE**

21 THE COURT: All right. Moving on. The second
22 order on my to-do list is the Motion for Pro Hac
23 Vice. When I looked at it first, you hadn't filed
24 your motion. I see now you've filed a motion, you've
25 paid the \$200 fee, you've complied with Rule 14. Mr.

1 Lancaster, do you have any reasons I should not grant
2 the Motion for Pro Hac Vice?

3 MR. LANCASTER: Your Honor, none that I can
4 think of. I didn't know that Winston and Strawn did
5 child support cases, but if they'd like to join this
6 case, we're happy to have them.

7 THE COURT: All right. The Motion for Pro Hac
8 Vice is granted. Do you have a proposed order? I'll
9 sign it right now.

10 MR. LANGDON: I do, Your Honor, somewhere in
11 these --

12 THE COURT: I might even have it in my
13 collection here.

14 MR. LANGDON: Your Honor, I submitted a proposed
15 order, which would be in your queue. Your Honor, I
16 do have that.

17 THE COURT: Would you print that for us?

18 MR. LANGDON: I have it, Your Honor, right here,
19 actually.

20 THE COURT: Pass it up. We'll get it signed.

21 MR. LANGDON: Approach?

22 THE COURT: Please. All right. Are you Mr.
23 Lowell?

24 MR. LOWELL: I am, Your Honor.

25 THE COURT: Welcome, Mr. Lowell. Glad to have

1 you with us.

2 MR. LOWELL: Thank you. I'm glad to be here.
3 Thank you very much.

4 THE COURT: And, Mr. Clerk, if you would be so
5 kind as to file that.

6 MR. LOWELL: And, by the way, to answer Mr.
7 Lancaster, lawyers do what their clients need,
8 wherever they need it.

9 THE COURT: That's the general idea.

10 **AS TO THE ISSUE OF REDACTION**

11 THE COURT: All right. The next issue on my to-
12 do list is the issue of redaction. The Court has
13 entered a protective order in this case directing
14 that -- and pursuant to Arkansas' statute, directives
15 of the Supreme Court, Administrative Rule 10, that
16 confidential information is to remain confidential.
17 It's one of the causes of some of the disagreements
18 in this case, but I think that it's being somewhat
19 abused. I'm seeing a lot of motions filed,
20 particularly by Mr. Biden's counsel, sealing things,
21 redacting things that are not confidential
22 information.

23 I'll give you two examples. The Response to
24 Motion for Contempt to Compel Discovery, Modify the
25 Scheduling Order, and Incorporate Brief in Support

1 filed April the 28th, has a number -- I'm not talking
2 about the exhibits; I'm talking about the motion
3 itself -- has a number of things redacted. And the
4 motion -- there was another motion filed that day on
5 4/28 that also had a number of things redacted. I
6 don't find that any of the things in those motions
7 were confidential information. I think this ability
8 to redact is somewhat being abused.

9 So I expect the motions of 4/28 -- not the
10 exhibits, but the motions to be unredacted and
11 refiled. And I would ask counsel to be cautioned.
12 If you're talking about discovery, that's not to be
13 redacted. It is the actual confidential information
14 that I seek to protect.

15 So, for instance, on the motion filed 4/28, the
16 response motion filed by the Biden counsel, it says,
17 "On April 15, 2023, Plaintiff communicated with
18 Defendant through text, asking when discovery would
19 be available." The phrase "when discovery would be
20 available" is redacted. Obviously, nothing
21 confidential in that. Next example, "On April 19,
22 2023, Plaintiff again communicated with Defendant
23 through email asking if discovery could be sent the
24 next day, to which the Defendant replied and
25 expressed disagreement with disclosing confidential

1 material to Garrett Ziegler." Again, nothing
2 confidential in that, and most of that line is
3 redacted.

4 So I would remind everybody that confidential
5 information is the actual information, not talking
6 about it. So I hope I'm clear on that. I ask that
7 those two things from 4/28 be unredacted by Biden
8 counsel, please. Any questions?

9 MR. LANCASTER: Just to be clear, Your Honor.
10 So in like -- in one of the motions or briefs that I
11 filed, I actually referenced that Mr. Biden put
12 something on his tax returns, and I was talking about
13 what was on his tax returns. Would the Court
14 consider that requiring redaction? Or is that
15 something that would not require redaction?

16 THE COURT: That's a little more in the gray.
17 You know, we all do tax returns, so the fact that
18 there's a tax return out there isn't very secretive
19 information. It's not necessarily something that I
20 would find to be confidential. So, in general, I
21 would say that that is not confidential. However,
22 that gets a little closer, and depending on the
23 context, I could see where that would cross the line
24 into confidential information when you start --
25 especially when you start getting specific about

1 specific tax information or specific tax returns.

2 MR. LANCASTER: Okay. Thank you, Your Honor.

3 MR. LANGDON: Your Honor, if I could address the
4 Court on that, because I do have an issue with regard
5 to the discovery as it relates to the Court's
6 protective order. As the Court's protective order
7 has it in Paragraph 7, discovery-related documents
8 are to be sealed. I know the Court knows what the
9 Court's order said, but the Court has admonished
10 Plaintiff with regard to comments about financial
11 information of my client being disclosed before.

12 Last Thursday late, Mr. Lancaster filed on
13 behalf of the Plaintiff a Motion for Disclosure.
14 Now, a lot of that -- to begin with, simply the title
15 would be obviously a discovery motion. And I
16 understand what the Court's direction is now. You
17 don't just block out the whole thing because it's a
18 discovery motion. I understand that, and I probably
19 have been. And I will admit to being overzealous on
20 trying to comply with the Court's order. And the
21 reason for that -- and not always to the benefit of
22 my client, I would say. But the reason for that is
23 -- and I appreciate the Court's guidance in that
24 direction today.

25 But, you know, to begin with, in the Brief in

1 Support, there is minimal redaction that's contained
2 in there. Here's the significance of this, Your
3 Honor. I mean, you will see that in the redacted
4 motion that they filed, they were talking about --
5 and this starts with this sentence on Page 5,
6 "Amounts paid to his attorneys and the dates those
7 amounts were paid are particularly germane given the
8 following facts either known through incomplete
9 discovery documents or the Plaintiff's expert witness
10 Garrett Ziegler." And then there's a redaction there
11 of things that were contained in the -- in my
12 client's tax return, specific items referenced in
13 there.

14 Just last night while I'm in the hotel, I look
15 and see, and there is an article that's in the Daily
16 News -- *Daily Mail*. Here's the title: "Hunter
17 Biden's baby mama accuses First Son of posing as a
18 'destitute' artist to lower child support while
19 deploying stable of pricey lawyers and vacuuming up
20 perks and loans from rich pals as Arkansas Court
21 showdown looms." If you turn over a few pages, it
22 has a picture of Mr. Ziegler there, and it says, "His
23 remarks" -- talking about Mr. -- "His remarks about
24 Hunter's home and car are redacted, but he notes that
25 Hunter jets around the world on 'the safest and most

1 comfortable airplane in existence -- Air Force One'."

2 By the way, my client has only been on the Air Force

3 One one time, which we all know was very recent. But

4 how is it that things that are redacted in what is

5 filed are released to the *Daily Mail* in an article

6 talking about Hunter's home and car?

7 THE COURT: So what confidential information are

8 you alleging that the *Daily Mail* had?

9 MR. LANGDON: Well, what I'm saying is that

10 they're referencing what is redacted on these items,

11 which the Court can see, talking about his car -- by

12 the way, they're talking --

13 THE COURT: Couldn't that -- I mean, just

14 couldn't that be a coincidence? Those are all very

15 public things that have been in the news.

16 MR. LANGDON: Well, Your Honor, my issue is that

17 there are matters that are being redacted and then

18 they're getting out to the daily news. Another

19 article, Your Honor -- here's another --

20 THE COURT: Wait, Mr. Langdon. I'm going to

21 call you on that. Tell me what you think is

22 confidential that the daily news had.

23 MR. LANGDON: The portions that are redacted in

24 there talking about specifics --

25 THE COURT: The fact that there happens to be a

1 redacted pleading which may talk about something on
2 the same score doesn't for a minute indicate that
3 that came from anyone involved in this litigation.
4 That's something that's readily available on numerous
5 news outlets.

6 MR. LANGDON: They're talking about in this
7 article, Your Honor, the motion that was filed by the
8 Plaintiff last Thursday. This article comes out on
9 Friday. They're talking about that motion in this
10 article in specific. And the very next day, they're
11 talking about in news articles matters that were
12 redacted, which were contained within the
13 confidential tax returns of my client. They talk
14 about the Porsche --

15 THE COURT: So how do you see that the
16 protective order's been violated?

17 MR. LANGDON: Well, Your Honor, my concern is
18 that there are matters that have been protected by
19 the Court's order that are contained within the tax
20 records, which obviously, we -- this Court has ruled
21 that those matters would be confidential because they
22 are certainly documents of a nature that are
23 confidential financial information. The specifics of
24 those tax returns are obviously being disclosed
25 because they're talking about it in articles. Not

1 only this one, but also in the *New York Post*.

2 THE COURT: Well, I don't agree that anything's
3 obviously being disclosed, and if there's something
4 out there that's public information that is in
5 discovery or is confidential information that is in
6 discovery, Mr. Lancaster, Mr. Lancaster's clients,
7 and experts are all prohibited from disclosing it.
8 However, if the press comes up with those things on
9 their own from public sources, I can't control that.
10 That is way beyond my control, and that's the only
11 thing I'm hearing from you at this point. You're
12 making a huge jump to say that there's been some sort
13 of a breach of the confidentiality order -- of the
14 protective order because they know some things that
15 are blocked out.

16 MR. LANGDON: Well --

17 THE COURT: You know, I've been very generous to
18 Mr. Biden in that I've given a broad protective order
19 -- a broad order protecting the confidentiality of
20 his information, and I have handcuffed Mr. Lancaster
21 and his crew for that very reason, because I want
22 this case to proceed, you know, expeditiously, and I
23 want discovery to happen. I want us to get to the
24 bottom line and solve the matters before the Court.
25 But I can't gag the whole world.

1 MR. LANGDON: Your Honor, I'm not asking you to
2 gag the whole world, but, Your Honor, you, the folks
3 seated at this table, and the folks seated at that
4 table, and probably the clerk's office knows what the
5 amount of child support is that Mr. Biden pays. Now,
6 the Court has already indicated that we're going to
7 talk about that. And whenever we're getting articles
8 out there about Mr. Biden not paying his child
9 support, being a deadbeat, that he has this Porsche
10 Panamera that he drove around. Well, the Porsche was
11 reposed, Judge. You know --

12 THE COURT: Mr. Langdon, I can't control the
13 salacious stuff that people put in the newspapers.
14 And there's going to be newspapers, for instance, the
15 one you cited, that are particularly inciting, you
16 know, drama and -- unnecessary drama. But, again, I
17 can't control that. That doesn't have anything to do
18 with this litigation. If you come to me with proof
19 that there's been a violation of my protection order,
20 I will enforce it under the strictest terms.

21 MR. LANGDON: Well --

22 THE COURT: Don't -- nobody needs to doubt me on
23 that. But I can't make these assumptions that you're
24 making about the source of articles, and the terms,
25 you know, "baby mama" and things like that, I don't

1 choose those phrases.

2 MR. LANGDON: No.

3 THE COURT: Counsel doesn't choose those
4 phrases. The fact that the news media does is beyond
5 my control.

6 MR. LANGDON: I understand that, Your Honor, but
7 I think that we're going to be talking about child
8 support in this case, then let's talk about child
9 support. We're ready to talk about the amount of
10 child support that my client pays, because that's
11 what we're here to get modified.

12 THE COURT: All right.

13 MR. LANGDON: That's the reason we're here, and
14 we're ready to talk about that amount.

15 THE COURT: I appreciate that, and I certainly
16 agree. The next matter --

17 MR. LANCASTER: Your Honor, if I may?

18 THE COURT: You may.

19 MR. LANCASTER: I would just like to say that I
20 have not talked to the *Daily Mail*. I don't talk to
21 the *Daily Mail*. I have explained to Mr. Ziegler the
22 amount of doom and gloom that would come upon his
23 life if he violated your protective order. My wife
24 has not violated the protective order. Ms. Roberts
25 hasn't. There's no proof to these allegations that

1 the Biden team is making. I would just like to make
2 that clear.

3 THE COURT: All right. Well --

4 MR. LOWELL: Judge, can I be heard on one thing,
5 just so I'm -- I know I'm new, and --

6 THE COURT: You may.

7 MR. LOWELL: -- I'm just trying to navigate.

8 THE COURT: You're counsel. Join in.

9 MR. LOWELL: Thank you, Judge. I think you
10 misunderstand what the Biden team is saying. In this
11 *Daily Mail* in the news article, the phrase, Judge, is
12 "his," meaning Mr. Lancaster's motions "remarks about
13 Hunter's home and car are redacted." And the point
14 is, if it's redacted, how does the *Daily Mail* know
15 that what was redacted was about Hunter's home and
16 car? It's not in the motion that's not redacted.
17 It's in the part that is redacted. So how would the
18 *Daily Mail* know that it was under the redaction?
19 That's the only point we're making. I don't know
20 that they could fish for it in the world. Maybe they
21 could. It would be weird, especially because they're
22 referring to the actual motion that was filed. But
23 enough said, and I think your warning to the parties
24 is well understood by all of us. That was the point
25 we're making. We don't understand how something

1 that's under a redaction and subject matter could be
2 known by the media. That's all we were saying. So
3 that was the --

4 THE COURT: I -- Mr. Lowell, I understand your
5 concern --

6 MR. LOWELL: That was --

7 THE COURT: -- and maybe even a little suspicion
8 on that, but we try to deal with facts, not
9 conjecture and suspicion, and that's where we are at
10 this point.

11 MR. LOWELL: I understand. I just wanted to
12 clarify for -- because of what Mr. Lancaster says
13 to --

14 THE COURT: If you'd like to make that -- if you
15 want to make that article an exhibit to the hearing,
16 you certainly may.

17 MR. LOWELL: And then the last piece is that,
18 again, nobody controls the headlines, of course, but
19 when it says, based on a filing by Mr. Lancaster that
20 has sort of provocative words in it, and it's, "Mr.
21 Biden's trying to avoid paying his child support,"
22 and you and they know that that's the farthest thing
23 from the truth in terms of the magnitude of the child
24 support he's been paying, then it looks like it's a
25 little unfair that these redactions are being used

1 against our client's interest. So when it's
2 appropriate, and maybe it's today, Your Honor, we
3 should let the world know what these payments have
4 been, because a headline like this is so misinformed
5 that it might give the world the impression that our
6 client isn't doing what has been agreed upon by the
7 parties that he would be doing.

8 THE COURT: I'm not concerned about the world's
9 impression, and I'm not even going to contempt to
10 control the outside narrative. But I understand --
11 your point's well taken.

12 **AS TO THE ISSUE OF CONTEMPT**

13 THE COURT: All right. Next thing on my to-do
14 list is the issue of contempt. We have had in this
15 case contempt petitions filed, sanctions petitions
16 filed. In my review, and I think Mr. Langdon
17 accurately reflected some of this in his recent
18 filings in the court, but in my review of the law of
19 the State of Arkansas, what I need in order to find
20 someone in contempt is a petition for contempt that
21 sets out with great specificity exactly what order or
22 what rule of civil procedure or what procedural
23 aspect of this case the opposing party has done
24 wrong. And that needs to be with specificity.

25 Now, Mr. Lancaster, just for example, your

1 petition said they hadn't complied with discovery.
2 Well, I understand that, but that's just not nearly
3 specific enough for me. I need it to say, "They
4 didn't answer Number 14, they didn't answer Number
5 17, and they only partially answered Number 18."
6 That is specificity. So I exp -- and the same thing
7 for any version of contempt, discovery or any other
8 -- or violation of protective order, any contempt
9 this would apply to. But I want a petition with
10 great specificity.

11 I then want a show cause order. The show cause
12 order should mirror the petition in the specificity
13 of what their -- what the party is to show cause and
14 appear and -- to show cause why they should not be
15 held in contempt for violating these specific orders.
16 So the show cause needs to mirror the petition for
17 contempt with specificity. The show cause should
18 also state the range of punishment: whether you're
19 seeking criminal sanctions, whether you're seeking
20 civil sanctions. And the reason for this is if
21 either side comes to court and is in jeopardy of
22 being a guest of Sheriff Stephens at the Independence
23 County Jail, they should know exactly what is at
24 stake, exactly what they're accused of doing wrong
25 and exactly what the punishment would be. I think

1 that's fair. Same for each side.

2 These motions and the show cause order should be
3 filed 10 days before the hearing so that both sides
4 have adequate time to prepare. So that's how I want
5 -- and I think that's the law of the State of
6 Arkansas, so that's how I want contempt, show cause,
7 motions for sanctions. That's how I want it done.

8 Now, there are presently pending motions for
9 contempt, discovery squabbles. Since the last time
10 we were in court on the 24th at our Zoom hearing,
11 there has been a flurry of activity. And so those
12 petitions for contempt may be stale. If there was
13 contempt, it may have been purged at this point
14 because there's been compliance. I don't know. So
15 at the end of the day today, I just want everyone to
16 know we're going to start over on this contempt
17 issue. File your motions with specificity. Send me
18 an order. We will take up any contempts on May 23rd.
19 But get them done and get me that show cause order so
20 I can get it signed and the other side can have at
21 least 10 days to prepare. Any questions on contempt,
22 how I want that handled?

23 MR. LANGDON: Your Honor, with regard to the
24 contempt motion, I would say that both of the parties
25 did supplement on the 26th -- the evening of the

1 26th. We both supplemented. At that time, we
2 supplemented with a tremendous amount of additional
3 documents and -- in response to that. On that issue,
4 Your Honor, we received a -- we had sent out a
5 deficiency letter on April the 21st. Mr. Lancaster
6 asked for some additional time to get that done with
7 the flurry of things that were going on over the
8 weekend because his deadline would have been on -- I
9 think it was Monday. And we granted that until
10 Wednesday. On Wednesday, we got a, I will say, very
11 small amount of additional discovery not compliant
12 with the request. However, Mr. Lancaster informed me
13 that NLT, meaning not later than, Friday, he would
14 get me additional discovery. I have yet to receive
15 that.

16 Now, with regard to that and in specific to the
17 discovery, Your Honor, most importantly to us is that
18 we need to obtain the discovery related to
19 Plaintiff's designated expert Mr. Ziegler. We have
20 yet to receive his CV. We have yet to receive a
21 report. We do not have any information with regard
22 to Mr. Ziegler other than a supplement where they
23 basically named him and said that he had testified at
24 the January 6 hearing and that he was going to be
25 their expert. That's not compliant with Rule 26(4)

1 for the disclosure of expert witnesses in Arkansas.
2 We need that information right away so that we can
3 proceed with Mr. Ziegler's deposition.

4 As a result of not having that, and as the Court
5 is aware, we asked for a continuance, which the Court
6 denied. We withdrew the motion to be heard today on
7 that basis, because we do not have, really, Your
8 Honor, any information that you could not get by
9 searching the world wide web, which doesn't qualify
10 for answering the discovery -- answering Rule 26 --
11 providing what's required in Rule 26, much less in
12 response to specific requests for documents and
13 identification of the expert witness, which I don't
14 need to go through with the Court because the Court
15 understands what I probably have asked for, which is
16 tell me about this guy, tell me about what his
17 opinions are, tell me about what you believe that he
18 is going to be an expert witness about, so that we
19 can properly prepare and take his deposition, as is
20 also permitted in Rule 26(4). We are prepared to
21 proceed with that deposition right away. We need
22 that information from Mr. Ziegler ASAP so that we can
23 proceed with that deposition. That's first and
24 foremost on our request for the discovery.

25 With that, Your Honor, I will say to the Court

1 that Mr. Lancaster, after my supplement last -- I
2 should say Ms. Lancaster, because Ms. Lancaster last
3 Friday night, I believe -- I'm getting my dates a
4 little off. But on Friday night, she sent a
5 deficiency letter to me with regard to my supplement
6 that I had done Wednesday. Well, Your Honor, I will
7 tell you that I have a senior in high school, and we
8 had a lot of stuff to do this weekend. And we had
9 senior Sunday yesterday and a family gathering, and
10 I'm here today. And I haven't had time to really
11 even go through the deficiency letter. The deadline
12 on that that they set was for tomorrow.

13 I will tell the Court right now, and counsel,
14 that's going to be impossible for me. My client's
15 here. I'm here. It's going to be impossible.
16 However, I understand that I need to get through
17 that. We understand that we need to get through
18 that, and we need to supplement the discovery if we
19 haven't done something that we believe is -- should
20 be disclosed in this matter.

21 Let's skip to the end. Skip to the end is that
22 we are working on it. We are both working on it. We
23 both understand the Court's direction with regard to
24 -- after granting my motion, which I do, again,
25 appreciate the fact that we have this protective

1 order in place. I understand what the Court said
2 they wanted -- you wanted us to proceed with
3 discovery and get this done. And that is our
4 intention is to get that done, and we are -- Mr. Lan
5 -- the Lancaster firm and my firm and now, with the
6 assistance of Mr. Lowell, we're going to work on this
7 discovery, and we're going to get it done. But I
8 need that Ziegler information so that we can proceed
9 with that deposition, Your Honor. Please the Court.

10 THE COURT: All right. And we're going to take
11 up discovery and the Motion to Disqualify in just a
12 moment. Let me -- let's finish on this contempt
13 issue. Mr. Lancaster, do you want to address the
14 contempt issue?

15 MR. LANCASTER: I think that your question was,
16 did I understand it, and I was just going to say yes.

17 THE COURT: I like that answer.

18 MR. LANCASTER: Thank you.

19 **AS TO DEFENDANT'S MOTION TO DISQUALIFY**

20 THE COURT: All right. The next issue, which
21 Mr. Langdon saw coming, is the petition to
22 disqualify, and just a little history on this.
23 Although Mr. Langdon says he doesn't have the CV, he
24 had enough information to write a 20-page motion
25 earlier in the month of April requesting a hearing as

1 soon as possible due to what was the certainty that
2 my protective order had been violated by Mr. Ziegler,
3 who Mr. Lancaster has identified as an expert in this
4 case, and that it would continue to be violated.

5 Pursuant to the Rules of Civil Procedure, I did grant
6 an expedited hearing. It was a Zoom hearing on 4/28.

7 At that hearing and in that motion, Mr. Langdon
8 asserted that Mr. Biden would have damages if I
9 didn't immediately issue a TRO. And at that time,
10 there was no proof. There was just arguments of
11 counsel, and, again, as the rules direct, I set this
12 for a hearing ASAP. That's why we've had these
13 multiple hearings here in short order, and that's why
14 we're here today for this expedited hearing.

15 Now, there's nothing like a hearing to get
16 compliance. I -- you know, I have to say that one of
17 the reasons I think there was so much work got done
18 last week is because we're all here today. I'm sorry
19 that it has to be that way. I don't like to micro-
20 manage lawyers, but in some cases, apparently, it's
21 necessary. And there was a flurry of compliance last
22 week on the issues of discovery on both sides, I
23 should add. Both sides have discovery issues. And I
24 appreciate the work that was done and will continue
25 to be done in that regard.

1 Mr. Langdon, you withdrew your Motion to
2 Disqualify Mr. Ziegler, and you withdrew it based on
3 -- what you report you withdrew it on is based on the
4 fact you didn't have -- you weren't -- basically, it
5 wasn't ripe for deposition, but also that the expert
6 hadn't received the information yet, so you can't
7 depose him on his opinions. And I had the report of
8 compliance with discovery last week, but I also had a
9 report of noncompliance from Mr. Lancaster. So one
10 of the things we're here on today is to determine
11 exactly what discovery is outstanding. And as you've
12 pointed out, discovery around Mr. Ziegler is one of
13 the things that's important.

14 But now, Mr. Langdon, you said you were
15 satisfied that there's been no breach due to the
16 signed compliance affidavit with the protective
17 order. But we're really in a chicken and the egg
18 situation here. There's been no discovery because
19 you didn't trust giving Mr. Ziegler anything. Now,
20 we do trust Mr. Ziegler -- or I wouldn't -- that may
21 be stretching it, but you are now willing to give Mr.
22 Ziegler information, but you're not prepared to go
23 forward with discovery depositions because he doesn't
24 have any opinions yet. But as I said, chicken or the
25 egg. He can't come up with opinions until he gets

1 discovery. So what I need to know on the record
2 today, Mr. Langdon, is do you have any objections to
3 Mr. Ziegler receiving the discovery information?
4 Because it is now or never to -- I've given you this
5 expedited hearing today. There's been much ado about
6 nothing. If you have any objections to him receiving
7 information, state it now, and we're going to have a
8 hearing today on that.

9 MR. LANGDON: Your Honor, I believe that Mr.
10 Lancaster's already represented to the Court that
11 every bit of discovery that we have given to Mr.
12 Lancaster has been given to Mr. Ziegler, so that -- I
13 know that. Your Honor, based upon the immediacy of
14 the disclosure -- or the discussion by Mr. Zielger.
15 One day. He was disclosed on the 14th, and on the
16 15th, he was having a public discussion with regard
17 to Mr. Biden's tax returns. We talked about that in
18 our last hearing. I won't go back over that again.
19 But yes, Your Honor, it causes --

20 THE COURT: Well, I haven't received any proof
21 on that, but I have read the pleadings and I've heard
22 the arguments on that.

23 MR. LANGDON: Your Honor, incorporated into that
24 pleading is a reference to a two -- over two-hour
25 long discussion by Mr. Ziegler talking in a -- sounds

1 like a bar, I don't know, or a luncheon somewhere,
2 talking about Hunter Biden's tax returns.

3 THE COURT: I understand that, Mr. Langdon, but
4 unless you plan on being sworn in and being a witness
5 in this case, I need proof.

6 MR. LANGDON: Your Honor --

7 THE COURT: And so my question to you today is
8 fish or cut bait? Do you object to disclosing
9 discovery to Mr. Ziegler or not?

10 MR. LANGDON: Your Honor, we can -- I don't
11 think that I can stand here in front of the Court and
12 say that I'm not ready -- that I can't proceed with
13 discovery and at the same time, say that -- I can't
14 proceed with the hearing on that and say at the same
15 time that Mr. Ziegler cannot get the information as
16 an expert witness. He can. He's entitled -- he's
17 been named as the Plaintiff's --

18 THE COURT: If you have a justification not to
19 disclose, speak it now.

20 MR. LANGDON: Your Honor, we asked for a TRO --
21 Your Honor, has Mr. -- I think from reading this, Mr.
22 Ziegler has already received the tax returns in this
23 matter.

24 THE COURT: I don't know what he has received
25 and what he hasn't received, but I know that under

1 Rule 65, I am to give you an expedited hearing. And
2 I don't want us to all go home today thinking we made
3 progress, and then you coming back next week and
4 saying, oh, I don't like Mr. Ziegler. I'll give him
5 all the discovery, but I won't give him this. We've
6 got to cross this bridge. Are you giving him the
7 discovery, or are you not giving him the discovery?
8 And are you waiving any future objections to giving
9 him -- not any future objections to his qualification
10 as an expert -- but I don't want to hear next week,
11 I'm not giving it to him because Ziegler can't be
12 trusted. If you don't think Ziegler can be trusted,
13 you don't want to give information that's going to be
14 shared with Ziegler, today is the day for that
15 hearing.

16 MR. LANGDON: On the same -- I will answer. On
17 the same day, Your Honor, that this Court had its, as
18 referenced, the Zoom hearing, which was on the 24th,
19 Mr. Lancaster filed a response on that day. Attached
20 to that response was a sworn affidavit by Mr. Ziegler
21 wherein he said that he was going to be complacent --
22 or compliant with this Court's order. That he has --
23 then, he acknowledges the protective --

24 THE COURT: Mr. Langdon, that was a requirement
25 of the protective order from the day the protective

1 order was signed.

2 MR. LANGDON: I understand.

3 THE COURT: That can't be a surprise to you, and
4 that couldn't be a surprise to you before you filed
5 that motion.

6 MR. LANGDON: What was a surprise to us, Your
7 Honor, was the fact that the discussions in public
8 were being made with regard to the tax returns. The
9 Court has listened to that. The Court has done two
10 things. The Court denied our TRO at the time of
11 the --

12 THE COURT: I denied your TRO with the ability
13 for you to bring it up today and for us to have a
14 hearing on it today.

15 MR. LANGDON: And we have withdrawn that, Your
16 Honor.

17 THE COURT: All right.

18 MR. LANGDON: Based upon the --

19 THE COURT: But what I'm telling you is after
20 today, I don't want to hear any objections from your
21 side of this courtroom saying we're not giving
22 discovery because of Ziegler's qualifications.

23 MR. LANGDON: I understand that.

24 THE COURT: You are waiving that from this point
25 forward.

1 MR. LANGDON: I understand that, Your Honor.

2 THE COURT: All right.

3 MR. LANGDON: Until such time as we re -- we
4 can't. It is the chicken and the egg. You are
5 exactly right, Your Honor. We can't not hand him our
6 discovery and then expect for him to give us
7 opinions. As we sit here today, and as represented
8 by Mr. Lancaster in his motion right here, that Mr.
9 Ziegler has all of the discovery. He has all of our
10 discovery. So at this point, we need the opinions
11 from him so that we can move forward. We are not
12 going to be -- I am unable, Your Honor -- it would be
13 absolutely crazy for me to stand in front of this
14 Court and say I'm not going to give Mr. Ziegler the
15 dis -- we withdrew the motion. As a result of
16 withdrawing that motion, we acquiesce to the fact
17 that he is going to get that.

18 At the same time, with the Court's 1.)
19 protective order, and with the Court's 2.)
20 admonishments with regard not -- at our last hearing,
21 at our hearing today, that those matters are not to
22 be disclosed. They are confidential financial
23 matters. And with that affidavit that we have, and
24 with the representations of counsel, we understand
25 that those are going to remain confidential, and we

1 believe that. That's all we can do, Your Honor.

2 THE COURT: All right. I'm making a specific
3 finding of fact that you have no justification not to
4 disclose discovery to Mr. Lancaster by virtue of the
5 fact of your objections to Mr. Ziegler.

6 MR. LANGDON: That is correct, Your Honor.

7 THE COURT: All right. That's my finding of
8 fact, and that's what we need to get on the record.

9 MR. LANCASTER: Your Honor, while we're on this
10 subject?

11 THE COURT: Yes, sir?

12 MR. LANCASTER: That Motion to Disqualify was
13 sealed by Mr. Langdon. I don't think that motion
14 qualifies as one that should be sealed. And I also
15 would just like to point out that Mr. Langdon just
16 said he didn't even know where that presentation was
17 done, but in his verified motion, they said it was to
18 a group of extremists, i.e. Moms for Liberty and
19 Conservatives. So I think that that motion should be
20 unsealed, and I don't think that just simply
21 withdrawing it allow -- is appropriate. And maybe
22 that's something we deal with later, but I just want
23 to make that clear since we're here.

24 THE COURT: Mr. Langdon, what confidential
25 information is in that that would cause it to be

1 sealed?

2 MR. LOWELL: I'm sorry, do you --

3 MR. LANGDON: (inaudible)

4 THE COURT: Mr. Lowell, you're welcome to answer
5 that.

6 MR. LOWELL: Thank you, Judge. I don't know if
7 I'll agree with Mr. Lancaster about much today, but I
8 certainly agree with him that there's no reason to
9 have that motion sealed, and we would be very happy
10 for that to be unsealed.

11 THE COURT: There. We agree on something.
12 That's fabulous. Unseal it.

13 MR. LOWELL: Secondly, as to the issue of where
14 Mr. Ziegler made his comments, there's a reference in
15 the motion to the place, or we have the data that is
16 in a tape recording, and it can be transcribed.
17 That's also referred in to the motion. That will
18 specify very clearly where this all happened. But to
19 be absolutely thorough -- and I think maybe we're
20 past it, so I'll be brief: he gets designated as an
21 expert. He's been given whatever he's been given
22 because he was designated as an expert. Within 24
23 hours or so, he's at an event in which he's talking
24 about Mr. Biden's tax returns.

25 That provided all of the concern necessary to

1 come to this Court, which we did. And the Court has
2 disposed of those in an orderly fashion to now make
3 clear that the discovery will be provided if it
4 hasn't already been. But he, like everybody else, is
5 under the protective order; he's issued a declaration
6 indicating as much. But if the Court is also asking
7 that we provide the Court at this point with the tape
8 recording or a transcript of what he said at the so-
9 called bar, we'd be happy to do so.

10 THE COURT: Mr. Lowell, I operate on proof, not
11 on arguments of counsel. So today is the day for
12 proof. If anyone wants to make any proof, I've got
13 the rest of the day for nothing but this case. And
14 I'll take any proof that any party wants to offer on
15 any motion. Don't let anyone say they didn't get
16 their day in court.

17 MR. LOWELL: I think your rulings, though, make
18 that unnecessary.

19 THE COURT: All right.

20 MR. LOWELL: Because we are providing discovery,
21 not withholding it. He's --

22 THE COURT: Mr. Lowell, I'll say that you're new
23 to this case, and so I'll say this: we've been
24 having this same conversation since December. And we
25 had a hearing scheduled back in January which was

1 continued by agreement of the parties because they
2 were making so much progress. And the next thing I
3 hear is that not a thing has changed since our last
4 hearing. And so there's a whole lot of spinning of
5 wheels here and not much movement. So that's what
6 we're going to get past today.

7 MR. LOWELL: I understand. On that regard, I
8 think counsel has indicated to both sides that they
9 have provided discovery. It might have been because
10 the hearing is extant, as you said it was. I think
11 there should be less to have to use the Court's time
12 and resources on any kind of compel or contempt
13 because I think the parties are exchanging. So I
14 think you will have ended up having done what you
15 achieved, which is to move things along. On that
16 regard, just to --

17 THE COURT: I'm not saying anything different at
18 this hearing I haven't said at every hearing before.
19 Today's hearing on all of these discovery issues is,
20 just so everyone knows, an effort to allow the
21 parties to communicate on the record on the issues of
22 discovery. And this is -- this, with the Court's
23 assistance, is our good faith conferral on these
24 issues of discovery. So future orders to compel may
25 issue without future hearings. I'm just going to

1 issue -- I'm just going to start issuing orders to
2 compel once we've all communicated what needs to be
3 done.

4 **AS TO OUTSTANDING DISCOVERY REQUESTED BY PLAINTIFF**

5 THE COURT: Now, that's the next thing on the
6 agenda. What discovery is outstanding? And be
7 specific, because I'm going to set deadlines.

8 MR. LANCASTER: Yes, Your Honor. You want me to
9 address that from here or from the podium?

10 THE COURT: Either side can go first. Mr.
11 Lancaster, you're standing. Go right ahead.

12 MR. LANCASTER: Sure. Okay, Your Honor, so one
13 of things that is outstanding is just simply
14 incomplete answers. For example, in our
15 interrogatories, we had asked Mr. Biden to identify
16 the vehicle that he had operated for the past five
17 years by year, make, model, trim, and amount he paid
18 for it, and the owner of it and their contact
19 information. The answer to that is, "From March 12,
20 2020, to November 2020, Defendant drove the Porsche
21 Panamera. During -- due -- two to eight weeks after,
22 he occasionally drove a car provided to Defendant by
23 Kevin Morris." No information about what that car
24 was, what he paid.

25 THE COURT: All right. What interrogatory

1 number is that?

2 MR. LANCASTER: That would be Interrogatory
3 Number 6, Your Honor.

4 THE COURT: Number 6. Mr. Langdon, any reason
5 that your client shouldn't completely answer
6 Interrogatory Number 6?

7 MR. LANGDON: I don't know what we haven't
8 answered.

9 THE COURT: It sounds to me like the answer is
10 deficient based on what was requested.

11 MR. LANGDON: What kind of car he was borrowing?
12 Is that --

13 **COURT'S RULING AS TO INTERROGATORY 6**

14 THE COURT: I'm not going to reread it to you.
15 We're not going to mince words here. Comply with it
16 as written. Number 6. That'll be the order of the
17 Court. What's the next one?

18 MR. LANCASTER: Your Honor, Interrogatory Number
19 7, I asked Mr. Biden to list all the art that he
20 owned or which he or an entity had a financial
21 interest, created or assisted, in the past five
22 years. Some of those included who possesses the art,
23 the artwork sold, the purchase prices. But he didn't
24 put down who purchased the art. I asked him to value
25 his unsold art, and I'm looking at a printout from

1 Georges Bergès Gallery with a number of paintings
2 that just have -- I mean, this is a large amount of
3 documents. I would say that it's at least maybe 30
4 -- 20, 30 pages. And on some of these, there is no
5 price value on this art. This is -- I'm assuming
6 this is unsold art because I got -- my answer says
7 the amounts are gross sales receipts to the gallery.
8 And he's paid to -- pursuant to an agreement, which
9 they did provide, and he does not set the price. But
10 there is no valuation. I don't understand how Mr.
11 Biden makes art and then sells it without a
12 valuation. But we're asking that Interrogatory
13 Number 7 be fully answered.

14 THE COURT: So you want to know who has
15 purchased the art --

16 MR. LANCASTER: Yes.

17 THE COURT: -- who is in possession of the art
18 to the best of his knowledge, and the valuation of
19 unsold art and sold art?

20 MR. LANCASTER: That's correct, Your Honor. And
21 if they're -- I hear them saying, well, he doesn't
22 know. Well, then that should be something he should
23 put in here is, I don't know.

24 THE COURT: All right.

25 MR. LOWELL: As to the names or people who have

1 bought art, other than perhaps Mr. Morris because
2 he's a friend and they know each other and they see
3 the art on the wall, the answer is he won't know the
4 answer because that's part of the arrangement. As to
5 the valuation, Judge, art's not valued until there's
6 a willing buyer to make an offer to a gallery as to
7 what it's -- it's not like you put it on there. So
8 if there's no value on a piece of art, it's because
9 it has not yet had a value. There's nothing that has
10 not been answered in any realistic way. And the
11 document he's talking about is a 20 or 30-page
12 document, which has little pictures of the art, says
13 what it is. If it has a valuation, it does. If it
14 doesn't, it's because it's not been valued yet.
15 And to know who bought it, even if Mr. Biden did know
16 the answer to that, how could that possibly be
17 relevant to the issues in this case?

18 MR. LANCASTER: I can answer that.

19 THE COURT: All right. Well, I do find that
20 it's relevant. You -- Mr. Lowell, you said that it's
21 part of the arrangement. Is there an arrangement?

22 MR. LOWELL: Yeah. The arrangement that
23 basically has been in effect since the beginning of
24 time with Mr. Bergès in this gallery is that he is
25 not providing information on who the buyers are to

1 Mr. Biden so that the issue that those, like Mr.
2 Ziegler and others have raised in their public
3 comments, that this has some effect, that somebody
4 out there could try to influence the administration
5 by overpaying for the art of the President's son is
6 impossible if you don't know who's buying the art.
7 So, consequently, nobody up the chain knows. As they
8 said, there's an exception or two.

9 THE COURT: Has this arrangement been reduced to
10 writing?

11 MR. LOWELL: No.

12 MR. LANGDON: Yes.

13 THE COURT: I'm hearing a yes; I'm hearing a no.

14 MR. LANGDON: Your Honor, they have --

15 THE COURT: Has it been reduced to writing or
16 not?

17 MR. LANGDON: They -- we disclosed the agreement
18 to them with the gallery.

19 MR. LOWELL: The agreement with the gallery, but
20 the issue of not knowing who the artist is may be
21 contained in that particular agreement.

22 THE COURT: Is that -- is not knowing who the
23 buyer is contained in the agreement with the gallery?

24 MR. LANCASTER: I haven't seen that in that
25 agreement, Your Honor, but regardless of whether Mr.

1 Biden -- I don't -- I didn't see that in the
2 agreement is the answer to your question.

3 MR. LOWELL: Well, the -- I'm sorry, Mr.
4 Lancaster. I won't address you. Your Honor, if Mr.
5 Biden knows the name of a purchaser of art, it would
6 be responded to in the discovery. If he doesn't,
7 we'll make it clear that he doesn't know the name of
8 a buyer. That's all that Mr. Biden can do. He will
9 not know. Somebody else may know, but he doesn't.

10 THE COURT: All right. Well, Mr. Lancaster, you
11 can issue a subpoena for whoever the gallery owner is
12 if you choose.

13 MR. LANCASTER: Thank you, Your Honor.

14 **COURT'S RULING AS TO INTERROGATORY 7**

15 THE COURT: All right. The Court's order is
16 that Number 7 will be fully answered, including
17 valuation, who has purchased it, who's in possession.
18 If you don't know, write I don't know. If you do
19 know, write you do. I'm not -- I don't want to --

20 MR. LOWELL: And valuation? If there's no
21 valuation, you can't put a valuation.

22 THE COURT: Well, in my experience, when you go
23 in a gallery -- and I may not shop at very high-end
24 galleries, but there's usually a price or a suggested
25 price range. And so the fact that it doesn't have

1 even a modest valuation or comparable pieces have
2 sold for X, you know, I -- it's a little incredible
3 that there's no estimate of valuation, but I'll let
4 you make whatever representations are appropriate. I
5 don't know exactly what the facts are in this
6 circumstance, and I'll allow Mr. Lancaster to cross
7 examine on it when discovery has been fully complied
8 with.

9 MR. LOWELL: Just one sentence on that, Judge.
10 It's not like they're all on the wall in a frame
11 ready to be sold. They're in the back, they're in
12 boxes. They have not been taken out, some of them.
13 Consequently, the way it works in this gallery with
14 this potential possibility is that there isn't a
15 valuation. When you say, could there be a
16 comparable, I don't know how you could compare.
17 There's too many variables there to compare. I'll
18 tell you this, though. If it's possible that we
19 could -- if it somehow informs the process to put
20 some sort of arbitrary value based on the fact that
21 art in the past has been sold as between this amount
22 and this amount, and somewhere the valuation exists
23 between those two large extremes, we can do that. I
24 don't think that's going to be much helpful, though.

25 THE COURT: Do the best you can. Answer Number

1 7 completely will be the order of the Court.

2 MR. LANCASTER: And, Your Honor, just to be
3 clear, Section M says for artwork that has not been
4 sold, the amount that any third party has valued the
5 art, as well as, I believe it says in here, that Mr.
6 Biden does, that he's valued it at.

7 MR. LOWELL: That's actually very helpful
8 because the answer to that will be none and none. So
9 we will follow your instruction and answer it the way
10 Mr. Lancaster just said.

11 THE COURT: The answers are what they are.
12 They're subject to cross examination, subpoenaing
13 witnesses, hearings. I don't make any decisions on
14 these things. I'm just trying to exchange -- get
15 information exchanged. So thank you, Mr. Lowell, I
16 appreciate your thoroughness on answering Number 7.
17 Move on. What's the next one?

18 MR. LANCASTER: Number 15, Your Honor. We asked
19 Mr. Biden to list his current and former employees
20 for the past five years by name of company, position,
21 annual salary, dates of employment, reasons for
22 leaving the employment. The answer is, "Subject to
23 the following objections, he's been self-employed as
24 an artist and has not had other employers." Well,
25 I'm pretty sure that artists have salaries, even if

1 they're self-employed. I'm self-employed, and I have
2 a salary. So we would like for Mr. Biden to answer
3 that question.

4 THE COURT: Mr. Lowell?

5 MR. LOWELL: I'm sorry. He has answered the
6 question. He's self-employed. He doesn't have a
7 salary. He gets a percentage when he sells art at a
8 gallery on an arrangement he has the agreement for.
9 It's not like he's a salaried employee of anybody.

10 THE COURT: Is there a report of the salary that
11 he has taken when commissioned pieces have sold or
12 non-commissioned pieces have sold?

13 MR. LOWELL: Yes. We provide that.

14 MR. LANCASTER: Well, the answer is that -- I
15 believe the answer to that was, I'm paying back Kevin
16 Morris. But that's not whether -- there has to be an
17 amount of money that he is making as a salary, or
18 else how -- I guess that goes to our discovery. How
19 is he living? If he says, I'm not getting an annual
20 salary, then it would be helpful if he says, I don't
21 get an annual salary.

