

From: [Frost, Elisabeth C. \(Perkins Coie\)](#)
To: jared@beckandlee.com; elizabeth@beckandlee.com
Cc: [Elias, Marc \(Perkins Coie\)](#); [Wilson, Graham M. \(Perkins Coie\)](#)
Subject: Wilding v. DNC, U.S.D.C. S.D. Fla., Case No. 16-CV-1511 - Complaint and Service of Process
Date: Friday, July 15, 2016 7:17:11 AM

Dear Counsel:

We represent the DNC and DNC Chairperson Debbie Wasserman Schultz in the above-captioned action. The process server failed to properly serve the DNC and Congresswoman Schultz in this matter under the Federal Rules and/or applicable local law. To save you the expense of another attempt at service, we are willing to waive the service of the summons under the process provided for in Federal Rule of Civil Procedure 4(d). Rather than sending via mail, you may send the summons, complaint, and a copy of the waiver form via email to me at this address, and, if you agree, I will send you back a signed waiver form via email.

If I do not hear from you by the end of the day on Monday, we will be filing a motion to dismiss for insufficient process or, in the alternative, to extend time to answer or respond to the complaint. If you do not respond to this email, I will assume that you intend to oppose the motion to extend. If you think that a live discussion could be fruitful, please send me some times that would work on your end and we can set up a call.

Thanks,

Elisabeth Frost | Perkins Coie LLP

Counsel, Political Law Group
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E. EFrost@perkinscoie.com

From: [Frost, Elisabeth C. \(Perkins Coie\)](#)
To: [Elizabeth Lee Beck](#)
Cc: "[Jared H. Beck](#)"; cullin@cullinobrienlaw.com; hern8491@bellsouth.net; [Elias, Marc \(Perkins Coie\)](#); [Wilson, Graham M. \(Perkins Coie\)](#)
Subject: RE: Wilding v. DNC, U.S.D.C. S.D. Fla., Case No. 16-CV-1511 - Complaint and Service of Process
Date: Tuesday, July 19, 2016 2:55:44 PM

Ms. Beck:

I write in response to your letter dated July 18, 2016, attached to your email of the same date.

First, the Local Rules expressly do not require that we meet and confer prior to filing our motion to dismiss for insufficient service. *See* S.D. Fla. L. R. Civ. P. 7.1(a)(3) (“Prior to filing any motion in a civil case, *except ... to involuntarily dismiss an action ...* counsel for the movant shall confer (orally or in writing), or make reasonable effort to confer (orally or in writing)”) (emphasis added). We reached out as a courtesy, to give you the option of serving counsel instead, pursuant to the waiver of service provisions of the Federal Rules. That offer remains on the table, if you would like to discuss it. Otherwise, we will be moving to dismiss for insufficient service this week.

We similarly have no obligation to explain to you your failure to effectuate service. However, as I am sure you are aware, Federal Rules of Civil Procedure 4(e) and (h) set forth the requirements for serving individuals and corporations located in a U.S. jurisdiction. Your process server complied with neither. In addition, the affidavits of service of process to which you refer in your letter are facially incorrect. The documents were not handed to DNC employee Rebecca Christopher, who in any event is not an individual upon whom service of process can be effectuated for either the DNC or Congresswoman Debbie Wasserman Shultz under the Federal Rules or incorporated local rules. The documents were handed to a different DNC employee, whose first name is also Rebecca, and who similarly is not an individual upon whom service of process can be legally effectuated (nor is she a “Creative Strategist,” as the affidavits state). Your process server did not make any inquiry to determine whether she was an appropriate person to accept service on behalf of the DNC or the Congresswoman, nor did she advise them that she was authorized to accept service. Somewhat perplexingly, the affidavits of service also state the “manner of service” as “government agency.” The DNC is not a government agency.

Second, as I stated in my initial email, we are happy to get on a call to discuss the alternative request that we will be making to the Court for an extension of time to answer to or respond to the complaint, if you think that such a discussion could be fruitful. We currently can be available Wednesday, 7/20 at any time between 9:30 a.m. and 1 p.m., or Thursday 7/21, between 9:30 a.m. and 2 p.m. If your position is that you will oppose any motion to extend our time to answer or otherwise respond to the complaint, then we can satisfy the meet and confer requirement (to the extent that it applies to a request for relief in the alternative to an involuntary motion to dismiss) through this correspondence.

Finally, any discussion about discovery in this matter is premature given the current posture of this case. Furthermore, our clients are currently engaged in preparation for the Democratic National Convention, which will be held in Philadelphia next week, and the following week the legal team working on this case has a court of appeals argument and a highly time sensitive hearing on a motion

for a preliminary injunction in two separate matters in which we are seeking to safeguard the rights of voters in the upcoming election, both of which were scheduled long before you brought this action. Thus, we do not believe it would be appropriate or even possible to engage in substantive discussions about discovery at this stage, including specifically responding to your extensive requests for highly sensitive information about our clients' electronic data storage practices and procedures.

