

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Case No.
	:	
KENNETH JOSEPH OWEN THOMAS,	:	1:21-cr-00552 (CRC)
	:	
Defendant		:

DECLARATION OF EMILY LAMBERT

My name is Emily Lambert and I am older than 18 years of age. I state the following facts, under oath and under penalties of perjury. These facts are all within my personal knowledge and I am prepared to testify regarding them at any time. I can be contacted through the John Pierce Law firm.

1. I am employed by the John Pierce Law firm. While my official title is Client Advocate, and I am generally the person who contacts and communicates with clients, I also perform many other duties with the firm, including paralegal support and discovery review.
2. One of the reasons that I have been designated as the main individual in charge of downloading and reviewing discovery for January 6th cases, is because the incredibly vast and expansive discovery in these cases requires a high performance PC that contains hardware above and beyond the normal, run of the mill PC that everyone else in our firm possesses.
3. We recently have had two other employees of JPL who assisted me in these cases and other integral firm tasks quit without notice to pursue other opportunities leaving me as currently the only full-time paralegal in the firm.
4. As AUSA Miller pointed out in her reply to the Court's order to show cause, we were provided a preliminary exhibit list on Monday, 4/26/23 at 11:31pm, which as AUSA Miller pointed out, I confirmed receipt of. However, AUSA Miller failed to mention that in that same email, I explained that I was having computer issues, as I stated to AUSA Miller in the following exchange: "Thank you Samantha. I am having a few computer issues tonight, would it be alright if I send our list and exhibits over to you tomorrow?". I believe these issues stemmed from

a virus that I received on my PC that seemed to originate from a discovery release sent to Defense Counsel by the Government in another January 6th case. AUSA Miller agreed to give me until the end of the day the following day, April 28th to provide our exhibit list, which I absolutely complied with, although I had to utilize my 13 year old's computer in order to do so.

5. On 4/28 AUSA Miller confirmed receipt of this list, and inquired as to when she could expect to receive the files themselves, to which I responded "Well, currently I am locked out of both relativity and evidence.com, so I can't finish compiling my exhibits until I work out the technical issues with those platforms." AUSA Miller did not offer any assistance, nor did she even acknowledge receipt of my email. I have contacted both support services for these platforms with little to no response. As of the writing of this declaration, I am still locked out of the Relativity platform and cannot reset it myself, nor has any Government Counsel or Relativity support have responded in any effective way to assist me with regaining access to this platform. I finally managed to regain access to Evidence.com, on my own, without assistance, by resetting the password multiple times.
6. On 5-03, AUSA Miller filed her objections to the Defense's preliminary exhibit list, notifying the court that I provided it two days late, while failing to notify the court of the reasons and the notifications I had made to her for the belated response and my lack of ability to provide the files in their entirety to her.
7. In the same response, the Government objected to 90% of the Defense exhibit list, despite her admittance that she did not and had not reviewed the files.
8. On 5-4, the Court issued a minute order directing the defense to provide two binders with their exhibits to the Court on or before May 8th at 9:30 am. This is an endeavor that I worked around the clock with the assistance of Mr. Pierce to complete, as many of our exhibits are hundreds of pages and I was not able to gain access to the Courthouse after hours in order to use the Court's facilities to print them. Mr. Roots was out of state, and did not return until late Sunday night, and thus was unable to assist us. When it became clear that my personal printer would not meet the requirements nor deadlines imposed, Mr. Pierce went to Office Depot on Saturday to purchase a high volume printer at a great expense to the firm, in order for us to comply with the Court's order. We did in fact have the binders at the hearing on May 8th, and upon realizing that we would have additional time to provide exhibits, I elected to vastly downsize our exhibit list and exhibits in order to make things easier for both the Government and the Court to review and streamline the hearing originally set for 5/11 at 10 am. This was something I did in fact accomplish, however it did take up a vast amount of my time over the 24 hours that followed.
9. While I was simultaneously working on our Exhibit Binders to provide to the court, I also downloaded all of the Defense Exhibits onto a thumb drive, and hand delivered them to AUSA Miller's office on 5-5 at 2:10pm. I had previously provided AUSA Miller the Defense Exhibits via a dropbox link on

5-1 at 5:21 pm. AUSA Miller never replied to that email stating that she had issues accessing these exhibits. In fact, my next exchange with her was on 5-2, when I acknowledged receipt of the Government's updated exhibit list. (A list that has gone through multiple changes, even as recently as yesterday on 5/10 when Mr. Hopkins emailed them about some issues with their list.)

