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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

January 14, 2016

VIA ELECTRONIC TRANSMISSION

Mr. Bryan Pagliano
c/o Mark MacDougall, Esq.
Akin Gump Strauss Hauer & Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

Dear Mr. Pagliano:

On November 24, 2015, I sent a letter to your attorney, Mr. MacDougall, asking whether or not a joint defense agreement or third party fee arrangement existed between you and Secretary Clinton. On December 8, 2015, Mr. MacDougall replied but did not answer the question saying that “[t]he terms of our engagement as legal counsel to Mr. Pagliano are confidential and, we believe, far outside the scope of any reasonable inquiry by the Committee.” However, as the client, you are free to cooperate with the Committee and disclose whether or not such arrangements exist.

The Committee’s need to know is based in part on an October 19, 2015 news report that published an invoice allegedly from Platte River Networks and addressed to Marcum, LLP, the accounting firm reportedly representing Bill and Hillary Clinton.¹ The invoice, dated September 16, 2015, includes line items for “[l]egal activity re: Hillary Clinton” and “PR for Clinton email media inquiries.”² According to a November Politico article, when asked to authenticate the invoice, the Clinton campaign said “Clinton is not paying”—in the present tense—for Platte River Network’s legal and public-relations bills.³ The article also reported that the campaign said it had not received the invoice, though the article was silent as to whether the actual addressee, Marcum, LLP, had received it.

¹ Todd Shepherd, *Platte River Networks Seeks Legal, PR Reimbursements From Clinton*, THE COMPLETE COLORADO, Oct. 19, 2015. Accessible at <http://completescolorado.com/pageto/2015/10/19/document-platte-river-networks-seeks-legal-pr-reimbursements-from-clinton/>

² *Id.*

³ Rachael Bade, *Clinton Email Companies Rebuff Senate Investigators*, POLITICO, Nov. 13, 2015. Accessible at <http://www.politico.com/story/2015/11/stonewall-215772>. The reported response from the Clinton campaign similarly failed to address whether any entity affiliated with Secretary Clinton, such as Clinton Executive Services Corp., rather than Secretary Clinton herself, paid for Platte River Network’s legal and public relations fees.

The invoice raises questions as to whether Secretary Clinton has similar arrangements with other people or entities associated with her email server. In light of this, it is important for the Committee to know whether Secretary Clinton and her attorneys are providing financial support, legal support, or other coordination to those associates of hers who are involved in congressional committee and federal law enforcement inquiries relating to her email server.

Further, in light of your attorney's notice that you would invoke your Fifth Amendment right against self-incrimination to avoid testifying before the Committee, the Committee may consider whether to grant immunity to you in order to obtain your testimony. Your potential involvement in a third-party fee arrangement or joint defense agreement with any of the parties about whom you may be asked to testify is relevant to the Committee's decision.

Accordingly, in order for the Committee to evaluate the potential effects of such arrangements on the Committee's inquiry, please respond to the following:

1. Have you entered into a third-party fee arrangement or a joint defense agreement relating to the Committee's investigation, or any other government entity's inquiry, into Secretary Clinton's server, email arrangement, or related issues?
2. If so, who are the parties to any such agreement?
3. What are the terms of the agreement(s)?
4. When was the agreement created and who initiated its creation?
5. To date, how much money has been paid pursuant to any such third-party fee agreement? Who made the payments, and who received them?
6. Is any attorney or other party serving as the primary point of contact for responses to inquiries covered by any third-party fee agreement or joint defense agreement? If so, who?

Please number your responses according to their corresponding questions and respond no later than February 1, 2016. Thank you in advance for your cooperation with this request. If you have questions, please contact Josh Flynn-Brown of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary