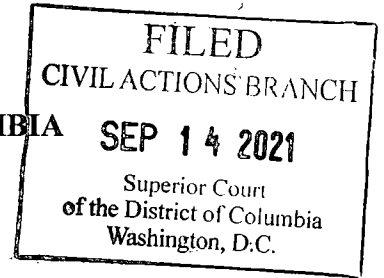


SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION



THE DEMOCRACY INTEGRITY PROJECT
and DANIEL J. JONES,

Plaintiffs,

v.

AO Alfa-Bank,

Defendant.

Civil Case No. 2021 CA _____

2021 03225

Judge:

No court date set

PRAECIPE

Undersigned counsel, on behalf of Plaintiffs The Democracy Integrity Project and Daniel J. Jones, respectfully request that the attached documents be made a part of the record in this case.

Attached are: (1) Complaint Filed by Plaintiffs on August 31, 2021; (2) August 31, 2021 Filing Receipt; (3) September 7, 2021 Rejection of eFiling; and (4) September 7, 2021 Motion to Seal or Redact Address of Daniel J. Jones from Complaint; (5) Order of September 9, 2021.

Dated: September 14, 2021

Respectfully submitted,

/s/ Christopher R. MacColl

William W. Taylor, III (Bar # 84194)

Christopher R. MacColl (Bar # 1049153)

Jay T. Cohen (Bar # 501154)

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that that on this 14th day of September, 2021, I caused a copy of the foregoing Praecipe to be served via electronic mail on:

Margaret E. Krawiec
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Ave., N.W.
Washington, D.C. 20005

/s/ Christopher R. MacColl
Christopher R. MacColl

(1)

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

THE DEMOCRACY INTEGRITY PROJECT
and DANIEL J. JONES,

Plaintiffs,

v.

AO Alfa-Bank,

Defendant.

Civil Case No. 2021 CA **2021 03225**

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES

Plaintiffs The Democracy Integrity Project and Daniel J. Jones, by their undersigned counsel, for their Complaint for Declaratory and Injunctive Relief and Damages against the AO Alfa-Bank state as follows:

INTRODUCTION

1. Plaintiffs seek: (1) a declaratory judgement that certain documents and testimony are subject to binding contractual agreements between Plaintiffs and Defendant which prohibit their disclosure and an injunction prohibiting their disclosure; and (2) an award of damages to reimburse Plaintiffs' fees and expenses incurred protecting the confidentiality of Mr. Jones' deposition testimony and certain deposition exhibits.

PARTIES

2. Plaintiff The Democracy Integrity Project ("TDIP") is a District of Columbia Nonprofit Corporation that can be reached at 1360 Beverly Road, Suite 300 in McLean, VA 22101. TDIP's mission includes efforts to research, investigate, and help mitigate foreign interference in elections in the United States and its allies overseas.

3. Plaintiff Daniel J. Jones is the President and CEO of TDIP and a resident of California and Washington, DC. Mr. Jones is a former U.S. Federal Bureau of Investigation (“FBI”) analyst and a former U.S. Senate Select Committee on Intelligence professional staff member who has participated in, managed, and led a number of highly complex and sensitive investigations for the U.S. Government. Mr. Jones now devotes a substantial portion of his professional life to conducting confidential research and investigations on matters of great public interest, including foreign threats to democratic elections.

4. Mr. Jones often completes discreet research for government and media entities and goes on-the-record with prominent media outlets when his research reveals issues of grave importance. For example, a front-page story in *The New York Times* on May 12, 2019, titled *Russia Is Targeting Europe’s Elections. So Are Far-Right Copycats*, describes Jones as having “flagged a number of suspicious websites and social media accounts to law enforcement authorities” related to threats to European Parliament elections. In the context of Russia’s interference in those democratic elections, Mr. Jones was quoted as saying, “The goal here is bigger than any one election It is to constantly divide, increase distrust, and undermine our faith in institutions and democracy itself.” See Matt Apuzzo & Adam Satariano, *Russia Is Targeting Europe’s Elections. So Are Far-Right Copycats*, THE NEW YORK TIMES (May. 12, 2019) <https://www.nytimes.com/2019/05/12/world/europe/russian-propaganda-influence-campaign-european-elections-far-right.html>. More recently, Mr. Jones warned of threats of violence in Washington, DC and to the certification of the U.S. Presidential election when his research identified unusually detailed calls for violence days before the January 6, 2021, U.S. Capitol insurrection. See Craig Timberg & Drew Harwell, *Pro-Trump forums erupt with violent threats ahead of Wednesday’s rally against the 2020 election*, WASHINGTON POST (Jan. 5, 2021 12:57

p.m.) <https://www.washingtonpost.com/technology/2021/01/05/parler-telegram-violence-dc-protests/>.