22 THE COURT: Mr. Lancaster, lawyers do this all
23 the time. When a client pays us, it comes in and it
24 goes in our account, but we don't always write
25 ourselves a regular salary. Sometimes we just pay

1 returns, but let me just ask, if I was to go to the
2 self-employment line on X tax return, is there going
3 to be more than one number there? You know, is it
4 artwork plus, you know, what I get working at the
5 hotdog stand? I mean, you know, what --

6 MR. LOWELL: I think all -- sorry.

7 THE COURT: What's in that line? If you can
8 say, "Line 72b accurately reflects this number," I'll
9 take that as a satisfactory response.

10 MR. LOWELL: We'll check to make sure that that
11 could be reflected by lines, in your answer, 72b,
12 but --

13 **COURT'S RULING AS TO INTERROGATORY 15**

14 THE COURT: I'm asking for specificity in that
15 answer so that we're not playing cat and mouse and
16 hide the ball and all the other metaphors I can think
17 of. All right. 15, answer it completely. That'll
18 be the order of the Court. What's next?

19 MR. LANCASTER: So the next one is Interrogatory
20 Number 22. I asked Mr. Biden to list all investments
21 he or an entity owned or controlled by him or an
22 entity in which he has a financial interest has
23 invested in the past five years, including mutual
24 funds, stocks, bonds, securities with other accounts.
25 And we say -- we ask for specific information.

1 Again, Your Honor, the answer is, "See Defendant's
2 2016 through 2021 tax returns." Well, the problem I
3 have with that --

4 THE COURT: All right. That's enough. That's a
5 totally insufficient answer. Mr. Lowell, Mr.
6 Langdon, what say you?

7 MR. LOWELL: We will take what is listed in the
8 tax return -- I mean, I -- let me start over.

9 THE COURT: Just -- tax returns in general
10 reflect income. If I have an investment in a hundred
11 shares of IBM and it doesn't pay me any dividends
12 over the last five years, it's not going to be on
13 that tax return.

14 MR. LOWELL: That's correct, but he wasn't
15 asking for -- I have to know the ans -- the question
16 right in front of me was just what are the entities
17 in which -- it doesn't necessarily say what are the
18 entities and what was the amount. Anyway, the --

19 THE COURT: Read me the interrogatory again.

20 MR. LANCASTER: Yes, Your Honor. So I'm going
21 to read it in its entirety. "Please list any
22 investments you or an entity owned or controlled by
23 you or an entity in which you have a financial
24 interest, own, or in which you or an entity owned or
25 controlled have invested during the past five years,

1 including mutual funds, stock, bonds, securities, and
2 other similar accounts, stating for each A.) The
3 company or firm, stock, bond, or security in which
4 the investment is held or managed; B.) The value of
5 your shares or investments as of the day you complete
6 these interrogatories; C.) The date of the original
7 purchase or investment of the funds, stock, bond, or
8 security; D.) The source of monies used to fund the
9 stock, bond, or security, both initially and since
10 the purchase; E.) Whether you have sold, transferred,
11 or otherwise disposed of the fund, stock, bond, or
12 security, and to whom it was sold, transferred, or
13 otherwise disposed; and F.) The reason why you -- the
14 reasons you sold, transferred, or otherwise disposed
15 of the fund, stock, bond, or security."

16 THE COURT: All right. That's got nothing to do
17 with income. It has to do with investments. Do you
18 feel like there's been an adequate response to that?

19 MR. LOWELL: I believe if you looked at the --
20 we're going to make up the line number as you did
21 before -- line whatever it is in the returns, you get
22 that information. But because I believe that the
23 answer to that is -- the way the interrogatory reads,
24 is none, we will answer the interrogatory even if
25 it's repeating what's in the tax return. I think the

1 answer's none, but I think we were being inclusive to
2 say if you want to know everything that the client
3 owns or has that generates income or could be for --
4 because --

5 THE COURT: No, no. Generates income was not
6 part of that question.

7 MR. LOWELL: I understand. I get that, and,
8 therefore, I said that if it's not in the tax return,
9 which I believe would be thorough, it will be
10 answered, because I believe the answer, the way the
11 interrogatory reads, will be none. There are no
12 mutual funds, there are no stocks, there are no
13 bonds, let alone whether they've been sold to anybody
14 or what else. But I guess the short answer, Judge,
15 to move things along, is you can put down that we
16 will answer that interrogatory as it is --

17 **COURT'S RULING AS TO INTERROGATORY 22**

18 THE COURT: Answer Interrogatory Number 22 as
19 written, thoroughly, completely. And let me just say
20 that incomplete answers are not answers. And this
21 goes for both sides. You can't come to this Court
22 requesting relief from this Court without
23 participating in this process. If you come saying
24 that you want to reduce your child support, you've
25 got to show me why. If you can't do that, I'll

1 dismiss the petition. Likewise, Mr. Lancaster, your
2 client. You've come to this Court, you've asked this
3 Court for certain things. If you don't participate
4 in discovery, give them everything they ask for, I
5 will dismiss your petitions. It is one of the
6 sanctions that is within my discretion that if that
7 parties aren't exchanging information, they don't
8 have clean hands, and they will not get relief from
9 this Court, and I will dismiss it out of hand
10 quickly.

11 MR. LANCASTER: I understand that completely,
12 Your Honor.

13 THE COURT: All right. 22 is going to be
14 answered. Next.

15 MR. LANCASTER: Interrogatory Number 23. "For
16 the past five" -- do you want me to read you the full
17 version or the abbreviated?

18 THE COURT: Tell me what you got -- tell me what
19 you want you're not getting.

20 MR. LANCASTER: I asked for all money, currency,
21 investment, (inaudible), markers, accounts
22 receivable, stakes, funds, gifts, non-negotiable
23 instruments or negotiable instruments that Mr. Biden
24 or any entity in which he has had a financial
25 interest have received from a foreign national or

1 entity, to include China, Ukraine, any person who is
2 not in the United States, citizen or resident alien.
3 And I have A through I on specific information that I
4 request that is very detailed. The answer is, "For
5 the past five years, all these things are all in my
6 bank records provided in the 2016, 2017, '18, '19,
7 '20, and '21 returns."

8 THE COURT: All right. That is not a sufficient
9 answer. Now, if you want to say, the answer to B is
10 Line 52 exactly, and you can identify a specific
11 answer, I'll allow a reference to a document, but you
12 can't just say, "Here's my tax returns; good luck.
13 You figure it out." And that's what I'm seeing right
14 now. That's not acceptable.

15 MR. LOWELL: We understand now, and that will be
16 the same for every one that he raises. We understand
17 your order, and we'll do it that way.

18 **COURT'S RULING AS TO INTERROGATORIES 23, 24, AND 25**

19 THE COURT: 23 --

20 MR. LANCASTER: 24 --

21 THE COURT: -- it's the order of the Court that
22 you answer completely. Next.

23 MR. LANCASTER: 24 says the same thing except it
24 just changes out foreign companies or persons for
25 those who are in the United States. So those --

1 THE COURT: Same order. Next.

2 MR. LANCASTER: 25 is the same question, but for
3 family members.

4 THE COURT: Same order. Next.

5 MR. LOWELL: I'm sorry. What --

6 MR. LANGDON: Family members.

7 THE COURT: Family members. Same question,
8 information.

9 MR. LOWELL: Oh, whether he's getting anything
10 from family members? I got it.

11 MR. LANGDON: What were the numbers we were on?
12 20 --

13 MR. LOWELL: 23, 4, and 5.

14 MR. LANCASTER: Yeah. Mr. Lowell's got it. I
15 asked for some information about CDs, bank accounts,
16 or retirement funds. That's Interrogatory Number 26.
17 The answer that I -- and I have A through J about
18 transfers made, the numbers of the funds or accounts,
19 the source of the monies used to fund these accounts.
20 And the answer is, "See my bank statements." And --

21 THE COURT: All right. Again, that's an insu --

22 MR. LOWELL: 24, 5, and 6, that's the same --

23 **COURT'S RULING AS TO INTERROGATORY 26**

24 THE COURT: 26, same ruling. Be specific. You
25 can't just say, "Here are my bank records; good

1 luck." Discovery on both sides needs to be verified
2 by the clients, I would note as well. I know that's
3 part of the rules, and you guys each know that. But
4 in this case, especially, I want it done.

5 MR. LANCASTER: On Interrogatory -- I guess I
6 got off on numbering, but it's on Page 25, and it
7 says Interrogatory 16. But we listed -- we asked him
8 to list all airplane trips he has made during the
9 last year, including locations of departure and
10 arrival, whether the flight was commercial or
11 private, the cost of the flight, and who paid for the
12 flight. I have numerous things that indicate, like,
13 American Airlines, Alaska Air, the airport, and the
14 place that it landed, but nothing about whether this
15 was commercial -- I can tell that AA and Alaska Air
16 are commercials, but I can't tell if N311BP from LAX
17 to Philadelphia is a commercial or a private. And I
18 also don't know the cost or who paid for it.

19 MR. LOWELL: Well, you can tell that something
20 is a private because it has a tail number as opposed
21 to American Airlines Flight 26. So he does know that
22 if he reads it. As to the rest of it, I think we've
23 provided the information in their request for
24 documents. As to who paid for a commercial -- I'm
25 sorry -- a commercial flight, who paid for a private

1 flight, I don't know where, but it's in the record.

2 MR. LANCASTER: Well, I'll be glad to let you
3 look at the answers, Mr. Lowell, but it just
4 literally has all this information about flights and
5 doesn't have a single thing about payment or anything
6 else.

7 MR. LOWELL: Okay. If it's --

8 **COURT'S RULING AS TO INTERROGATORY 16**

9 THE COURT: All right. Number 16, answer it.

10 MR. LANCASTER: Interrogatory Number 17.

11 THE COURT: Completely.

12 MR. LANCASTER: It's on Mr. Langdon's Page 27.
13 "Please list all hotels you have stayed in the last
14 year and the cost of the stay." Even though we have
15 all these flights, I have as an answer, without
16 waiving any objections, "Defendant stayed on a cot in
17 his dad's room in Dublin." I don't believe that's a
18 sufficient answer.

19 MR. LOWELL: I thought the truth would set you
20 free. If that's what he --

21 THE COURT: Yeah. That's an okay answer to me.

22 MR. LANCASTER: All right. Well --

23 THE COURT: If that's the only one that, you
24 know --

25 MR. LANCASTER: So on Number 18, I asked to

1 please list all trips made and the purpose of the
2 trips. They referred me back to Interrogatory 16 but
3 did not provide any purpose of the trips.

4 **COURT'S RULING AS TO INTERROGATORY 18**

5 THE COURT: Answer 18 completely.

6 MR. LANCASTER: Okay. So Interrogatory Number
7 23.

8 THE COURT: We already did 23.

9 MR. LANCASTER: That's a double number, second
10 Number 23.

11 THE COURT: Okay. Number 23 --

12 MR. LANCASTER: 2.

13 THE COURT: -- 2.

14 MR. LANCASTER: It's on Page 30 of Mr. Langdon's
15 answers here. I asked to list all monies paid by
16 Kevin Morris on your behalf or by an entity owned or
17 controlled by you in the past five years, listing the
18 following information: how much was paid, the
19 payment method, date payment was made, reason it was
20 made. "Subject to the foregoing objection, see
21 RHB0001 through 20, and RHB000428 through 35." We
22 did not ask for a reference to contracts or
23 agreements. We asked him under oath to list what he
24 got.

25 MR. LOWELL: Your Honor, that's a promissory

1 note that's signed. It tells you all the money that
2 was forwarded by Mr. Morris. Why should not the
3 promissory note that says, "I hereby owe you X
4 dollars" not suffice? If what the Court is asking is
5 to take the number that's in the document, that's in
6 a promissory note that my client has signed and take
7 the number out of it and put it as an answer to what
8 it says, we can do that. But this is where I think
9 -- it's not like saying, go --

10 THE COURT: Why is the promissory note not
11 enough, Mr. Lancaster?

12 MR. LANCASTER: Because I asked for the reason
13 the payment was made. And I'm not talking about just
14 -- if their position is all I've done is a promissory
15 not, then that's what it should say. It should say I
16 -- Mr. Morris has not made any payments on my behalf;
17 he has not done any of this. That's not --

18 THE COURT: What does the interrogatory request
19 in the way of reasons?

20 MR. LANCASTER: The way of -- I'm sorry?

21 THE COURT: The way of reasons.

22 MR. LANCASTER: Reasons? How much was paid, the
23 payment method, the date the payment was made, and
24 the reason the payment was made.

25 THE COURT: Mr. Lowell, how does the promissory

1 note address the reason the payment was made?

2 MR. LOWELL: I don't think it does. Does the
3 Court think that because Mr. Morris is, for example,
4 a friend, you say because he's a friend, that the
5 reason is relevant? I mean, of course, we're going
6 to do whatever the Court --

7 **COURT'S RULING AS TO INTERROGATORY 23-2**

8 THE COURT: Yes, I think the reason is relevant.
9 And I'm going to order that Number 23-2, the
10 inquiries regarding Kevin Morris, promissory notes,
11 money from friends, that you give a reason. If my
12 friend gives me a bunch of money, there's probably a
13 reason. So --

14 MR. LOWELL: Other than he or she's a friend?

15 THE COURT: Yeah. I don't know. I could be a
16 juror in this case. I don't know. When we have the
17 trial, I'll sort all that out. But as he sits here
18 today, he's entitled to that information, so he can
19 ask meaningful questions.

20 MR. LOWELL: Okay. I think the answer will be
21 because he's a friend, but we'll see how that works.

22 THE COURT: Well, that's a pretty lame answer,
23 "Because he's a friend," so I'll expect more
24 specificity than "he's a friend."

25 MR. LOWELL: Because he's a friend and he cares

1 about the client and is concerned about what's
2 happening to him with people -- I mean, that's really
3 what the kind of question and answer that that one is
4 going to get.

5 THE COURT: Do the best you can to give a
6 complete answer. I mean, I could say it's because
7 it's my mom. My mom would probably loan me 10 bucks,
8 but --

9 MR. LOWELL: I understand the Court's ruling.

10 THE COURT: Do the best you can. It'll be
11 subject to cross examination and the credibility
12 determinations of the Court. What's next, Mr.
13 Lancaster?

