

Northern Justice Project, LLC
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Attorneys for Plaintiff Randall Kowalke

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

RANDALL KOWALKE,)
)
)
 Plaintiff,)
)
 vs.)
)
 DAVID EASTMAN, STATE OF)
 ALASKA, DIVISION OF ELECTIONS,)
 and GAIL FENUMIAI in her official)
 capacity as Director of Elections)
)
 Defendant.)
 _____)

Case No. 3AN-22-07404 CI

PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS FOR DAVID EASTMAN

COMES NOW plaintiff Randall Kowalke, by and through counsel, the Northern Justice Project, LLC, and pursuant to Alaska Civil Rules 33, 34 and 36 hereby propounds the following discovery requests upon defendant David Eastman.

INSTRUCTIONS FOR REQUESTS FOR PRODUCTION

Pursuant to Alaska Civil Rule 34, you are requested to produce the documents described herein by mailing the originals or legible copies thereof to the offices of the

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Northern Justice Project, LLC, 406 G Street, Suite 207, Anchorage, AK 99501, on or before the 30th day after service of these requests.

The documents requested for production include those in your possession, custody, or control, or in the possession, custody, or control of your agents, representatives or attorneys. Each request for production should be responded to separately. However, a document which is responsive to more than one request may, if the relevant portion is marked or indexed, be referred to in a later response.

INSTRUCTIONS FOR INTERROGATORIES

The following interrogatories are propounded pursuant to Alaska Civil Rule 33 and must be answered based upon your entire knowledge from all sources and all information in your possession or otherwise available to you, including information from employees, agents, representatives or consultants and information which is known by each of them. Where the answers are based upon the statements of others and do not represent your personal knowledge, explicitly so indicate, naming the person or persons relied upon.

If you cannot answer the interrogatories below in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying the inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and detailing what efforts you made in attempting to secure the unknown information. An incomplete or evasive answer is a failure to answer.

If any interrogatory may be answered *fully* by a document, the document may

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be attached in lieu of an answer if the document is marked to refer to the interrogatory to which it responds.

INSTRUCTIONS FOR REQUESTS FOR ADMISSION

Pursuant to Alaska Civil Rule 36, you are requested to admit or deny the following requests for admission on or before the 30th day after service of these requests. You are required to make reasonable inquiry to determine the answers to these requests for admission. When good faith requires that you qualify your answer or deny only a part of the matter for which an admission is requested, you are required to specify so much of the requested admission as is true and qualify or deny the remainder as appropriate.

ADDITIONAL INSTRUCTIONS AND DEFINITIONS

You are reminded that Alaska Civil Rule 26(e) imposes upon you a duty to supplement any of your responses to the following discovery requests in the event you should subsequently discover that any of your responses are incorrect, incomplete, misleading, or no longer correct. These discovery requests are thus deemed to be continuing until and during the course of trial. Information sought by these discovery requests that is obtained after you serve your answers must be disclosed by supplementary answers.

If your failure or refusal to answer any part or subpart of the following discovery requests is based upon the assertion of any privilege, state the nature of the privilege and the factual basis supporting your assertion of the privilege, and produce with your responses a privilege log, identifying the document or data by date, author,

recipient(s), subject matter, and basis for the assertion of privilege.

The use of the singular form of any word includes the plural and vice versa.

As used herein, “person” includes a natural person, firm, association, organization, partnership, business, trust, corporation or public entity; to “identify” a person, whether a natural person or a business entity, means to state his or her or its full name and present or last known business and home telephone number, present or last known business and home address, and present and last known business affiliation.

The term “document” in these discovery requests refer to the original or any “hard copy” of electronically stored data in any medium, and all non-identical copies (whether by interlineations, notations written thereon, indication of copies sent or received, or otherwise) of all writings and recorded materials of any kind that are or have been in your possession, custody, or control. Such writings or recordings include, but are not limited to, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, returns, summaries, pamphlets, books, inter-office and intra-office communications, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, printed matter, computer print-outs, teletypes, telefax, invoices, worksheets, all drafts, alterations, modifications, changes, and amendments of any of the foregoing, graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings, motion pictures), and any electronic, mechanical, or electric records or representations of any

kind (including, without limitation, tapes, cassettes, discs, recordings, and computer memories).