5. Defendant AO Alfa-Bank (“Alfa Bank”) is a major banking institution, registered and licensed in the Russian Federation. Its registered office is located at 27 Kalanchevskaya Street, Moscow, Russia 107078.

6. Alfa Bank has close ties to the Kremlin. For example, The Department of Justice *Report On The Investigation Into Russian Interference In The 2016 Presidential Election* states that “a Russian national who heads Alfa-Bank” was “one of approximately 50 wealthy Russian businessmen who regularly meet with [Russian President] Putin in the Kremlin.” The Department of Justice report further details how the “Russian national who heads Alfa-Bank . . . understood that any suggestions or critiques that Putin made during these meetings were implicit directives” with consequences for “not follow[ing] through.”¹

JURISDICTION AND VENUE

7. The amount in controversy and the subject matter of this action are within the jurisdiction of this Court.

8. This Court has jurisdiction over this matter because it arises out of contracts specifying the scope and confidentiality of discovery that Plaintiffs provided in satisfaction of a subpoena issued by this Court. *See* Subpoena Duces Tecum of Daniel J. Jones, *AO Alfa-Bank v. Doe*, Case No. 2020 CA 004246 2 (D.C. Super. Sept. 17, 2020). Those contracts were negotiated by the parties’ agents within the District of Columbia, and Alfa Bank has expressed its intent to violate the parties’ contractual agreements within the District of Columbia. Venue is proper in this Court because the action is brought at law and in equity for declaratory and injunctive relief

¹ <https://www.justice.gov/archives/sco/file/1373816/download>, at 146.

and arises from a subpoenas obtained by Defendant in this Court.

FACTS

A. Initial Media Reports of Suspicious Connections Between Alfa Bank and Trump Organization Servers in 2016

9. On October 31, 2016, Franklin Foer published an article in Slate Magazine titled *Was a Trump Server Communicating With Russia?* The Slate article reported that “a small, tightly knit community of computer scientists” including Indiana University computer scientist L. Jean Camp and a scientist using the pseudonym Tea Leaves had identified DNS records that suggested “a sustained relationship between a server registered to the Trump Organization and two servers registered to an entity called Alfa Bank.”²

10. The Slate article reported that “[e]ighty-seven percent of the DNS lookups involved the two Alfa Bank servers. ‘It’s pretty clear that it’s not an open mail server,’ Camp told [Foer]. ‘These organizations are communicating in a way designed to block other people out.’” *Id.*

11. Two days later, on November 2, 2016, Foer published a follow-up article in Slate, titled *Trump’s Server, Revisited*, providing alternative theories for the server connections, as well as more detailed response statements from the parties involved.³

12. Many entities, including the Trump Organization, suggested that the DNS traffic might be a result of spam or email marketing. *Id.*

13. Cendyn, a third-party vendor that operated the server on behalf of the Trump Organization, informed CNN that its contract to provide email marketing services to the Trump Organization ended in March 2016, and that a different client had been communicating with Alfa

² http://www.slate.com/articles/news_and_politics/cover_story/2016/10/was_a_server_registered_to_the_trump_organization_communicating_with_russia.html

³ <https://slate.com/news-and-politics/2016/11/the-trump-server-evaluating-new-evidence-and-countertheories.html>

Bank using Cendyn communications applications. Alfa Bank denied this claim.

14. In hindsight, the DNS lookups are particularly suspicious because there is independent confirmation that Alfa Bank attempted to establish a communication channel with the Trump Transition Team on behalf of the Russian government in late 2016.

15. Special Counsel Robert Mueller's April 2019 *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*⁴ accurately revealed that Petr Aven, the billionaire oligarch and head of Alfa Bank, pulled aside Washington lobbyist Richard Burt at a corporate meeting in Luxembourg and informed him that someone high in the Russian government wanted a communications channel between the Kremlin and the Trump Transition Team. Mr. Aven asked for Burt's help in contacting members of the Trump Transition Team.

16. Mr. Burt viewed Mr. Aven's request as unusual and outside the normal realm of his dealings with Mr. Aven.

B. The Nature of DNS Lookups

17. Worldwide communication on the internet is based on numerical Internet Protocol ("IP") addresses that function in a manner similar to telephone numbers. Because large series of numbers are difficult for humans to remember, there is a global Domain Name System ("DNS") that functions as a phonebook, "resolving" ("looking-up") easy to remember text-based names (e.g. www.dccourts.gov) into IP addresses (208.185.32.134).

18. DNS look-ups almost always automatically precede and are followed by communication, such as emails, webmail messaging, chat messages, a connection via software, or website visits.

⁴ <https://games-cdn.washingtonpost.com/notes/prod/default/documents/f5fe536c-81bb-45be-86e5-a9fee9794664/note/a8d336ef-e98d-4a08-987d-b4c154b22700.pdf>

19. There are different types of DNS look-ups. For example, one type of DNS look-up relates to websites; another type of DNS look-up relates to email. Because of this, DNS records can provide insights into the intentions and actions of specific computers.