14 MR. LANCASTER: I'm looking, Your Honor.

15 THE COURT: Mr. Langdon, study up. I'm going to
16 ask you all the same questions.

17 MR. LANGDON: That's why Mr. Lowell took over,
18 Your Honor. Plus, he knows way more about the
19 financial side, so --

20 MR. LANCASTER: I'm looking at Interrogatory
21 Number 30. It's on Page 34 of Mr. Langdon's answers.
22 I ask that they list all monies paid by President Joe
23 Biden on your behalf or an entity owned or controlled
24 by you or in which you have a financial interest in
25 the past five years by listing the following

1 information: how much was paid, payment method, the
2 date the payment was made, and the reason. The
3 answer to that is, "See answer to Interrogatory
4 Number 25." Well, I flip back to Interrogatory
5 Number 25, and it deals with an interrogatory about
6 George Mesires, his attorney from Chicago, and then
7 if I go back to -- let's see if I can find the other
8 25.

9 THE COURT: So, Mr. Lancaster, I'm going to make
10 this easy. When we get out of Court today, you're
11 going to send a fresh set of interrogatories. You're
12 not going to change anything, except you're going to
13 get your numbers right.

14 MR. LANCASTER: Okay.

15 THE COURT: Okay. So that when we have this
16 conversation again, there's no miscommunication about
17 what numbers we're speaking of, and, obviously -- I
18 hope you're catching on to the trend here -- I'm
19 ordering full compliance with discovery, and my order
20 -- the counter order is going to be the same.

21 MR. LANCASTER: I think, Your Honor, that that
22 -- I am running out -- but they have a bunch of
23 requests for production of documents --

24 THE COURT: All right. So as to 30, the
25 reference to 25? You got off track there.

1 MR. LANCASTER: So one of the 25s was to a
2 question about George Mesires; the other one said to
3 list monies about -- I think some monies related to
4 -- let me pull that up. I got distracted for a
5 second.

6 **COURT'S RULING AS TO INTERROGATORY 30**

7 THE COURT: All right. I'm going to make this
8 simple. I want a complete answer to 30 without
9 reference to other interrogatories. What's next?

10 MR. LANCASTER: I think -- let me talk to my
11 wife real quick?

12 THE COURT: You may.

13 MR. LANCASTER: So on Request for Production
14 Number 8, Mr. Biden did not produce copies of
15 documents related to his ownership/interest in the
16 partnership or partnerships' agreements. These
17 included buy/sell agreements, employment contracts,
18 consulting agreements, or other things. For example,
19 Your Honor, when I looked at Mr. Biden's -- I believe
20 it's his 2021 tax returns, there was nine million
21 dollars listed from Bohai, a Chinese investment bank.
22 That's what I think it is. Well, we didn't get any
23 documents showing what -- other than, I have nine
24 million dollars; it's on my tax return. We're asking
25 that for Owasco, Skaneateles -- Skaneateles, all

1 these entities that Mr. Biden owns, that he provide
2 the documents that he has related to his partnership,
3 so that we can value those and determine if that is
4 going to be income or coming back in at some other
5 time.

6 THE COURT: All right. Mr. Lowell?

7 MR. LOWELL: Well, a good example of what just
8 happened for Mr. Lancaster to say that on his tax
9 returns there's Bohai of nine million dollars. Of
10 course, that would have been covered by a protective
11 order, but he's wrong. That's not what it says.
12 Having said that, if there is an inaccurate -- I'm
13 sorry. If there is a pending request for the
14 production, and it says all partnership agreements,
15 whatever the phraseology is, I believed you have it.
16 If you don't have what exists in the time period that
17 is requested for any such partnership agreements, we
18 thought you did. We will double check and make sure
19 you do. But that's not the same as you taking a
20 line, misstating what it says on a tax return,
21 stating it in open court, and then saying, and by the
22 way, we don't have the agreement. We'll make sure
23 you have the agreement, even if the basis of his
24 asking is incorrect.

25 MR. LANCASTER: Well, Your Honor, first off --

COURT'S RULING AS TO RFP 8

1
2 THE COURT: That's a perfect example of why just
3 referring to a tax return line would become --
4 becomes an issue of interpreting what's on tax
5 returns --

6 MR. LOWELL: I understand that.

7 THE COURT: -- which is a whole other series of
8 experts and could really slow us down, although that
9 may be a necessary step we need to take in this case.
10 But I think that just -- as you pointed out, it's a
11 good example of miscommunication, and, really, just
12 what's going to amount to things that slow us down.
13 So comply with Request for Production Number 8
14 specifically, completely.

15 MR. LANCASTER: And I understand, Your Honor,
16 Mr. Lowell's new to the case, but the answer is zero.
17 We have zero documents of any nature related to that
18 to my knowledge. And, also, I guess this is a great
19 time for me to ask for clarification because in one
20 of the hearings we were at previously at some point,
21 you said that documents related to financial
22 information would be sealed, so the tax returns are
23 sealed. My understanding was -- is that things said
24 in Court were not sealed. I don't know how to
25 discuss this with the Court without making to a

1 specific reference. That becomes cryptic. Is the
2 Court's position that your protective order covers
3 what I just said?

4 THE COURT: No.

5 MR. LANCASTER: Okay.

6 MR. LOWELL: And I didn't know that either,
7 Judge. And that's good to have that clarification
8 because as we were trying to discuss --

9 THE COURT: The protective order says -- I can
10 quote it to you, but one of the paragraphs says, the
11 Court's not inclined to seal open court.

12 MR. LOWELL: Okay. So the Court's explanation
13 why taking a number off of a tax return is not going
14 to be able to be a good response, we understand, and
15 as I said a moment ago, if there is this outstanding
16 document request -- if there's a partnership
17 agreement that Mr. Biden has in his possession that
18 meets the terms of the request, if it hasn't been
19 provided, we'll double check. It will be provided.

20 THE COURT: Well, that sounded like a bit of a
21 dodge there: "which Mr. Biden has in his possession."

22 MR. LOWELL: Well, I mean, with all the
23 requirements of how you get a document that you have.
24 I mean, I can't go some place that he doesn't have
25 access to. I'm not trying to dodge, Your Honor. I'm

1 saying you ask a party for a document in his
2 possession/control, you get it. I don't know where
3 the document -- let me put it another way. Let's
4 say, theoretically, Mr. Biden's involved in a
5 partnership with five people, and he's one of the
6 five, and that was five years ago, and he has a
7 partnership agreement for that. He's asked for it;
8 he gets it. Let's say he was involved in a
9 partnership -- a different one -- with three people.
10 He doesn't have it. Other two people are -- they may
11 have it. He doesn't have it. He can't give what he
12 does not have in his possession. But I don't think
13 this is -- now, I've gotten to the theoretical as
14 opposed to the actual. We'll look at the request for
15 production. Not trying to dodge. If he has it -- if
16 he --

17 THE COURT: Mr. Lancaster, maybe you better
18 rewrite your request for production if -- under that
19 scenario and have him list every partnership that
20 he's in, because he's going to say that he doesn't
21 have a copy of the agreement.

22 MR. LANCASTER: Yes, Your Honor. I understand.
23 Also, I guess maybe for clarification, if Mr. Biden
24 has -- we believe he has documents in his father's
25 garage in Delaware. Those are just as much as in his

1 possession if they were in his house in Malibu,
2 but --

3 THE COURT: Well, I don't know that. I don't
4 know anything about --

5 MR. LANCASTER: I understand.

6 THE COURT: -- people's garages. So I operate
7 on proof.

8 MR. LANCASTER: I understand.

9 THE COURT: Answer the question completely.
10 Change the interrogatory if you want to ask something
11 different. And get on with it. I'm about to set
12 deadlines.

13 MR. LOWELL: Okay. And --

14 THE COURT: Answer them completely. This
15 cryptic, you know, hide-the-ball game is not going to
16 cut it when it comes to trial. But we'll see.

17 MR. LOWELL: Your Honor, I understand your
18 instruction, and we will comply. I can assure you we
19 will comply. But I wanted to make clear, though,
20 that when numbers are taken out of the thin air,
21 somebody has to make the corrective statement because
22 they could be reported inaccurately. I mean --

23 THE COURT: No, really?

24 MR. LOWELL: I know; right? Shocking.

25 THE COURT: It is shocking that anybody would

1 misrepresent the facts.

2 MR. LOWELL: In Arkansas as well as in
3 Washington D.C. Who knew?

4 THE COURT: Yeah. I don't even have to read the
5 newspaper about this because I know pretty much what
6 happens at these hearings. But it's amazing what
7 gets reported that has no semblance to what actually
8 happens in court. It happens all the time.

9 MR. LOWELL: Thank you, Judge.

10 THE COURT: All right. Point well taken, Mr.
11 Lowell. Mr. Lancaster, anything else?

12 MR. LANCASTER: Yes, Your Honor. Request for
13 Production Number 19. We asked for a copy of all
14 financial transactions greater than \$500 and the
15 address, telephone, email of those who controlled
16 documents if he didn't possess them.

17 THE COURT: That's -- I mean, that's tough.

18 MR. LANCASTER: Yes. That is --

19 THE COURT: That's tough.

20 MR. LANCASTER: Maybe I can change it on the
21 record to \$1,500.

22 MR. LOWELL: That's weird. I'm sorry, Judge.
23 May I respond just -- I don't know if this is going
24 to move the ball. But that is weird, giving somebody
25 your complete bank records that shows you every

1 transaction that you've created, whether it's by an
2 ATM or check or whatever. That is a good example of
3 one where a document does do the talking well.

4 THE COURT: I agree.

5 MR. LOWELL: And that's been provided.

6 THE COURT: I agree.

7 MR. LANCASTER: Yes, Your Honor. I would --

8 THE COURT: How do you find their answer to that
9 insufficient, Mr. Lancaster?

10 MR. LANCASTER: I'll move on from that one, Your
11 Honor. I'll just -- I'll move on from that one.

12 THE COURT: All right.

13 MR. LANCASTER: That would be like beating a
14 dead horse. We asked for bank statements in his
15 possession for the past five years. We didn't get
16 those. That's in, that's RPD Number 23.

17 THE COURT: 23, bank statements. Counsel?

18 MR. LOWELL: Excuse me, Judge. Just one moment.
19 I think this is one of the issues that we were -- I
20 was -- and Mr. Langdon's trying to figure out. So
21 we've provided them the bank records from the order
22 of March 2020 to the present, thinking that was the
23 issue because the issue is whether there will be a
24 change in the amount of support then that's in effect
25 based on new financial information that seemed

1 germane, as opposed to what was prior to the event of
2 2020 where the amount is about -- I mean, in other
3 words, Judge, it's like this: Mr. Biden is paying
4 the Plaintiff, like, \$20,000 a month.

5 THE COURT: Wait, wait. Where are you getting
6 this March 2020 date? What is the significance of
7 March 2020?

8 MR. LANGDON: Your Honor, that's the -- March
9 12th of 2020 is the time of the prior order for which
10 we seek modification, so as I discussed with the
11 Court previously --

12 **COURT'S RULING AS TO RFP 23**

13 THE COURT: So my order was five years look-back
14 prior to 3/12/2020. So I want bank records back to
15 five years before that.

16 MR. LANGDON: I understand that. We're on it,
17 is the answer.

18 THE COURT: Get it done.

19 MR. LOWELL: Okay. So wait, just so I'm clear
20 -- I think I am. So now you'll understand why I rose
21 and said we were thinking that since the request for
22 modification is from the Court's order, and it's
23 about the changes that --

24 THE COURT: Yeah, don't do that creative
25 thinking. Follow the orders.

1 MR. LOWELL: Okay.

2 THE COURT: Go ahead.

3 MR. LANCASTER: Your Honor, that's all I have.
4 Thank you.

5 **COURT'S RULING**

6 THE COURT: Excellent. All right, on each of
7 those that we've discussed, Number 6, Number 7,
8 Number 15, Number 22, Number 23, Number 24, Number
9 25, Number 26, Number 16, Number 17, the second
10 Number 23, Number 30 on Page 34, RFP 8 and RFP 13,
11 and I'll just say this, as well as every other
12 interrogatory which has not been answered, answered
13 completely, I haven't heard any good reason why I
14 should not grant Mr. Lancaster that information. It
15 is discoverable or it is reasonably likely to lead to
16 discoverable information. That's to be done. What
17 is a reasonable period of time, Mr. Lowell, for you
18 to get all this together? Because I'm going to set a
19 date.

20 MR. LOWELL: Today is the 1st. A week from this
21 Friday is -- this Friday's the 5th -- the 12th of
22 May.

23 THE COURT: Due by 5:00 on the 12th of May. If
24 it is not forthcoming at 5:00 on the 12th of May, or
25 if I am sent the answers and I find them

1 insufficient, I will issue an order to compel without
2 further hearing. That'll be the order of the Court.

3 **AS TO OUTSTANDING DISCOVERY REQUESTED BY DEFENDANT**

4 THE COURT: All right. What's good for the
5 goose is good for the gander. Mr. Langdon, what have
6 you requested that you have not received? I will
7 start with number one, Mr. Ziegler's CV.

8 MR. LANGDON: Your Honor, I think I have the
9 goose, so anyway --

10 THE COURT: All right. What's next for the
11 goose?

12 MR. LANGDON: Per my April 21 letter -- and I am
13 going to go through that, Your Honor. So
14 Interrogatory Number 5, they did supplement that.
15 That is a question wherein we ask about benefits --
16 fringe benefits. She supplemented that, Your Honor,
17 and says that "The only benefits are from my father's
18 business included in bank statements or check prints.
19 These benefits, besides income, include a few items
20 when my father paid my house payment, car payment,
21 other" -- It says, "I think he paid these with a
22 check from his business. These are the only one-time
23 rare events." We didn't get the documents. We
24 didn't get the amounts.

25 THE COURT: Mr. Lancaster?

1 MR. LANCASTER: Your Honor, we can fix that. We
2 will get him that information.

3 **COURT'S RULING AS TO INTERROGATORY 5**

4 THE COURT: Number 5, fix it.

5 MR. LANGDON: Number 6, Your Honor, I just want
6 to address this right off the bat because this
7 happens over and over and over again. The answer
8 that I got to the original interrogatories was, I'm
9 not a lawyer, so I don't have to answer. Because we
10 asked for -- what are the legal theories that support
11 your contention with regard to several different
12 questions that we asked. So the answer that I get is
13 that, I'm not a lawyer and I don't have to provide a
14 legal theory.

15 THE COURT: If we're in open court and Ms.
16 Roberts is on the stand, and you ask her, "What's
17 your legal theory?" I would sustain an objection to
18 it. I don't think laypeople are required to lay out
19 legal theories. All their claims better be in their
20 pleadings, or we're not going to litigate them.

21 MR. LANGDON: Okay. Well, I'll accept that.

22 THE COURT: So be it.

23 MR. LANGDON: All right. So in this
24 Interrogatory Number 6, they did supplement that last
25 week, and I can move on from that because that was

1 just the first one where it started. Number 7, they
2 supplemented that. Number 8 -- let me get this.
3 That's the same one, Your Honor, I had brought forth.
4 It is on the "I'm not a lawyer; doesn't require me to
5 answer."