All documents shall be produced in their entirety (without redaction or expurgation), together with all attachments, exhibits, cover letters and the like.

Without limitation, a document is deemed to be or to have been in your “control” if you have or had the right to secure the document or copy thereof from another person or entity having actual physical possession thereof.

DISCOVERY REQUESTS

INTERROGATORY NO. 1: Please describe the actions you took to become a Lifetime Member of the Oath Keepers in 2009.

RESPONSE:

REQUEST FOR PRODUCTION NO. 1: Please produce any documents confirming your membership in the Oath Keepers, including but not limited to a copy of your “Lifetime Member Certificate.”

RESPONSE:

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INTERROGATORY NO. 2: Please state the date and amount of any dues paid to the Oath Keepers from 2009 to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce every document evidencing any payments made to Oath Keepers from 2009 to present.

RESPONSE:

INTERROGATORY NO. 3: Please share all email addresses you have used in a personal or professional capacity since obtaining a “Lifetime Member Certificate” with the Oath Keepers in 2009.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 4) sent or received between October 2020 – August 2022 that contain the words “Oath Keepers.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that contain the word “overthrow.”

REQUEST FOR PRODUCTION NO. 5: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that contain the word “revolution.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that contain the words “Stop the Steal.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that are to or from any of the indicted Oath Keepers, including but not limited to: Stewart Rhodes, Edward Vallejo, Thomas Caldwell, Joseph Hackett, Kenneth Harrelson, Joshua James, Kelly Meggs, Roberto Minuta, David Moerschel, Brian Ulrich, Jessica Watkins, Donovan Crowl, Sandra Parker,

Laura Steele, Connie Meggs, William Isaacs, James Beeks, Graydon Young, Caleb Berry, Jason Dolan, or Jonathan Walden.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that discuss your travel to Washington, D.C. in January 2021.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that reference the January 6 Capitol attack.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce all emails to or from any of the email addresses identified above (in Interrogatory no. 3) sent or received between October 2020 – August 2022 that contain the word “insurrection.”

RESPONSE:

INTERROGATORY NO. 4: Please list all social media accounts you have opened since 2009; this includes, but is not limited to, Facebook, Twitter, YouTube, Truth Social, Wordpress, MySpace, Skype, Google Plus, Instagram, Tumblr, WhatsApp, 4chan, Reddit, LinkedIn, Telegram, Paltalk, or Kik.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that contain the words “Oath Keepers.”

RESPONSE:

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REQUEST FOR PRODUCTION NO. 12: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that contain the word “overthrow.”

REQUEST FOR PRODUCTION NO. 13: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that contain the word “revolution.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that contain the words “Stop the Steal.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that are to or from any of the indicted Oath Keepers, including but not limited to: Stewart Rhodes, Edward Vallejo, Thomas Caldwell, Joseph Hackett, Kenneth Harrelson, Joshua James, Kelly Meggs, Roberto Minuta, David Moerschel, Brian Ulrich, Jessica Watkins, Donovan Crowl, Sandra Parker, Laura Steele, Connie Meggs, William Isaacs, James Beeks, Graydon Young, Caleb Berry, Jason Dolan, or Jonathan Walden.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that discuss your travel to Washington, D.C. in January 2021.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce all messages, comments, or posts in the social media identified above (in Interrogatory no. 4) created between October 2020 – August 2022 that reference the January 6 Capitol attack.

RESPONSE:

INTERROGATORY NO. 5: Please list all cell phone numbers used by David Eastman between October 2020 – August 2022.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce all text messages sent or received by David Eastman’s cell phones listed in Interrogatory No. 5 from January 4 – January 7, 2021.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 19: Please produce all receipts, tickets, confirmation e-mails, and other documents that document your flight to Washington, D.C. from January 4 – January 7, 2021.