Best regards,

Elisabeth Frost | Perkins Coie LLP

PHONE: 202.654.6256

From: Elizabeth Lee Beck [mailto:elizabeth@beckandlee.com]
Sent: Monday, July 18, 2016 1:24 PM
To: Frost, Elisabeth C. (Perkins Coie); Elias, Marc (Perkins Coie); Wilson, Graham M. (Perkins Coie)
Cc: 'Jared H. Beck'; cullin@cullinobrienlaw.com; hern8491@bellsouth.net
Subject: RE: Wilding v. DNC, U.S.D.C. S.D. Fla., Case No. 16-CV-1511 - Complaint and Service of Process

Dear Counsel:

Please see attached correspondence.

ELIZABETH LEE BECK, ESQ. | Beck & Lee Trial Lawyers

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From: Frost, Elisabeth C. (Perkins Coie) [mailto:EFrost@perkinscoie.com]
Sent: Friday, July 15, 2016 7:17 AM
To: jared@beckandlee.com; elizabeth@beckandlee.com
Cc: Elias, Marc (Perkins Coie); Wilson, Graham M. (Perkins Coie)
Subject: Wilding v. DNC, U.S.D.C. S.D. Fla., Case No. 16-CV-1511 - Complaint and Service of Process

Dear Counsel:

We represent the DNC and DNC Chairperson Debbie Wasserman Schultz in the above-captioned action. The process server failed to properly serve the DNC and Congresswoman Schultz in this matter under the Federal Rules and/or applicable local law. To save you the expense of another attempt at service, we are willing to waive the service of the summons under the process provided for in Federal Rule of Civil Procedure 4(d). Rather than sending via mail, you may send the summons, complaint, and a copy of the waiver form via email to me at this address, and, if you agree, I will send you back a signed waiver form via email.

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Thanks,

Elisabeth Frost | Perkins Coie LLP

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NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

From: [Frost, Elisabeth C. \(Perkins Coie\)](#)
To: [Elizabeth Lee Beck](#)
Cc: ["Jared H. Beck"](#); ["Cullin O'Brien"](#); ["Antonio"](#); [Spiva, Bruce V. \(Perkins Coie\)](#); [Elias, Marc \(Perkins Coie\)](#); [Wilson, Graham M. \(Perkins Coie\)](#); ["Gregg D. Thomas"](#); [Louijeune, Ruthzee \(Perkins Coie\)](#)
Subject: RE: Wilding, et al. v. DNC, et al. evidentiary hearing
Date: Thursday, August 11, 2016 11:51:18 AM

Dear Ms. Beck:

We do not intend to present witnesses at the hearing. As the court's order states, based on the evidence already submitted to the court, Plaintiffs bear the burden of proving that service complied with Federal Rule of Civil Procedure 4. We also do not intend to dispute the authenticity of the video upon which you rely in your response brief. Although it is clearly edited, it is entirely consistent with Ms. Herries' declaration and makes it clear that service did not comport with Rule 4. Given that Defendants were not properly served and given that we have repeatedly offered to voluntarily accept service under the waiver provisions of Rule 4, we do not believe that Defendants should have to incur the expense of sending witnesses to appear to testify to the facts depicted in the video that you rely upon in your response brief, nor do we believe that the Court's order requires us to do so.

Candidly, we are perplexed by your litigation position on the issue of service, which seems designed to drive up costs for both Plaintiffs and Defendants. Had you accepted our initial offer to accept service, made on July 15, there would have been no need for any of the parties to incur costs briefing this issue or attending this hearing, and our response to your complaint would have been due in September. Given that you do not appear to oppose our request for an extension of time to respond to the complaint (as per your response brief; as you'll recall, you never responded to our offers to meet and confer on that issue, nor did you provide us with your position in response to our requests), your position is doubly confounding. Although we do not normally make a practice of reminding opposing counsel of their ethical duties, given your persistence in threatening to move to disqualify our firm without any legitimate basis for doing so, we feel compelled to remind you of your duty under Rule 11 not to present arguments so as to needlessly increase the cost of litigation.

We remain willing to accept service pursuant to Rule 4's waiver provisions.

Regards,

Elisabeth Frost | Perkins Coie LLP

PHONE: 202.654.6256

From: Elizabeth Lee Beck [mailto:elizabeth@beckandlee.com]
Sent: Wednesday, August 10, 2016 12:11 PM
To: Spiva, Bruce V. (Perkins Coie); Elias, Marc (Perkins Coie); Frost, Elisabeth C. (Perkins Coie); Wilson, Graham M. (Perkins Coie); 'Gregg D. Thomas'
Cc: 'Jared H. Beck'; 'Cullin O'Brien'; 'Antonio'
Subject: Wilding, et al. v. DNC, et al. evidentiary hearing

Dear Defense Counsel:

Pursuant to the attached order setting an evidentiary hearing in the above-referenced case for August 23, 2016 at 11:00 a.m., in Courtroom A, in the United States Courthouse located at 299 E. Broward Blvd., Fort Lauderdale, FL ("Hearing"), please advise by close of business today if you agree to produce the following individuals as witnesses at the Hearing:

- Rebecca Herries
- all security guards depicted in the video referenced in our Response in Opposition to your Motion to Dismiss (D.E. 24), available here <https://www.youtube.com/watch?v=D3FMgZruOXE>, at 4:21-9:23.

Thank you for your anticipated cooperation. We write this given the expediency of the issues and notwithstanding our contemplated motion to disqualify, for which we reserve all rights.

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