20. Before a computer server can send an email, for example, it first must do a DNS look-up to identify the numerical address on the internet of the receiving email server. This is a necessary first step before any two computers can communicate.

21. In the internet world of email exchanges and computer connections, if “Computer X” does a DNS look-up of “Computer Y,” it means that “Computer X” is trying to connect to “Computer Y.” An analogy would be a human dialing directory assistance on a telephone and asking for a phone number for a particular business or individual. Acquiring the phone number from the operator is a necessary first step before taking the second step: calling that individual or business.

22. DNS records can reveal attempts to initiate communications and provide insight into intentions, patterns, and types of communications sought. However, only a limited set of sophisticated organizations have the technical ability and expertise to collect the sufficiently large, representative DNS look-up datasets required for analysis that can reliably offer such insights.

C. The Senate Armed Services Committee Asks TDIP and Mr. Jones to Examine the DNS Data in 2017

23. In early-to-mid 2017, the U.S. Senate Armed Services Committee, via senior leadership staff acting in their official capacity, asked Mr. Jones to research and offer his insights into the alleged connections between Alfa Bank and Trump Organization servers.

24. More specifically, the Senate Armed Services Committee requested that Mr. Jones evaluate information it had received about DNS look-ups between Alfa Bank servers and Trump Organization servers.

25. The Senate Armed Services Committee informed Mr. Jones that the source of the DNS records had a history of providing accurate information, a lengthy history of reliably assisting the U.S. law enforcement and intelligence communities, and was an individual or entity with sensitive contracts with the U.S. government.

26. At the request of the Senate Armed Services Committee, Mr. Jones met with a representative for the source of the DNS records.

27. After investigating and confirming the *bona fides* of the data source described by the Senate Armed Services Committee, information provided by the source's representative, and the importance of a rigorous analysis of the alleged server links, TDIP and Mr. Jones agreed to receive and analyze a dataset of DNS look-ups and to report their findings back to the U.S. Senate.

28. TDIP and Mr. Jones spent more than a year rigorously analyzing the dataset and the available background information on Alfa Bank, the Trump Organization, and the other entities whose servers the DNS data suggested were connecting to the Trump Organization server at issue (i.e., Spectrum Health and Heartland Payment Systems). In connection with this effort, TDIP retained computer science experts to examine the data, questioned anonymous data scientists who had done prior research, and compiled details on Alfa Bank's historical practices and business relationships.

29. TDIP and Mr. Jones' analysis was conducted confidentially and pursuant to TDIP's public interest mission. TDIP was not paid for its analysis.

30. TDIP drafted a detailed report summarizing its analysis. The first 50 pages of the most recent, October 4, 2018 version of TDIP's report is attached hereto as Exhibit A ("the Report").

31. The Report is based upon a DNS dataset derived from the worldwide collection of

DNS look-ups. As the first footnote of the Report explains, “The specific DNS data-set reviewed includes more than 37 million DNS queries and responses for a set of domain names and IP addresses from January 1, 2016, to January 15, 2017. The assessments in this [report] are based on a belief by researchers that the DNS data-set is comprehensive, representative, and authentic.” *Id.* at 5. TDIP and Mr. Jones have not been provided with any facts or details that change their assessment that the data at issue was comprehensive, representative, and authentic.

32. The Report reached seven findings detailed at pages 15 through 41. Those findings are accurate.

33. Alfa Bank funded investigations by Mandiant (November 2016), Stroz Friedberg (July 2017), and Ankura (April 2020) into alleged DNS connections. Those companies prepared reports that do not refute Plaintiffs’ findings. These companies’ reports do not even attempt to refute that DNS records show that Alfa Bank’s servers accounted for a remarkably high proportion of DNS look-ups associated with the Trump Organization server at issue from May 4, 2016 to September 21, 2016.

E. Alfa Bank Aggressively Pursues Litigation Against Unnamed John Doe Defendants that Results in Extraordinary Costs to Innocent Third Parties

34. On June 11, 2020, Alfa Bank filed two cases against unnamed “John Doe” defendants that allege, in essence, that the DNS look-ups at issue were fabricated. *See AO Alfa-Bank v. Doe*, Case No. 50-2020-CA-006304-XXX-MB (Fla. 15th Cir. Ct.); *AO Alfa-Bank v. Doe*, Case No. CI-20-04003 (Pa. C.P. Lancaster Cnty.).

35. Alfa Bank has attempted to use those cases to justify subpoenas for documents and testimony by entities and persons in different geographical locations in the United States, all without asserting a claim against any named person or entity. In Alfa Bank’s Palm Beach County, Florida litigation, it has issued approximately fifty document subpoenas and noticed depositions

of at least fifteen individuals or entities.