6 THE COURT: What's the question on Number 8?

7 MR. LANGDON: I'm asking them, "If you contend
8 the Court should set Hunter Biden's child support
9 obligation above the combined parental gross income
10 of \$30,000 per month, describe," and then it says,
11 "legal conclusions, factual basis, the amount sought
12 to be determined, and identify all persons who will
13 testify." That was one through four on many of my
14 questions, Your Honor, I will represent to you.

15 THE COURT: Well, all parties who are going to
16 testify, obviously, they're going to have to give
17 that up. You're basically asking whether they're
18 asking for a deviation from Rule 10?

19 MR. LANGDON: Yes, Your Honor. I'm saying if
20 you're saying that the Court should deviate above the
21 30,000, the Court knows what I mean. You know,
22 the --

23 THE COURT: Rule 10; right?

24 MR. LANGDON: Rule 10, yes. Then tell me what
25 it is that you're basing that upon.

1 THE COURT: Have you filed -- have they filed a
2 counterclaim to raise child support?

3 MR. LANGDON: No, Your Honor.

4 THE COURT: If there's no counterclaim to raise
5 child support, that's kind of moot, isn't it?

6 MR. LANGDON: Yes, Your Honor.

7 MR. LANCASTER: And, Your Honor, just to be
8 clear, we have provided the factual bases. The only
9 ones we objected to were, "What legal theory do you
10 base this on?" So the facts that we -- in that
11 section, the ones that we could answer, we did
12 answer.

13 MR. LOWELL: Now, I'm sorry, Judge. Now, I'm
14 confused. May we have one second, please? I have
15 been un-confused.

16 THE COURT: Good. All right. So what do you
17 need answers to on Number 8 again, please?

18 MR. LANGDON: Your Honor, I think the Court has
19 clarified that with regard to I stand on my
20 privilege; I'm not a lawyer; I can't answer that. I
21 think the Court has said we're going to go by the
22 pleadings on file in this case.

23 THE COURT: Mr. Lancaster, do you understand
24 what I'm saying in that regard?

25 MR. LANCASTER: Absolutely, Your Honor.

1 THE COURT: All right. That'll be the order of
2 the Court. What's next?

3 MR. LANGDON: 9 was the same thing, Your Honor,
4 in essence, where I ask, if you contend there is not
5 an inconsistency between the existing child support
6 and the amount of child support that results from the
7 application of the family support. It was the same
8 answer. I got the same supplement, exact same
9 answer, it appears to me, Your Honor. So I think we
10 can --

11 THE COURT: That's a -- it sounds like a double
12 negative. That's a very --

13 MR. LANGDON: It is --

14 THE COURT: -- confusing question.

15 MR. LANGDON: That's right. They've answered
16 it. They've supplemented that.

17 THE COURT: All right.

18 MR. LANGDON: With regard to --

19 THE COURT: So you don't need to tell me about
20 the ones they've supplemented. What I want to know
21 is what they owe you that they haven't given you. So
22 of the ones we've discussed, 5 -- 5, we're going to
23 do, but of 6, 7, 8, and 9, have they all been
24 supplemented satisfactorily?

25 MR. LANGDON: They supplemented those, Your

1 Honor, based upon the Court's interpretation today is
2 how we're going to proceed at the time of trial.

3 THE COURT: My interpretation isn't anything
4 novel. The parties will be held to the pleadings
5 they've filed with this Court. They give the
6 opposing party notice of what issues will be taken up
7 and what's the position of the parties is. That's
8 not -- nothing novel about that. All right. So 5 is
9 the only one we've got that needs to be supplemented
10 so far. Anything else, Mr. Langdon?

11 MR. LANGDON: Number --

12 THE COURT: And the CV, of course.

13 MR. LANGDON: Yeah. We're not to that yet. I
14 -- Number 18 is similar to the question that --
15 where they were talking about with the amounts of --
16 Number 18 is the one that I said had contradicted a
17 previous answer. The answer -- I asked her to "list
18 separately all real and personal, tangible, or
19 intangible property owned by you, with someone else
20 jointly, or by an entity you have a legal, equitable
21 interest in. This includes/not limited to
22 contractual or property rights, securities, crypto
23 currencies, ownership interest in land, animals,
24 automobiles, appliances, equipment, any form of
25 intellectual property. The answer I got was, "I own

1 a house and a car." No values given, although that
2 was asked. "I have furniture." No values given.
3 And then it was "It'll take me a while to inventory
4 this."

5 THE COURT: All right. We need to put a value
6 on those. She doesn't have to inventory everything
7 down to the nickel. Do you have a dollar sign
8 somewhere? Dollar value? \$500? \$1,500?

9 MR. LANGDON: A thousand.

10 THE COURT: \$1,000?

11 MR. LANGDON: We'll take the minimum.

12 **COURT'S RULING AS TO 18**

13 THE COURT: All right. Number 18, Mr.
14 Lancaster, answer it completely. \$1,000 will be the
15 inventory cutoff.

16 MR. LANCASTER: Yes, Your Honor. We can do
17 that.

18 THE COURT: What else?

19 MR. LANGDON: Your Honor, with regard to the
20 responses to Request for Production. In the Request
21 for Production, what we received was a link from Mr.
22 Lancaster with various documents which we can guess
23 are associated with response to specific requests.
24 But as the Court is aware, Rule 34(b)(3), asks -- or
25 requires that documents be organized and labeled to

1 correspond with categories in the request to be
2 produced.

3 THE COURT: That's granted. Mr. Lancaster,
4 identify which documents go to which requests.

5 MR. LANCASTER: Yes, Your Honor. That's what
6 the goose gave us, so the gander gave it back. But
7 we'll clear that up.

8 THE COURT: Thank you.

9 MR. LANGDON: Incorrect, Your Honor. Each and
10 every one of our documents are Bates labeled. They
11 start off with RHB, and they start with Number 1, and
12 I think we're at 4 or 593 documents that we've turned
13 over to them. In each one of our answers that we
14 provide, we reference in specific the Bates Number.

15 THE COURT: And that is the correct way to do
16 it. I appreciate that. Mr. Lancaster, take notes.

17 MR. LANCASTER: Yes, Your Honor.

18 MR. LANGDON: Request Number 5 was to produce
19 the federal and tax reporting documents. I think
20 that we got the -- and I'm a little bit confused
21 here, but did we get the '22 tax return. I guess I'm
22 asking Mr. Lancaster to address this.

23 MR. LANCASTER: Your Honor, I talked to my
24 client. Her accountant was out of town. She thinks
25 they might be done. She went by Friday to get them.

1 She -- the accountant wasn't there. When we answered
2 these interrogatories initially, it was prior to
3 April 15, and so we have been working to get
4 supplementation out. I -- we'll get him the tax
5 records. That's not a problem.

6 MR. LANGDON: Do -- I'm not --

7 **COURT'S RULING AS TO RFP 5**

8 THE COURT: All right. The '22 tax returns are
9 to be provided by both sides. In the event that the
10 taxes aren't done, send them the underlying
11 supporting tax documents that you give your
12 accountant. If the accountant doesn't have the tax
13 return back yet, give them all the documents that you
14 gave your accountant -- or should have given your
15 accountant.

16 MR. LANGDON: Your Honor, we don't have any -- I
17 was inquiring about '22, but we don't have any of the
18 tax returns. We asked for Ms. Roberts' tax returns
19 going back to the time of the prior hearing.

20 THE COURT: Those will be granted, absolutely.
21 Provide those.

22 MR. LANGDON: Number 6 was --

23 THE COURT: Let's be clear on that. Going back
24 -- what'd you just say?

25 MR. LANGDON: Your Honor, our request went back

1 to March 20th of 2020. I think that I asked --

2 THE COURT: Do you want to go back five years
3 before that? Because that's what I'm giving him.

4 MR. LANGDON: Yes, Your Honor.

5 THE COURT: Give him five years before the March
6 2020, all those tax returns. Granted.

7 MR. LANGDON: Your Honor, Number 6 was -- is to
8 produce those documents that would support your tax
9 returns, which would be your attachments, as the
10 Court's aware, W-2, 1099, Social Security
11 statements --

12 **COURT'S RULING AS TO RFP 6**

13 THE COURT: That's granted. You can have all
14 that. For each tax return, all the supporting
15 documents.

16 MR. LANGDON: Fringe -- we talked about this
17 earlier. This is the request for production that
18 goes along with it. Apparently, Ms. Roberts works
19 for/with -- I don't want to mis-address, but with or
20 for her father in his business. And there was a
21 question about fringe benefits being provided. That
22 -- fringe benefits is defined in here, and we were
23 asking for those, and I think I talked about that in
24 the interrogatory earlier. So that's Number 9, to
25 produce any fringe benefits provided by her father.

1 And fringe benefits would include, is her dad -- does
2 he give her a gas card? You know, the -- what sort
3 of benefits do you have from your employer? It's
4 defined.

5 THE COURT: Well, I don't know the exact
6 circumstances, but it's a little different whether
7 dad's company provides something than whether dad
8 provides something.

9 MR. LANGDON: This is through your employer,
10 which is her father.

11 THE COURT: It's her father directly, not a
12 corporation? Mr. Lancaster, help us out here. Is
13 that --

14 MR. LANCASTER: I'm sorry. I was typing. What
15 was the --

16 THE COURT: Does your client work for her dad or
17 her dad's company?

18 MR. LANCASTER: I believe she works for her
19 father's company, Rob Roberts Gunworks. That's
20 right.

21 THE COURT: Okay. So are you asking for
22 everything her dad's ever given her, which is just a
23 gift? Or are you asking for anything that Rob
24 Roberts Gunworks has given her, which is a benefit?

25 MR. LANGDON: Rob -- yes, Rob Roberts, her

1 employer.

2 **COURT'S RULING AS TO RFP 9**

3 THE COURT: Granted. That goes along with
4 Interrogatory Number 5.

5 MR. LANGDON: Yes.

6 MR. LOWELL: One second, Judge.

7 THE COURT: Sure.

8 MR. LANGDON: Your Honor, I was reminded that
9 there is a -- and I would have to look and see, and
10 we might get to that in a moment, which is what --
11 because the Court brought it up -- what gifts are
12 provided by her father, similar to the question that
13 is asked of Mr. Biden, there is a request to produce
14 documents related to gifts that are provided to her

15 THE COURT: Granted. Answer it completely.

16 MR. LANCASTER: I was going to say, even though
17 -- we will answer that even if that wasn't an
18 interrogatory. In good faith, Judge, we'll provide
19 that.

20 THE COURT: Thank you.

21 MR. LANCASTER: And we'll also include gifts
22 from her mother, just to be clear.

23 THE COURT: Excellent.

24 MR. LANGDON: Number 11, Your Honor, we asked
25 for bank statements. The -- Ms. Roberts did not

1 provide the bank statements for the year 2020. We
2 got some, but we didn't get the year of 2020, which
3 is what we asked for. And, Your Honor, my question,
4 again, only went back to incorporate time of the
5 prior order. So if we're going to expand this
6 further -- but my question didn't ask --

7 THE COURT: I'm not expanding anything. It was
8 the order of the Court; you can get it if you want
9 it. Do you want it?

10 MR. LANGDON: Yes, Your Honor.

11 **COURT'S RULING AS TO RFP 11**

12 THE COURT: Give him bank statements back to
13 five years before March of 2020. Granted.

14 MR. LANCASTER: Wrote that down.

15 THE COURT: What's next?

16 MR. LANGDON: Number 12. Deeds, notes, closing
17 statements that relate to the home. Did you provide
18 those to me?

19 MR. LANCASTER: No, I think what we said is that
20 the circuit clerk -- you asked for -- I don't know
21 about the closing but mortgage was -- I mean, I guess
22 it was the circuit clerk has the deeds, but she
23 doesn't -- when I asked Ms. Roberts, she didn't -- I
24 think she said she didn't have a copy of her mortgage
25 or deeds.

1 THE COURT: Whose name is the house in?

2 MR. LANCASTER: Is it in your name? It's in
3 hers.

4 **THE COURT'S RULING AS TO RFP 12**

5 THE COURT: Mr. Wallis, would you print them off
6 a deed, please?

7 MR. WALLIS: Yes.

8 THE COURT: Thank you so much. We'll take care
9 of that.

10 MR. LANGDON: We also want the closing statement
11 that would have been through the --

12 THE COURT: That -- we won't have that.

13 MR. LANGDON: No.

14 THE COURT: You'll have to get that from the
15 title company.

16 MR. LANCASTER: I guess we could ask the title
17 company or identify the title company so he can
18 subpoena it, but I'm sure Ms. Roberts wouldn't mind
19 going by there and seeing if they can give her a
20 copy.

21 THE COURT: Excellent.

22 MR. LANGDON: Great.

23 THE COURT: You're entitled to it; you can have
24 it. You're -- if it's not in her possession, she
25 doesn't have to come up with it, but she can give you

1 the name of where you can get it. Or if she wants to
2 be nice and get it, that'd be swell, too.

3 MR. LANGDON: Swell, I like that. Okay. We'll
4 move on. Number 13. These were certificates of
5 title to the vehicle that she owns. I believe that
6 the vehicle that I got some information on financing
7 of that vehicle. We could inquire of Mr. Lancaster
8 pertaining to that.

9 MR. LANCASTER: The title is held by the company
10 who is financing the vehicle.

11 THE COURT: Okay. Like Ford Motor Credit or
12 whoever?

13 MR. LANCASTER: She thinks it's First Community
14 Bank. Is that where you make your payments to?

15 THE PLAINTIFF: Yes.

16 MR. LANCASTER: She makes her payments to First
17 Community Bank.

18 MR. LANGDON: I believe that Mr. Lancaster --
19 and if we could just clarify since we're here
20 today --

21 THE COURT: Sure, please.

22 MR. LANGDON: -- provided me with the
23 installment agreement.

24 THE COURT: So what are you asking for that you
25 don't have?

1 MR. LANGDON: I want the installment agreement
2 and the payoff.

3 **THE COURT'S RULING AS TO RFP 13**

4 THE COURT: Okay. You're entitled to that.
5 Apparently, you can get it from First Community Bank.
6 Is that --

7 MR. LANCASTER: Yes, Your Honor. She says she
8 doesn't have it in her possession. I don't have mine
9 either, so, I mean --

10 THE COURT: First Community Bank. You're
11 welcome to get it.

12 MR. LANGDON: Number 19 --

13 THE COURT: Do you have the loan number or a
14 payment on your coupon or whatever? I'm just trying
15 not to make Mr. Langdon's life miserable so he can
16 get it efficiently.

17 MR. LANCASTER: Well, I'm sure she can get that,
18 and we'll get it to Mr. Langdon and Mr. Lowell.

19 THE COURT: Thank you. That'll be granted.
20 What else?

21 MR. LOWELL: 19 was asking for a credit report.

22 MR. LANCASTER: We objected to that one. She
23 doesn't have a credit report in her possession.
24 There's no obligation for her to go out and get one
25 to give to them. I mean, you're asking her to --

1 THE COURT: Yeah, I don't think I can -- if she
2 doesn't have one. And if she does have one, it's
3 probably not current.

