

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

LUNDEN ROBERTS

PLAINTIFF

V.

CAUSE NO. 32DR-19-187-2

HUNTER BIDEN

DEFENDANT

**RESPONSE TO MOTION TO MOTION TO FOR (SIC) DISCLOSURE BY THE
DEFENDANT WITH INCORPORATED BRIEF IN SUPPORT**

NOW COMES Hunter Biden ("Defendant" herein), and files this Response to Motion to for (sic) Disclosure by the Defendant with Incorporated Brief in Support ("Motion for Disclosure"), and would show the following:

1. For response to paragraph 1 of the Motion for Disclosure, Defendant admits he has incurred substantial personal loans to which he is indebted and subject to repayment for attorneys' fees he has incurred.

2. For response to paragraphs 2 through 6 of the Motion for Disclosure, Defendant denies the allegations contained therein and demands strict proof thereof.

3. Plaintiff characterizes her motion as a "motion for disclosure," then specifically states that "this court should order that the Defendant provide all payment records to [Defendant's] attorneys [to Plaintiff]," including Kevin Morris, Abbe Lowell, George Mesires and Brent Langdon, and order Defendant to provide information relating to "all payments made to any attorneys who provided advice or services for one year prior to reopening the case." *See Motion for Disclosure*, ¶ 9; *Brief in Support*, Conclusion and Requested Relief, p. 11.

4. Outside of the context of criminal procedure, there is no basis in Arkansas law for a "motion for disclosure." The Arkansas Rules of Civil Procedure specifically lists the types of discovery methods available, as well as the motions available to enforce discovery, none of which

are known as “disclosures” or “motions for disclosures.” *See generally*, Ark. R. Civ. P. 26(a); Ark. R. Civ. P. 37. The substance of the Motion for Disclosure is that of a motion to compel. Therefore, there is no basis in law for the Plaintiff’s Motion for Disclosure and the motion is procedurally deficient if it were construed as a motion to compel (e.g., seeking disclosure of information that was *never* requested in discovery).

5. Notwithstanding the deficiency and the fact that Plaintiff seeks compelled discovery of matters she has not tendered discovery requests for, Defendant will respond to the requests and include information concerning any funds he has paid to attorneys and funds paid on his behalf in Answer to Plaintiff’s Interrogatory No. 38 (renumbered version) in light of the context of this motion and to comply with the Court’s request for “great compliance with disclosure” (*See* Protective Order filed 03/27/2023). Defendant will respond pursuant to the Court’s ruling of May 1, 2023, on or before May 12, 2023, except to the extent that Defendant will not disclose information that would violate the attorney-client and work product privileges.

6. Contrary to the relevance of disclosures concerning how Defendant is paying expenses (including attorney’s fees) or is indebted, the specifics of the communications he has with his attorneys, or work descriptions, or attorney work product are not only irrelevant, but are highly privileged information. In specific to Plaintiff’s request for “all payment records to these attorneys” in paragraph 6 of the Motion for Disclosure, Defendant asserts the attorney-client and work product privileges to the information sought in the Motion for Disclosure and states as follows:

a. The attorney-client privilege in Arkansas is defined as “confidential communications made for the purpose of facilitating the rendition of professional legal services to the client between himself or his representative or his lawyer.” Ark. R. Evid. 502(b). A

communication is “confidential” if not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication. *Id.* at 502(a)(5). Based on a reading of this rule, information sought to be disclosed that is contained within billing statements would be protected by attorney-client privilege, including expense itemizations which explain the nature of services provided and communications had between Defendant and his attorneys.

b. Furthermore, the work product privilege protects against disclosure of documents prepared in anticipation of litigation or trial. Ark. R. Civ. P. 26(b)(3). Ordering disclosure of *all* of Defendant’s attorney payment records risks exposing Defendant’s trial strategies, mental impressions, and legal opinions to Plaintiff in this case, as they include descriptions of the work performed, the legal theories relied on, and the amount of time and resources spent, and given that nonfinancial information in such records would not be protected by this Court’s Protective Order, this also risks exposing Defendant’s trial strategies, mental impressions, and legal opinions to other parties in other jurisdictions in suits Defendant is involved in.

c. For these reasons, the Court should find that the billing statement details of content and expenses is protected by the attorney-client and work product privileges.

WHEREFORE, Defendant moves this Court to DENY the Plaintiff’s Motion for Disclosure, and for such other and further relief to which he may be entitled.

Respectfully submitted,

LANGDON★DAVIS, L.L.P.

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CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party on the 8th day of May 2023, as follows:

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By: /s/ Brent M. Langdon
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