36. Notwithstanding the fifteen months of extraordinarily broad, non-party discovery, Alfa Bank has yet to name a single defendant in its John Doe lawsuits.

F. Alfa Bank Pursues Discovery from Mr. Jones, TDIP, and the Penn Quarter Group, and the Parties Reach an Agreement as to the Scope of Discovery and the Treatment of Plaintiffs' Confidential Documents

37. On or about October 9, 2020, counsel for Alfa Bank sent undersigned counsel subpoenas duces tecum addressed to Daniel J. Jones, The Penn Quarter Group, LLC ("PQG"), and TDIP.

38. The subpoenas to Mr. Jones and The PQG were issued by the Superior Court of the District of Columbia pursuant to the Uniform Interstate Deposition and Discovery Act.

39. The PQG is a for-profit consulting, research, and global investigations services firm that is led by Mr. Jones. It did not perform research or analysis on the apparent links between Trump Organization and Alfa Bank servers. Alfa Bank has only disputed the confidentiality of one (1) document produced with a PQG Bates stamp. That document belongs to TDIP and was sent to a PQG email address in error.

40. On February 26, 2021, the parties executed a "Confidentiality Agreement" (Exhibit B), pursuant to which TDIP and Mr. Jones have produced confidential documents and provided deposition testimony to Alfa Bank. The parties also executed a confidential "Discovery Agreement" that specified the extent of the discovery that Plaintiffs would provide.

41. The Confidentiality Agreement permits TDIP and Mr. Jones to:

designate a Document as Confidential if the Document constitutes, reflects, or contains (i) information protected from disclosure by statute, (ii) sensitive personal information, (iii) trade secrets, (iv) proprietary or confidential research, development, or commercial information, (iv) other business-sensitive information, or (v) other non-public information that the Party believes in good faith would create a risk of harm if disclosed. Information or Documents which

are known to be available in the public sector may not be designated as Confidential.

(Exhibit B § 3).

42. “Documents” are defined by the Confidentiality Agreement to include “All documents produced in the course of discovery, all responses to discovery requests and all deposition testimony and deposition exhibits and any other materials which may be subject to discovery.” (Exhibit B § 1).

43. The Confidentiality Agreement specifies to whom Confidential documents may be disclosed:

The Documents designated as Confidential can be reviewed by the following individuals and/or entities: (i) counsel for Alfa Bank and employees of counsel for Alfa Bank who are engaged in assisting in the litigation or have responsibility for the preparation and trial of the lawsuit; (ii) Alfa Bank and its employees; (iii) consultants, investigators, or experts employed by Alfa Bank or counsel for Alfa Bank to assist in the preparation and trial of the lawsuit; (iv) outside service-providers and consultants regarding document and ESI processing, hosting, review, and production, including any e-Discovery consultants and trial consultants; and (v) **other persons only upon consent of the producing Party and on such conditions as are agreed to.** Alfa Bank shall ensure that any individual and/or entity permitted to receive the Documents will not disclose the Documents or their contents to any individual and/or entity not permitted to review the Documents under the terms of this agreement and will not use the Documents for any purpose other than assisting with lawsuits filed by Alfa Bank in which the Documents are produced.

(Exhibit B § 4 (emphasis added)).

44. Intentionally absent from the list of individuals and/or entities to whom Alfa Bank may disclose Plaintiffs’ confidential documents is the public.

45. The broad protections and restrictive nature of the Confidentiality Agreement was sensible when considered in context. The appropriate objective of pre-service discovery in a John Doe lawsuit (to the extent those lawsuits are at all permissible) is to identify the unnamed

defendants. As such, to the extent Plaintiffs had confidential information that could possibly assist Alfa Bank with its legitimate discovery purposes, Alfa Bank had no need to make that information public.

46. For the avoidance of doubt, Plaintiffs neither know of any person who fabricated DNS data to create the appearance of a link between Trump Organization and Alfa Bank servers, nor do Plaintiffs believe any such person exists.

47. Mr. Jones and TDIP have offered reasonable accommodations to permit the disclosure of their confidential material to “other persons only upon consent of the producing Party and on such conditions as are agreed to.” (Exhibit B § 4).

48. Specifically, Mr. Jones and TDIP have agreed to allow their confidential material to be filed under seal in connection with the *AO Alfa-Bank v. Doe* litigations and to be disclosed to third-party deponents, provided Alfa Bank notifies Plaintiffs in advance (so that Plaintiffs may object if necessary) and obtains the deponent’s written agreement to maintain the confidentiality of the documents.

49. Pursuant to Section 2 of the Discovery Agreement, Alfa Bank agreed to cover reasonable expenses associated with Mr. Jones’ deposition, provided an estimate was first provided for approval. Plaintiffs provided an estimate of their expected expenses on July 12, 2021.

G. Alfa Bank Challenges Plaintiffs’ Confidential Designation of Certain Documents and the Entirety of the Rough Version of the Transcript of Mr. Jones’ Deposition

50. On August 17, 2021 Alfa Bank challenged Plaintiffs’ confidentiality designations as to two documents. Those documents are also exhibits used in Mr. Jones’ deposition.

51. On August 18, 2021, Mr. Jones provided deposition testimony for seven hours at the Offices of Skadden Arps at 1440 New York Ave NW, Washington, DC 20005. During Mr. Jones’ deposition, counsel provisionally designated the testimony confidential, and Alfa Bank’s

counsel recognized the designation and expressed appreciation for Plaintiffs' cooperation:

MR. TAYLOR: I know we have a disagreement about the designation of the transcript and the exhibits as confidential. I have a higher concern about his home address and telephone number. Would you agree that if that transcript is used anywhere, you'll redact that --

MS. KRAWIEC: Absolutely.

THE WITNESS: -- personal information?

MS. KRAWIEC: That is a nonissue.

MR. TAYLOR: Thank you.

MS. KRAWIEC: Any future communications / I'm not saying, but you know obviously things come up, we will be going through you. We will in no way be reaching out to Mr. Jones. But we will absolutely respect that request, Bill. / And just to be clear, where we stand right now is we have a disagreement, and we'll work, as we have throughout, in good faith to basically reach a resolution.

MR. TAYLOR: Yeah. It will give us a chance to that look at the transcript. I suspect I'll make some concessions.

MS. KRAWIEC: Great. We appreciate that. We appreciate how cooperative you guys have been.

52. On August 20, 2021, Alfa Bank's counsel sent written notice that it was challenging Plaintiffs' confidential designation as to the entirety of the deposition transcript and all of the deposition exhibits. Alfa Bank sent this notice just 60 minutes after the transcript was provided to Plaintiffs' counsel and before Plaintiffs' counsel had received an official copy of the deposition exhibits from the court reporter.

53. On August 25, 2021, Alfa Bank's counsel asserted that "Alfa Bank's agreement to pay reasonable attorneys' fees incurred in the preparation for Mr. Jones's deposition does not extend to costs and attorneys' fees expended in reviewing and litigating confidentiality designations."

54. Counsel's insinuation that Alfa Bank only agreed to pay for Mr. Jones' preparation for his deposition is inaccurate. The parties' Discovery Agreement requires Alfa Bank to pay Plaintiff's reasonable expenses *associated* with any such deposition or court appearance, *including* the Jones Entities' attorneys' fees for preparation.

55. Plaintiffs July 12, 2021 estimate for their deposition-related attorneys' fees had not included time for confidentiality designation or litigation because Plaintiffs did not anticipate that a confidentiality designation as to Mr. Jones' testimony about confidential documents and confidential research would be contentious.

56. On August 27 and 31, 2021, Plaintiffs de-designated certain portions of Mr. Jones' deposition testimony and clarified that they were not designating as confidential third-party and public documents that were offered as exhibits.

57. Alfa Bank has asserted that "nothing in the Confidentiality Agreement restricts us from publicly filing the Jones Entities' documents in litigation proceedings undertaken in connection with" the *AO Alfa-Bank v. Doe* litigations.

58. On information and belief, Alfa Bank intends to publicly file portions of the confidential exhibits in connection with its opposition to a motion to quash filed by the U.S. Senate Armed Services Committee and Thomas Kirk McConnell in the U.S. District Court for the District of Columbia. *See In re Superior Court to Non-Party Thomas Kirk McConnell*, Case No. 1:21-mc-00100 (D.D.C.).

59. Alfa Bank's Opposition to the U.S. Senate Armed Services Committee and Thomas Kirk McConnell's Motion to Quash is due on September 7, 2021.

H. Confidential Treatment of TDIP's Documents and Mr. Jones' Deposition Testimony is Necessary

60. The Jones Deposition transcript and certain of the disputed confidential documents reflect and contain sensitive personal information including Mr. Jones' home address, cell phone number, encrypted messaging service usernames, and email addresses. The small part of Mr. Jones' public interest work that is publicly available makes him a potential target for foreign intelligence services and has resulted in multiple and repeated death threats from right-wing

extremists.

61. The Jones Deposition transcript and certain of the disputed confidential documents constitute, reflect, or contain confidential research or commercial information. Specifically, these exhibits each reflect or contain confidential research that TDIP and Mr. Jones undertook into DNS look-ups that suggested a connection between the servers of powerful Russian entities with close ties to the Kremlin (not limited to Alfa Bank) and individuals and entities potentially associated with President Trump.

62. The Jones Deposition transcript and certain of the disputed confidential documents constitute, reflect, or contain other business-sensitive information. TDIP's ability to execute its mission, including collecting intelligence, analyzing data, and ultimately identifying foreign threats to democratic elections, is dependent on its ability to assure sources that it will endeavor to protect their anonymity.