4 MR. LANGDON: Your Honor, it's been my
5 experience is that when you pull a credit --
6 obviously, I cannot do that like Ms. Roberts -- but
7 when you pull a credit report, it also confirms the
8 debts which you might not have put down otherwise.

9 THE COURT: I think I can make them give you a
10 release so that you can get it.

11 MR. LANGDON: That'd be great.

12 THE COURT: I've seen that in divorce cases. Is
13 that --

14 MR. LANGDON: Yeah. Same thing, Your Honor.
15 Same thing.

16 **COURT'S RULING AS TO RFP 19**

17 THE COURT: I'll -- Mr. Lancaster, I'm
18 authorizing Mr. Langdon for you to issue a release
19 for him to get her credit.

20 MR. LANCASTER: We will be glad to do that, Your
21 Honor.

22 THE COURT: It'd be the same idea as a HIPAA
23 medical release, only in this case, it's credit.

24 MR. LANCASTER: Sure.

25 THE COURT: I'm okay with that. Granted.

1 MR. LANGDON: Thank you. Request for Production
2 Number 28 -- and I will just go through these
3 quickly, Your Honor, because they all relate to the
4 expert. 28 is a request for documents regarding Mr.
5 Ziegler. 29 was the CV. 30 is documents of models,
6 compilations of data, other material regarding Mr.
7 Ziegler. 31 are documents of textbook, papers,
8 authority that Mr. Ziegler -- or any expert, Your
9 Honor. I'm just saying Mr. Ziegler because he had
10 been identified. 32, produce documents related to
11 books, treatise, dissertations, or other tangible
12 item which Mr. Ziegler may rely upon in formulating
13 his opinions. 33, documents that -- to identify the
14 documents that Mr. Ziegler has received from the
15 Plaintiff in preparation of his testimony. 34, those
16 are witness and/or expert statements from any witness
17 or expert.

18 THE COURT: What is that? I didn't follow.

19 MR. LANGDON: That's 34 --

20 THE COURT: What's a statement? Are you talking
21 about like an expert report?

22 MR. LANGDON: No. Any statements that they
23 receive from witnesses that the expert used in
24 compiling the report.

25 THE COURT: Oh, I understand. Okay, I

1 understand.

2 MR. LANGDON: Yeah. I'm looking at notes, Your
3 Honor. But we do need a report from -- I think the
4 first one is the report from the expert.

5 MR. LANCASTER: Your Honor, I hired Mr. Ziegler
6 on April 15th. I don't have -- I don't feel like
7 what I have is enough complete discovery for him to
8 formulate these opinions yet. I asked him; he
9 doesn't have a CV, but he might make one. And I
10 would like for the record to reflect that I'm handing
11 Mr. Langdon the report on the Biden laptop by Marco
12 Polo, which is a document that is a report issued by
13 Garrett Ziegler.

14 MR. LANGDON: Your Honor --

15 THE COURT: Okay.

16 MR. LANGDON: -- with regard to this document
17 right here, it does not comply with telling me what
18 it is that you're going to rely upon in reference to
19 and in response to the Request for Production that I
20 have made.

21 THE COURT: I understand.

22 MR. LANGDON: And I --

23 MR. LANCASTER: Your Honor, just to be clear,
24 that's all I have at the moment, and so I've given
25 him all I have. As I get closer and closer and do

1 this stuff, this will get narrower and narrower.

2 THE COURT: All right. We'll talk about
3 deadlines. Obviously, when the parties are still
4 exchanging discovery, and despite the reports by both
5 sides that, you know, there'd been supplementation
6 and we were almost there and we're working together,
7 after sitting through this hearing today, I've come
8 to the conclusion that I'm awfully glad we had this
9 hearing today because there's an awful lot of work
10 still to be done. And it's not until Mr. Ziegler, or
11 whoever your expert's going to be, is has an
12 opportunity to review all this that he's going to
13 come up with any opinions, and then you can obviously
14 disclose them. So as we talk about -- I'm going to
15 order all this disclosed, and we'll need to talk
16 about time lines. Just as we've identified a time
17 line for the Biden team to get you what you need,
18 we're going to give you a time line as well, and I'll
19 take that into consideration when we set time lines.
20 What else, Mr. Langdon?

21 MR. LANGDON: Your Honor, did I start with
22 number 28, or did I miss that?

23 THE COURT: You did 28. You started with 28,
24 yes, sir.

25 MR. LANGDON: Just -- I do have that here, Your

1 Honor, just so that I can confirm with the Court what
2 is asked, and it's reports and underlying
3 documentation prepared or reviewed by the expert. So
4 that was the one. I thought that was the one.

5 THE COURT: Okay.

6 MR. LANGDON: So I think that we went through --

7 **COURT'S RULING AS TO RFP 28 through 34**

8 THE COURT: 28, 29, 30, 31, 32, 33, and 34, I'm
9 going to order Mr. Lancaster to answer all of those.

10 MR. LANGDON: That covers the expert. Number
11 35, Mr. Lancaster brought me an affidavit of
12 financial means today, so we don't need to cover
13 that.

14 THE COURT: Excellent. When can we expect
15 yours?

16 MR. LANGDON: Right away.

17 THE COURT: Okay.

18 MR. LANGDON: I understand that we have to
19 produce those.

20 THE COURT: So we haven't produced it yet, but
21 we're going to ASAP? Is that what I'm hearing?

22 MR. LANGDON: Your Honor, technically, Mr.
23 Lancaster did not ask for that in discovery.
24 However, I --

25 THE COURT: Rule 10 requires the parties to

1 exchange it before court, so I'll -- we're going to
2 -- that's -- along with depositions, which we're
3 going to talk about here in just a minute -- a date
4 to exchange the AFMs is also going to be set.

5 MR. LANGDON: Sure. That goes without the Court
6 -- I think the legislature covered that for us.

7 THE COURT: I think they did. I think you're
8 right.

9 MR. LANGDON: All right, Your Honor. I'm on
10 Number --

11 THE COURT: We did Number 35. What's next?

12 MR. LANGDON: Okay. 36 is a request to produce
13 documents that -- including electronic communication
14 with anyone other than her counsel, about Hunter
15 Biden.

16 THE COURT: Mr. Lancaster?

17 MR. LANCASTER: Your Honor, I -- we don't -- my
18 client doesn't keep every text message she's ever
19 sent. You know, I don't -- you know, electronic
20 communication, if she had something that said, hey,
21 Hunter's, you know, not seeing his kid and not
22 calling, whatever, I don't -- we don't have that to
23 give, you know. We don't have emails. My client and
24 I and Mrs. Lancaster do talk, but that's by text
25 message and covered. So I don't have years of text

1 messages saved up to provide.

2 THE COURT: Well, he's not asking for
3 communications with counsel. He's asking for
4 communications with third parties.

5 MR. LANCASTER: I understand.

6 **COURT'S RULING AS TO RFP 36**

7 THE COURT: And I think he's entitled to those.
8 To the extent that she has possession of those, I'm
9 going to grant that. And I'm also going to grant
10 that you can have a release from her telephone and
11 text and email carrier, and you can get it straight
12 from Gmail or whoever. Provide her email addresses,
13 provide her phone numbers, and provide them a
14 release.

15 MR. LANCASTER: Since we're here asking for
16 things, can you order that Mr. Biden give us one of
17 those as well?

18 MR. LANGDON: Your Honor, we'd object to that.
19 I don't think it should go --

20 THE COURT: Have you asked for it?

21 MR. LANCASTER: I just did. But I can send out
22 some other interrogatories that ask for it. But I
23 was just thinking that we --

24 THE COURT: Mr. Langdon, why would I give you
25 that and not give him that?

1 MR. LANGDON: Didn't ask for it, Your Honor.

2 THE COURT: Well, I get it. I -- we're not
3 going to invent stuff here, but if somebody sends out
4 an interrogatory before the deadlines for
5 interrogatories, you know what I'm going to do. If
6 it's discoverable, I'm going to order it discovered.

7 MR. LOWELL: Communications having to do with
8 Plaintiff? I mean --

9 THE COURT: That's what you asked for. I don't
10 know what he's going to ask for. I haven't seen it
11 yet.

12 MR. LOWELL: Oh, well, then. I was prepared to
13 be generous and say, if that's reciprocal, of course
14 we'll do that. If he's going to ask for Mr. Biden's
15 communications with lots of third parties having
16 nothing to do with the issues here, then we're going
17 to object.

18 THE COURT: I don't -- what are you ask -- when
19 he does it in writing, I'll rule on it. I'm not
20 going to guess.

21 MR. LANCASTER: Thank you, Your Honor.

22 THE COURT: I'm not going to speculate. Mr.
23 Lancaster, since it's apparent you're going to be
24 redoing interrogatories after this court, do your
25 original set, and then if you do supplements, do

1 supplements, but don't confuse the original set any
2 more than it already is because you can't count.

3 MR. LANCASTER: Yes. Well, Your Honor, I tell
4 people I went to law school so I wouldn't have to do
5 math again.

6 THE COURT: Yeah, me too. Me too. What else,
7 Mr. Langdon? Take your time.

8 MR. LANGDON: Your Honor, Number 40 was a
9 request to produce any documents related to their
10 request to change the child's surname. If there's
11 not any, that's that. But I --

12 THE COURT: Has anything been provided?

13 MR. LANGDON: No.

14 THE COURT: Are you aware of anything, Mr.
15 Lancaster?

16 MR. LANCASTER: There are no such documents,
17 Your Honor, but we can answer that and say there are
18 no such documents.

19 **COURT'S RULING AS TO RFP 40**

20 THE COURT: That would be what my expectation
21 is. You will answer it in writing. Thank you. And
22 provide the documents if there are any.

23 MR. LANGDON: I'm almost there. I believe I'm
24 there because the rest of it kind of -- we came into
25 some documents today, the affidavit.

1 THE COURT: Mr. Lancaster, regarding the -- not
2 the experts, but everything else that was requested,
3 how much time do you need to comply?

4 MR. LANCASTER: My client says that we can do it
5 within 14 days.

6 THE COURT: All right. So the deadline that
7 I've set -- somewhere in my notes I have that
8 deadline. What deadline did I set for you, Mr.
9 Langdon?

10 MR. LANCASTER: I think it was May 12th.

11 THE COURT: May 12th. Friday, May 12th. Close
12 of business.

13 MR. LOWELL: Could those be reciprocal dates?

14 THE COURT: Excuse me?

15 MR. LOWELL: Could those be -- could that be the
16 date for both sides?

17 THE COURT: Yes. So it shall be. Now, as to
18 experts, we're going to need a later date.

19 **AS TO THE SCHEDULING OF EXPERT DEPOSITION**

20 THE COURT: As to R -- Request for Production 28
21 through 34, specifically, what is a reasonable amount
22 of time for you to get there?

23 MR. LOWELL: Before he answers, Judge, can I
24 make a suggestion?

25 THE COURT: Please.

1 MR. LOWELL: I think the way to do this is --
2 because of the schedule that you're operating under,
3 is to have a date certain that we agree upon for any
4 expert's deposition in this case, perhaps Mr.
5 Ziegler, and work backwards to make sure that we have
6 the material necessary for that, as opposed to having
7 this and then figuring out when that would be. I
8 know you're trying to figure out dates for things.

9 THE COURT: Well, we are going to talk about
10 deposition dates, so that makes sense. Have we
11 identified a date for the deposition of Mr. Ziegler?

12 MR. LANCASTER: No, Your Honor, we have not yet.

13 THE COURT: Well, let's talk about that. What
14 works?

15 MR. LANCASTER: For them to take Mr. Ziegler's
16 deposition; correct?

17 THE COURT: That's the question on the table.

18 MR. LANCASTER: All right. Do they have their
19 proposed days, and I will -- I mean, do you want me
20 to propose a date?

21 THE COURT: Mr. Lowell, would you like to
22 propose a date?

23 MR. LOWELL: I'd love to propose a date, Your
24 Honor. May I refer to a calendar?

25 THE COURT: I'm sure you'll need to.

1 MR. LOWELL: Thank you. It used to be good when
2 you could just pull out your calendar.

3 MR. LANGDON: Your Honor, while they're digging
4 at that, I might ask Mr. Lancaster to inquire us the
5 location for that deposition. Would it be at your
6 office?

7 MR. LANCASTER: We have a horse and will travel,
8 Judge. We'll go anywhere.

9 MR. LANGDON: Well, I don't know where Mr.
10 Ziegler --

11 MR. LANCASTER: He lives in Illinois, but he can
12 come to Little Rock, or we'll go to Texarkana.

13 MR. LOWELL: So we can work out with counsel the
14 logistics. I don't know how that works here. The
15 proceeding is in Arkansas. We don't have to do this
16 in Arkansas.

17 THE COURT: I'll let you go anywhere you can
18 agree upon. If you can't agree, I may make you do it
19 in my front office.

20 MR. LOWELL: Monday, May the 22nd.

21 THE COURT: Monday, May 22. Does that work?

22 MR. LANCASTER: We're good on that, Your Honor.
23 The only issue that I have that I might ask for a
24 little bit later on is I'm still waiting on some of
25 this information that's coming on May 12th to give to

1 Mr. Ziegler for him to analyze and provide me his
2 opinions and things of that nature. That's --

3 THE COURT: Yeah. It gives him 10 days to come
4 up with opinions and for you to share those opinions.
5 That's a pretty tight time line, counsel.

6 MR. LOWELL: And plus, he's pretty versed about
7 this, too. I'm sure that will help him.

8 THE COURT: I'm sure it will.

9 MR. LANCASTER: Your Honor, I -- Garrett, can
10 you do it in 10 days? He says he can do it in 10
11 days, so we'll do it.

12 THE COURT: All right. Monday, May 22. Where
13 are we going to do it?

14 MR. LOWELL: One more time, Mr. Lancaster, where
15 is Mr. --

16 THE COURT: Little Rock? Texarkana?

17 MR. LOWELL: Where is he located? Is he --

18 MR. LANCASTER: Where do you live at? He said
19 my office in Little Rock will work.

20 MR. LOWELL: Your office in -- yeah. That
21 works.

22 THE COURT: All right. So we've agreed on a
23 location, Mr. Lancaster's office in Little Rock.
24 Pre-trial is the next day, I would point out, May
25 23rd. And that remains on the calendar. We're going

1 to have that hearing right here, and we're going to
2 assess our progress. All right.

3 MR. LANGDON: I think the 22nd was the day that
4 the Court had set for discovery deadline previously
5 anyway --

6 THE COURT: That's right.

7 MR. LANGDON: -- if I'm --

8 THE COURT: That's exactly right. That's what's
9 on the scheduling order. All right. So mutual
10 dates: two weeks from now, deposition of the expert
11 on the 22nd at 9:00 at Lancaster's office in Little
12 Rock. All right. Let me go back to my to-do list.
13 Anything else on discovery? Anything else? Either
14 side?