RESPONSE:

INTERROGATORY NO. 6: Please state who paid for David Eastman’s flight to Washington, D.C. from January 4 – January 7.

RESPONSE:

REQUEST FOR ADMISSION NO. 1: Please admit that you are a member of Oath Keepers.

RESPONSE:

REQUEST FOR ADMISSION NO. 2: Please admit that you were a member of Oath Keepers in 2009.

RESPONSE:

REQUEST FOR ADMISSION NO. 3: Please admit that you have taken no actions to revoke any membership you may have with Oath Keepers.

RESPONSE:

REQUEST FOR ADMISSION NO. 4: Please admit that Oath Keepers advocate the overthrow by force or violence of the government of the United States.

RESPONSE:

REQUEST FOR ADMISSION NO. 5: Please admit that some leaders of Oath Keepers advocate the overthrow by force or violence of the government of the United States.

RESPONSE:

REQUEST FOR ADMISSION NO. 6: Please admit that some officers of Oath Keepers advocate the overthrow by force or violence of the government of the United States.

RESPONSE:

REQUEST FOR ADMISSION NO. 7: Please admit that some members of Oath Keepers advocate the overthrow by force or violence of the government of the United States.

RESPONSE:

REQUEST FOR ADMISSION NO. 8: Please admit that Oath Keepers advocate for revolution.

RESPONSE:

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REQUEST FOR ADMISSION NO. 9: Please admit that Oath Keepers advocate for insurrection.

RESPONSE:

REQUEST FOR ADMISSION NO. 10: Please admit that members of Oath Keepers have been charged with seditious conspiracy.

RESPONSE:

REQUEST FOR ADMISSION NO. 11: Please admit that leaders of Oath Keepers have been charged with seditious conspiracy.

RESPONSE:

REQUEST FOR ADMISSION NO. 12: Please admit that you were accurately quoted in the February 10, 2022 Juneau Empire article titled State rep defends Oath Keepers.

laments ‘cancel culture’, available at <https://www.juneauempire.com/news/state-rep-defends-oath-keepers-laments-cancel-culture/>.

RESPONSE:

REQUEST FOR ADMISSION NO. 13: Please admit that you are the author of all of the articles posted at davideastman.org.

RESPONSE:

INTERROGATORY NO. 7: Unless your response to the prior Request for Admission (No. 13) is an unqualified admission, please identify any articles at davideastman.org that you did not author, and provide the name of the author(s) of each such article.

RESPONSE:

REQUEST FOR ADMISSION NO. 14: Please admit that you did not pay for your flight to Washington, D.C. in January 2021.

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RESPONSE:

REQUEST FOR ADMISSION NO. 15: Please admit that you do not believe Joe Biden legitimately won the 2020 presidential election.

RESPONSE:

REQUEST FOR ADMISSION NO. 16: Please admit that you have personally communicated with members of Oath Keepers.

RESPONSE:

DATED this 20th day of September, 2022

NORTHERN JUSTICE PROJECT, LLC
Attorneys for Plaintiff

By: /s/ Savannah Fletcher

James J. Davis, Jr., AK Bar No. 9412140
Savannah Fletcher, AK Bar No. 1811127

CERTIFICATE OF SERVICE

PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS
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I hereby certify that on this date
a true and correct copy of the
foregoing document was served via
EMAIL at or before 1:10 pm on:

Lael Harrison and Thomas Flynn
State of Alaska, Department of Law
Lael.harrison@alaska.gov
Thomas.flynn@alaska.gov
Courtesy copy emailed to: nomi.saxton@alaska.gov

Joseph Miller
Law Offices of Joseph Miller, LLC
info@aklaw.us
millerlaw@acsalaska.net

s/Savannah Fletcher
Signature

September 20, 2022
Date