63. TDIP's ability to fulfill its critical mission in the future would be negatively impacted by the public disclosure of past confidential and sensitive research, as it would affect sources' willingness to provide information in the future.

64. The Jones Deposition transcript and certain of the disputed confidential documents constitute, reflect, or contain other non-public information that Plaintiffs believe in good faith would create a risk of harm if disclosed. These exhibits contain non-final research, theories and hypothesis that were not proven, the identities of persons with whom TDIP associated or investigated, and information about those persons. This information was not intended to be publicly disseminated and would create a risk of harm if disclosed.

65. Given the subject matter of this action, there is a serious risk that portions of these documents, alone or in combination, could be used to spread misinformation or spawn conspiracy

theories. This risk is heightened by the fact that Alfa Bank is conducting litigation in which it is currently unopposed, and is therefore positioned to present “facts” in a one-sided manner.

66. TDIP and Mr. Jones have previously been the victims of wide-scale dissemination of misinformation and disinformation.

67. For example, on March 22, 2018, the House Permanent Select Committee on Intelligence released a partially redacted *Report on Russian Active Measures* that included a footnote with false and wildly inaccurate information about Mr. Jones. (Exhibit C). Footnote 5 of that report redacts what appears to be Mr. Jones name, but then goes on to provide specific identifying information, to include a web links states that:

[REDACTED] who currently leads a “research and investigatory advisory” called the Penn Quarter Group (PQG), is a former employee of The Daschle Group, U.S. Senate Select Committee on Intelligence (SSCI), and FBI; while at SSCI, he served as the “chief author” of “The Committee Study of the Central Intelligence Agency’s Detention and Interrogation Program.” The Penn Quarter Group, “Our Leadership,” thepqg.com/team/leadership; LinkedIn, [REDACTED] <https://www.linkedin.com/in/danieljjones>. In late March 2017, Jones [*sic*] met with FBI regarding PQG, which he described as “exposing foreign influence in Western elections.” [REDACTED] told FBI that PQG was being funded by 7 to 10 wealthy donors located primarily in New York and California, who provided approximately \$50 million. [REDACTED] further stated that PQG had secured the services of Steele, his associate [REDACTED], and Fusion GPS to continue exposing Russian interference in the 2016 U.S. Presidential election. [REDACTED] planned to share the information he obtained with policymakers on Capitol Hill and with the press, and also offered to provide PQG’s entire holdings to the FBI. FBI, [REDACTED] FD-302, Mar. 28, 2017.

(Exhibit C at 6).

68. Aside from the fact that Mr. Jones met with the FBI in March 2017, the facts asserted in Footnote 5 regarding that meeting are false in nearly every respect imaginable. The PQG is a for-profit entity that does not have “donors.” The PQG does research and consulting for

private clients; it would not, and did not offer, its “entire holdings to the FBI.” Moreover, no non-profit entity that Mr. Jones was associated with in March of 2017 acquired anywhere near “\$50 million,” a fact that is easily verified by those entities’ publicly filed 990s. Mr. Jones did not make any of these errant statements in his communications with the FBI, and his counsel has repeatedly informed the FBI of these errors to no avail. (Exhibits D & E).

69. This misinformation has negatively impacted Mr. Jones’ and his entities’ reputations and impacted its fundraising. For example, mentions of Mr. Jones and “\$50 million” after the publication of the House Permanent Select Committee on Intelligence report on April 27, 2018, reached more than 27.7 million users on social media between April 2018 and December 2018. Threats against Mr. Jones spiked during this period. (*See, e.g.*, Exhibit F). This experience highlights the risk of harm of not maintaining confidentiality, particularly when an adequate check to ensure accuracy is not in place.

70. The disputed confidential documents are not publicly available.

**COUNT I – BREACH OF CONTRACT
(Confidentiality Agreement)**

71. Plaintiffs and Alfa Bank entered into a binding Confidentiality Agreement dated February 3, 2021 on or about February 26, 2021.

72. Plaintiffs have complied with their obligations under the Confidentiality Agreement. Specifically, they have delivered properly designated confidential documents to Alfa Bank for its use in connection with its *AO Alfa-Bank v. Doe* litigations.

73. Alfa Bank has asserted that it intends to publicly file Plaintiffs’ confidential documents with the U.S. District Court for the District of Columbia. Public filing of Plaintiffs’ confidential documents violates the Confidentiality Agreement.

74. Alfa Bank has also asserted that “nothing in the Confidentiality Agreement restricts us from publicly filing the Jones Entities’ documents in litigation proceedings undertaken in connection with” the *AO Alfa-Bank v. Doe* litigations. This statement clearly contradicts the Confidentiality Agreement. (Exhibit 2).

75. Plaintiffs will suffer irreparable harm if Alfa Bank publicly files Plaintiffs’ confidential documents. No adequate remedy at law exists to compensate the Plaintiffs for the disclosure of the confidential information at issue.