10. On May 9th, I did in fact exchange emails with the Government regarding their exhibits and AUSA Miller offered to walk us through them. Because I have been so buried in trial prep and had not in fact had time to download the Gov exhibits via USAFx, (a platform that I could only access through Mr. Roots login at this point) I was looking forward to the meeting where I anticipated we could review and work out our objections prior to the hearing on 5/11. However, Government Counsel followed that offer, in what I interpreted as a hostile manner, repeatedly stating that unless we were willing to agree to certain stipulations, that we shouldn't waste their nor our time, it seemed to me as well as to Defense Counsel as though any meeting would not be conducive to working out any stipulations or agreements on either of our exhibit lists and thus I focused solely on reducing ours and making sure that we had provided both the Court and Government Counsel with our exhibits and the drastically reduced list.
11. We did not file any objections to the Government's exhibit list before 5/11, because in the Court's minute Order on 5/8, it stated that "to the extent practicable, file any objections to the admissibility of exhibits." Defense Counsel interpreted this as a requirement only if it was capable of doing so, which for the multitude of reasons stated already, we were not capable of putting into practice at that time. Not only had we not seen them, the firm simply did not have the ability to do so due to the fact that I am the only individual in the firm with the ability to handle the massive discovery dumps, I'm the only individual with the ability to access Mr. Root's USAFx account besides himself, and I have spent the majority of my time the last 5 months in the Courthouse in one trial or another. The internet at the Courthouse is extremely problematic and makes downloading any discovery almost impossible.
12. On 5/11, we were preparing to attend the hearing to discuss the issues with the exhibits, and the Court issued a minute order stating that we must file any and all objections before noon on the same day. I attempted to login to Mr. Roots's USAFx account from the computer in the Attorney Lounge on the 4th floor, but I was promptly locked out of his account also for security reasons. This left us completely unable to access any and all discovery uploaded to the USAFx platform. I had not downloaded them previously because I was uploading the Defense Exhibits to USAFx and did not have the bandwidth to simultaneously upload our files while downloading the Government files.

13. I am currently the only paralegal in the JPL firm who is working on January 6th cases, and prior to my entrance into this case, I was assisting Mr. Roots with the Proud Boy trial under Judge Kelly, which extended quite unexpectedly, for approximately 4 ½ months. During that trial, I was simultaneously assisting both Mr. Roots in that case, while also assisting Mr. Peirce in the trial of Defendant Christopher Alberts. I am a single mother with three children under the age of 13, and I am exclusively responsible for their care, while also working extremely demanding hours during trial. There was not, and never has there been any intent to deliberately flout a Court Order by anyone currently employed by this firm, and any failure to meet any deadline in this case can only be attributed to me, and the overwhelming amount of case work I am currently engaged in.
14. During our engagement in these cases, I have missed holidays (Including Christmas with my children), I have and currently receive a multitude of online harassment to include stalking and the posting of my personal photos all over the internet without my permission, and I have been followed and harassed even in this city while walking to and from the Courthouse. This harassment has drastically impeded my ability to do my job, as I am constantly in fear for both my, and my children's safety, and I have to take extra precaution in anything and everything I do. I cannot share pictures of myself or my children with family or friends due to the safety issues it poses for us, and I greatly appreciate the Court's patience and understanding with my multitude of failures to meet their standards, while understanding that my dedication and passion for my job is not and has never been in question. I have enormous respect for this Court and apologize for any failure on my part to further the appearance that we are intentionally flouting any order of any Court. I look forward to having the ability to testify to any of these facts at tomorrow's hearing.

Respectfully,

/s/ Emily Lambert

Emily Lambert

Client Advocate and Paralegal

John Pierce Law

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