15 MR. LANCASTER: Your Honor, we do have some
16 depositions of some witnesses that Mr. Ziegler has
17 identified that we've supplemented. We know that we
18 have at least one -- or at least two who are in-state
19 persons, so does the Court consider that part of the
20 discovery issues? Is that --

21 **AS TO THE DISCOVERY DEADLINE**

22 THE COURT: Well, here's the position we're in.
23 I -- if you read the scheduling order, all discovery
24 requests are supposed to be out 30 days before May
25 23rd so that we can take everything up and have

1 everything done timely on the 23rd. Based on the
2 fact that both sides have been noncompliant with the
3 discovery requests so far, that deadline's blown out.
4 So that's no longer going to be the discovery
5 deadline. The discovery deadline's going to be moved
6 back by 30 days to June 23rd. And the longer you two
7 sides wool around this discovery, the more hearings
8 we're going to have and the longer this is going to
9 take. So we're still set for trial July 22nd -- the
10 24th?

11 THE TCA: The 24th.

12 THE COURT: I think we can move the discovery
13 deadline and still meet that trial date.

14 MR. LOWELL: Don't disagree with that, Judge.
15 It seems to me -- and again, this is my learning
16 curve -- May 23rd, which you previously set, is what
17 you've just defined in your pretrial, it seems like
18 given what you just did about discovery, it's more
19 going to be like a status conference; or am I wrong?

20 THE COURT: Yes, that's correct. It will be
21 status conference.

22 MR. LANCASTER: Your Honor, is there -- would
23 the Court consider moving that July date by one
24 month?

25 THE COURT: The trial date?

1 MR. LANCASTER: Yes, ma'am.

2 THE COURT: I will assess that request when I
3 see where we are on May 23rd.

4 MR. LANCASTER: Yes, Your Honor.

5 THE COURT: At the rate we're going, I don't
6 know.

7 **AS TO THE DEPOSITIONS OF PARTIES AND WITNESSES**

8 MR. LANCASTER: All right. And since we're
9 making such wonderful progress here today with
10 deadlines and dates, could we go ahead and set some
11 dates for depositions of these laywitnesses and the
12 parties? That might -- we're all gathered her
13 together.

14 THE COURT: Well, we had previously set June as
15 the agreed date. We didn't get a specific date, but
16 we had previously agreed that the deposition of the
17 parties would be in June. I agree, I'm going to need
18 to help you gentlemen set a specific date. What
19 about --

20 MR. LOWELL: Is this for the parties?

21 THE COURT: This is for the parties.

22 MR. LOWELL: I'm sorry. I though it was for the
23 third parties?

24 MR. LANCASTER: So there's -- we have at
25 least --

1 THE COURT: We need to set third-party
2 depositions, and we need to set party depositions.
3 Let's start with the parties. When can we depose Ms.
4 Roberts?

5 MR. LANCASTER: She -- I asked her before we
6 came. She said she has not got any plans and will be
7 available in June.

8 THE COURT: Okay. When do you want to depose
9 Mr. Biden?

10 MR. LANGDON: I have told him before that it's
11 going to be June.

12 THE COURT: All right. So sooner rather than
13 later. Let's look at that first week in June. Tell
14 me what the first week in June looks like on your
15 calendars, counsel.

16 MR. LANCASTER: I like the June 7th through June
17 9th. That's a Wednesday through Friday.

18 THE COURT: June 7 through 9?

19 MR. LOWELL: Just one second.

20 THE COURT: I hope you're not suggesting this is
21 a three-day deposition?

22 MR. LANCASTER: I was going to try to fit our
23 laywitnesses in at the same time so Mr. Langdon and
24 Mr. Lowell didn't have to make multiple trips.

25 THE COURT: Okay.

1 MR. LANCASTER: I would hope it's not a three-
2 day deposition, for the parties.

3 MR. LOWELL: I'm sorry, Judge. We're --

4 THE COURT: No, you're fine. Take all the time
5 you need. I just need to know how June 7 through 9
6 looks on your calendars for depositions of the
7 parties and the witnesses.

8 MR. LOWELL: Could I make a radical suggestion?
9 People's schedules need to be jived, including we
10 don't know Mr. Biden's schedules the and when he's
11 got the childcare that he has and other things he's
12 supposed to do. I'm supposed to be out of the US on
13 the 7th through the 9th. Can we get with Mr.
14 Lancaster and report back to the Court on the dates
15 for both of these?

16 THE COURT: Nope. We're going to do it before
17 we leave today.

18 MR. LOWELL: Okay. That was a radical
19 suggestion, so now, we'll go to the more
20 conservative.

21 THE COURT: Normally, I would allow that, but in
22 this case, we're making such slow progress. We're
23 not leaving this room until we have a date.

24 MR. LANCASTER: Judge, I'm also available the
25 13th of June through the 16th of June.

1 MR. LOWELL: Much better for me if that's the
2 case, Your Honor.

3 MR. LANGDON: 13 through 16 are good. Your
4 Honor, I do want to revisit because -- I think this
5 was our last time that we were together, we talked
6 about the location of that deposition. I believe
7 that the location was my office or --

8 THE COURT: The scheduling order addresses the
9 location of the deposition.

10 MR. LANGDON: My office or Little Rock, I think
11 it says.

12 THE COURT: Hang on. I don't recall. I know
13 it's in one of the orders.

14 MR. LANGDON: I remember that, actually.

15 THE COURT: But in any event, I think we've
16 agreed -- so what'd we say? 16 through --

17 MR. LANCASTER: The 16 through the -- I'm sorry.
18 13th through the 16th.

19 THE COURT: Okay. So starting at 9:00 on the
20 13th at Mr. Lancaster's office, and we're going to go
21 14th, 15th, and 16th until both parties are deposed
22 and all witnesses each side wants deposed. That way
23 everybody makes one trip to Little Rock, and we get
24 them all done.

25 MR. LANGDON: Or we were -- I thought we were

1 going to do my office, because I don't necessarily --
2 we -- you gave us the option to select the location
3 in Little Rock and/or my office, which is in
4 Texarkana.

5 MR. LANCASTER: Your Honor, the only -- it
6 doesn't matter to me, but the laywitnesses, they live
7 in Arkansas, and I don't know that we can subpoena
8 someone in Arkansas to go to Texas for a deposition.

9 THE COURT: Is that where your office is, is in
10 Texas?

11 MR. LANCASTER: His office, I think, is in
12 Texas.

13 MR. LANGDON: I thought we were talking about
14 the parties.

15 THE COURT: We're talking about parties and
16 laywitnesses. We've got -- he said he has at least
17 two other depositions he wants to take, so we're
18 doing them all at once.

19 MR. LANGDON: Oh, I'm sorry. I missed that.

20 THE COURT: That's okay.

21 MR. LANGDON: Okay.

22 MR. LANCASTER: We don't have any objection to
23 coming to beautiful Texarkana, Arkansas, and then
24 crossing over into the Texas side.

25 THE COURT: The scheduling order indicates June

1 23, depositions will be conducted during the month of
2 June in person at either attorney's office at a
3 neutral office agreed to by the parties in the State
4 of Arkansas. That's the Court's prior order.

5 MR. LANGDON: Your Honor, with Mr. Lowell being
6 involved and the -- with Mr. Lowell being involved
7 and getting Mr. Biden there, probably Little Rock is
8 going to work out.

9 THE COURT: Okay.

10 MR. LANCASTER: That's okay.

11 MR. LANGDON: So we'll get with Mr. Lancaster,
12 and -- but we have the dates now.

13 THE COURT: All right. By agreement, beginning
14 the 13th at 9:00 -- I'll let you lawyers arm wrestle
15 over what order we do it in, but I want all witnesses
16 and all parties deposed starting on the 13th, and I
17 want you to keep working until it's done.

18 MR. LANCASTER: Yes, Your Honor.

19 **AS TO THE EXCHANGE OF WORKSHEETS AND AFMS**

20 THE COURT: All right. Exchange of worksheets.
21 You have already provided yours?

22 MR. LANCASTER: I provided an AFM, not a
23 worksheet yet.

24 THE COURT: Okay.

25 MR. LANCASTER: We don't have Mr. Biden's AFM to

1 do a worksheet, but I heard today that I would be
2 getting that soon.

3 THE COURT: Okay. So I need a deadline on the
4 -- I'm going to give you that same deadline, that
5 two-week deadline, for the affidavit of financial
6 means for Mr. Biden, and I also want worksheets
7 exchanged on that day -- or at least a draft of the
8 worksheet. Get as much work done as we can. So
9 we've addressed the affidavits of financial means.
10 We've addressed the worksheets. We have scheduled
11 depositions.

12 **AS TO THE 5/23 HEARING**

13 THE COURT: All right. The only other motion
14 that I recall that is still presently outstanding is
15 the attorney fee disclosure motion, and I note a
16 brief. I think you've answered it. That will be set
17 for our pre-trial hearing of 5/23 of '23.

18 MR. LANGDON: I have not answered that. That
19 was the one that was filed on Thursday.

20 THE COURT: Okay. It was just filed. You're
21 right. You have plenty of time to answer it.

22 MR. LANGDON: Well, plenty of time is relative.

23 THE COURT: It's relative. But we will take
24 that motion -- we will take up the continuing
25 problems of discovery on the 23rd. Expect motions to

1 compel on that day if there has not been very
2 substantial compliance. We will take up discovery.
3 We will take up the attorney fee disclosure. We'll
4 take up Mr. Lancaster's request to continue the trial
5 date maybe 30 more days, which I, at this point,
6 decline to do, but I will revisit that decision on
7 the 23rd. Any other pending motions that need to be
8 scheduled for the 23rd? At that point, depositions
9 will not yet be done, and so we might have deposition
10 issues which may happen after that. Mr. Langdon,
11 anything else I can for you or your client?

12 MR. LOWELL: I have a clarification when you're
13 ready.

14 THE COURT: Certainly.

15 MR. LOWELL: Are we done other than my making
16 sure that I've got something --

17 THE COURT: We're getting close.

18 MR. LOWELL: Okay. In the request for financial
19 information, for example, for people from -- to whom
20 Mr. Biden is indebted, to being lifted off of a
21 promissory note or some other document and put in a
22 separate form. As I understand it, just to be clear,
23 so if the payments that Mr. Biden has been making to
24 the Plaintiff for \$20,000 a month is coming from
25 somebody else and there's a promissory note -- or if

1 the amount that the Plaintiff has received to date
2 over the last three years -- it's \$750,000 -- the
3 Plaintiff wants us to delineate where that is from in
4 terms of the indebtedness of Mr. Biden. Is that what
5 I'm understanding?

6 THE COURT: If that's a specific interrogatory
7 that you've been directed to answer, the answer is
8 yes. I don't recall that specific interrogatory, but
9 if that's so, if -- you know, and if we're -- any
10 other questions, Mr. Langdon?

11 MR. LANGDON: No, Your Honor.

12 THE COURT: All right. Mr. Lowell?

13 MR. LOWELL: No, Your Honor. Thank you.

14 THE COURT: Okay. I don't want anybody
15 complaining about what's in the press when you guys
16 are feeding the press. Mr. Lancaster?

17 MR. LANCASTER: Your Honor, I think you've
18 covered it all. Thank you very much.

19 THE COURT: All right. Mr. Lancaster, you will
20 be responsible for the first draft of this order.

21 MR. LANCASTER: Yes, Your Honor. Mr. Langdon
22 will receive that by email from Mr. Lancaster. If
23 you have any objections, you have 24 hours to get
24 them to me. Provide your objections to his draft to
25 me in writing. I want this draft with great

1 specificity.

2 MR. LANCASTER: Yes, Your Honor.

3 THE COURT: Recall everything I've said today
4 about contempt. If anybody wants contempt on either
5 side, we start over today, based on the orders of the
6 Court today. I'll expect compliance. If there is
7 failed to be compliant, petition me with specificity
8 with the show cause order with 10 days notice before
9 May 23rd so we can take it up at that time.

10 Now, I know everybody's working hard. I know
11 everybody's under the microscope in this case. But I
12 expect this case to move, and I will ride herd on you
13 gentlemen and ladies until that happens, so get it
14 done.

15 MR. LANCASTER: Yes, Your Honor.

16 THE COURT: All right.

17 MR. LANGDON: Your Honor, with regard to one
18 statement that you just made, now that Mr. Lowell is
19 in the case, I would appreciate that any of those
20 emails also go to him.

21 THE COURT: Absolutely. He should be copied on
22 everything. He's counsel of record at this point.

23 MR. LANCASTER: Yes, Your Honor.

24 MR. LOWELL: I included -- sorry.

25 MR. LANCASTER: Go ahead, Mr. Lowell. I'm

1 sorry.

2 MR. LOWELL: I was going to say as far as the
3 Court and the clerk's office, you have my email for
4 notices, et cetera, and then I know how to get onto
5 the court reporting --

6 THE COURT: Yeah, the clerk's office won't be
7 sending you anything, but you're welcome to access
8 electronic filing if you know how to do that.

9 MR. LOWELL: Right. I know how to do that.

10 THE COURT: Any emails or communications you get
11 from this Court should hopefully be on logistical
12 matters, not substantive matters. I try to handle
13 those in open court or in writing.

14 MR. LANCASTER: Your Honor, we'll add him by
15 doing a clicking --

16 MR. LOWELL: Thank you.

17 THE COURT: Excellent.

18 MR. LOWELL: Whatever that click is.

19 THE COURT: Whatever that is. I'm with you.
20 All right. I appreciate everyone being here.
21 Court's adjourned.

22 **(WHEREUPON, the proceedings were concluded in**
23 **the matter.)**

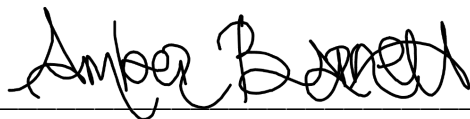
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C E R T I F I C A T E

I, AMBER BARNETT, Official Court Reporter for the Circuit Court, 16th Judicial Circuit of Arkansas, do hereby certify that I recorded the proceedings by the method of voice-writing recording in the case of *Lunden Roberts versus Hunter Biden*, Case Number 32DR-19-187-2, heard on May 1, 2023, before the Honorable Holly Meyer, 16th Judicial Circuit Judge, Division 1, in Batesville, Arkansas; that said recording of the proceedings has been reduced to a transcription by me, and the foregoing pages numbers 1 through 113 constitute a true and correct transcript of the proceedings held to the best of my ability.

WITNESS MY HAND AND SEAL this 3rd day of May, 2023.



Amber Barnett, CCR

Certified Court Reporter #837

P.O. Box 25

Salado, AR 72575