76. Plaintiffs are entitled to declaratory relief establishing that the challenged confidential information is confidential and to a permanent injunction prohibiting Alfa Bank from publicly filing Plaintiffs’ confidential information on a public docket.

**COUNT II – BREACH OF CONTRACT
(Discovery Agreement)**

77. Plaintiffs and Alfa Bank entered into a binding Discovery Agreement dated February 3, 2021 on or about February 26, 2021.

78. Plaintiffs have complied with their obligation under the Discovery Agreement.

79. The Discovery Agreement requires Alfa Bank to cover reasonable expenses associated with Mr. Jones’ deposition.

80. Plaintiffs have incurred more than \$10,000 in reasonable attorneys’ fees and costs in connection with the designation of confidential deposition testimony and the dispute over those designations.

81. Alfa Bank has stated that it will not reimburse those expenses.

82. Plaintiffs are entitled to the full cost of their attorneys’ fees associated with Mr. Jones’ deposition that Alfa Bank has refused to reimburse, including the fees expended on confidentiality designation and the associated dispute.

**COUNT III – DECLARATORY RELIEF
(Confidentiality Agreement, 28 U.S.C. § 2201)**

83. Plaintiffs and Alfa Bank entered into a binding Confidentiality Agreement dated February 3, 2021 on or about February 26, 2021.

84. Plaintiffs have complied with their obligations under the Confidentiality Agreement. Specifically, they have delivered properly designated confidential documents to Alfa Bank.

85. Alfa Bank has asserted that it intends to publicly file Plaintiffs' confidential documents in the District of Columbia. Public filing of Plaintiffs' confidential documents violates the Confidentiality Agreement.

86. Alfa Bank has also asserted that "nothing in the Confidentiality Agreement restricts us from publicly filing the Jones Entities' documents in litigation proceedings undertaken in connection with" the *AO Alfa-Bank v. Doe* litigations. This statement clearly contradicts the Confidentiality Agreement.

87. Plaintiffs will suffer irreparable harm if Alfa Bank publicly files Plaintiffs' confidential documents. No adequate remedy at law exists to compensate the Plaintiffs for the disclosure of the confidential information at issue.

88. Plaintiffs are entitled to declaratory relief establishing that the challenged confidential information is confidential.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

1. For an order declaring that the disputed confidential documents are Confidential within the meaning of the parties' Confidentiality Agreement.

2. For an order declaring that the Confidentiality Agreement prohibits Defendants from publicly filing or otherwise publicly disseminating documents that are Confidential under the agreement except upon consent of Plaintiffs.

3. For a permanent injunction prohibiting Defendants from disclosing Plaintiffs' confidential documents to any party not enumerated in Section 4 of the Confidentiality Agreement without Plaintiffs' consent.

4. For an award of damages for all fees and expenses incurred by Plaintiffs that were associated with the deposition of Daniel J. Jones.

Dated: August 31, 2021

Respectfully submitted,
/s/ William W. Taylor, III
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Christopher R. MacColl (Bar # 1049153)
Jay T. Cohen (Bar # 501154)
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(2)

Filing Summary

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Trace Number: **ED301J002351054**
Case Number: **Case Number Pending**
Document Type: **Civil Actions Complaint**
Lead Document: **2021-08-31COMPLAINTANDSUPPORT.pdf**
Filer Name: **William Taylor**
AttorneyOfRecord Name: **William W Taylor**
Plaintiffs: **The Democracy Integrity Project, Daniel Jones**
Plaintiffs Attorneys: **William W Taylor**
Defendants: **AO Alfa-Bank**
Defendants Attorneys:
Judges: **Calendar Assignment Pending**
Court Reporters:
Others:
Total fees: **\$139.38**

Filing Details for ED331,002337,354Submitted TimeStamp: **Tuesday, August 31, 2021 5:32:02 PM ET (Eastern (U.S. and Canada))**Status: **Submitted****Fee Information****CaseFileXpress Fees**CFX eFiling Fee **\$15.00****Court Fees**Court Fee **\$120.00****Total: (Includes NIC Processing Fee) \$139.38****Payment Information**Payment Method: **Credit Card**Address: **100 East Pratt Street, Suite 2440 Baltimore, MD 21202**Credit Card Type: **Amex**Credit Card Number: **XXXX-XXXXXX-X1003**Cardholder Name: **Zuckerman Spaeder LLP****Filing Information**Case Title: **THE DEMOCRACY INTEGRITY PROJECT and DANIEL J. JONE...**Jurisdiction: **D.C. Superior Court**Court Assignment: **Civil Actions**Cause/Case Number: **Case Number Pending**Client Matter Number: **14469-0001**Document Type: **Civil Actions Complaint**Judge: **Calendar Assignment Pending**Petitioner(s) Plaintiff(s): **The Democracy Integrity Project, Daniel Jones**Respondent(s) Defendant(s): **AO Alfa-Bank**Plaintiff Attorney(s): **William Taylor****Document Information**[2021-08-31COMPLAINTANDSUPPORT.pdf](#) **Lead Document****Original Documents Sent for Judicial Review**Sent to Judge Review: **No**

Please Note: the 'Sent to Judge Review' notification above will state 'No' until the filing is accepted by the Court during Clerk Review. Once the Clerk accepts the filing, it will be sent to the Judge for review and the notification will change to 'Yes'.

Personal InformationAttorney of Record: **William W Taylor**Bar Number: **084194**Filer: **taylorw4983**Filer Name: **William W Taylor**Filer Position: **Attorney**Filer Email: **wtaylor@zuckerman.com**Law Firm Office/Organization: **Zuckerman Spaeder LLP**Address: **1800 M Street, NW**City/State/Zip: **Washington, DC, 20036**Phone: **(202) 778-1800**Fax: **(202) 822-8106**

(3)

From: cfx.notifications@fileandserve.com <cfx.notifications@fileandserve.com>

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Subject: REJECTED Cause/Case: ; Document Type: Civil Actions Complaint; Jurisdiction: D.C. Superior Court

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Case Number:	N/A
Document Type:	Civil Actions Complaint
Filing Attorney:	William Taylor
Client Matter #:	14469-0001
Case Title/Style:	THE DEMOCRACY INTEGRITY PROJECT and DANIEL J. JONES
Status:	REJECTED (Your document was rejected by the court clerk or it was auto-rejected because the filing was not conformant with system requirements. Please see Comments section below for more information. If appropriate, please resubmit it).
Date of Status:	2021-09-07 12:58:37
Court Assignment:	Civil Actions
Jurisdiction:	D.C. Superior Court
Filing Trace #:	ED301J002351054
Comments:	SCR 10I Complaint Rejected Pursuant to SCR 10-I SCR 10I Complaint Rejected Pursuant to SCR 10-I

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(4)

**SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

THE DEMOCRACY INTEGRITY PROJECT
and DANIEL J. JONES,

Plaintiffs,

v.

AO Alfa-Bank,

Defendant.

Civil Case No. 2021 CA **2021 03225**

Judge:

No court date set

**PLAINTIFFS' MOTION TO SEAL OR REDACT ADDRESS OF
DANIEL J. JONES FROM COMPLAINT**

In conformance with Local Rule 5-III SCR-Civil, Plaintiffs The Democracy Integrity Project ("TDIP") and Daniel J. Jones, by their undersigned counsel, respectfully move this Court for an Order permitting them to redact from the publicly filed Complaint the address of Plaintiff Daniel J. Jones.

A decision to seal records rests with the sound discretion of the trial court and may be based on a balancing of the various factors and interests implicated by the particular case. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599 (1978); *J.C. v. D.C.*, 199 A.3d 192, 207 (D.C. 2018).

In support thereof, Plaintiffs state as follows:

1. Plaintiff considers his address confidential.
2. Plaintiff has received death threats previously, as shown by the attachment F to the Complaint.
3. The Court can and should grant this motion to seal because any public filing of Plaintiff's address would be a violation of the parties' Confidentiality Agreement and would cause a risk of irreparable harm to Plaintiff Daniel J. Jones.

WHEREFORE, Plaintiffs respectfully request that this Court grant their motion to seal in the form of the proposed Order attached hereto.

Rule 12-I Certification

The undersigned hereby certifies that Plaintiffs requested Defendant's consent to filing information including Plaintiff's address under seal from Margaret Krawiec and Michael McIntosh with Skadden, Arps, Meagher & Flom LLP, who represent AO Alfa-Bank in connection with the subject matter of this action. Ms. Krawiec and Mr. McIntosh have not yet appeared in this action and have not consented to the requested relief.

Dated: September 7, 2021

Respectfully submitted,

/s/ Christopher R. MacColl

William W. Taylor, III (Bar # 84194)

Christopher R. MacColl (Bar # 1049153)

Jay T. Cohen (Bar # 501154)

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Counsel for Plaintiffs

(5)

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

THE DEMOCRACY INTEGRITY
PROJECT and DANIEL J. JONES,

Plaintiffs,

v.

AO Alfa-Bank,

Defendant.

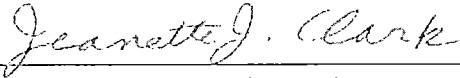
Case No. 2021 CA **2021 03225**

ORDER

Plaintiffs' Motion to Seal or Redact Address of Daniel J. Jones from Complaint is
GRANTED. Plaintiffs may file their complaint with the address of Daniel J. Jones Redacted,

SO ORDERED.

Dated: September 9, 2021



Jeanette J. Clark, Associate Judge
Judge-in-Chambers