

**UNITED STATES OF AMERICA
MERIT SYSTEMS PROTECTION BOARD
NORTHEASTERN REGIONAL OFFICE**

GARY A. SHAPLEY and)	
JOSEPH ZIEGLER,)	DOCKET NUMBERS
Appellants,)	PH-1221-25-1633-W-1
)	AT-1221-25-1932-W-1
)	
v.)	
)	
DEPARTMENT OF JUSTICE)	
Agency.)	
)	DATE: August 13, 2025

**APPELLANTS' FIRST SET OF DISCOVERY REQUESTS
TO THE AGENCY**

In accordance with the Acknowledgement Order issued on July 17, 2025, Appellants hereby submit to the Department of Justice (“Agency”) the following discovery requests. The Agency shall respond to these discovery requests by September 2, 2025, or as otherwise mutually agreed between the parties, delivering the answers and any responsive documents or items by email to Appellant Representative Tristan Leavitt (tl@empowr.us). Please do not send responses by physical means.

Instructions

1. All requests should be considered ongoing until the date of the hearing. Any supplemental responses shall be furnished to Appellants as soon as possible after the new information becomes available.
2. In answering each request for admission, interrogatory, or request for production, set out in full the question or part being answered, before providing the answer.

3. Each request is to be answered under oath, and fully on the basis of information which is in the possession of the Appellant, his attorneys, agents, or other representatives.
4. If any of the information furnished is not from the personal knowledge of the Appellant, identify each person who provided such information to the Appellant and to whom the information is a matter of personal knowledge.
5. When an exact answer to an Interrogatory is not known, state the best estimate available, state that it is an estimate, and state the basis for such estimate.
6. In providing responsive documents or items, mark the document or item with the corresponding discovery request.
7. If your response to any request for admission is other than an unqualified admission, state the reason for the denial or qualification of the admission.
8. If there is an objection to any portion of a request, set out the basis for your objection and respond in full to any portion of the request to which there is no objection.
9. If, after a reasonable and thorough investigation, using due diligence, you are unable to answer any Interrogatory or Document Request or any part thereof, on the ground of lack of information available to you, specify in full and complete detail why the information is not available to you and what has been done to locate such information. In addition, specify what knowledge or belief you have concerning the unanswered portion of any Interrogatory and/or Document Request and set forth the facts upon which such knowledge or belief is based.
10. Whenever necessary to provide a complete answer to an Interrogatory or Document Request or to bring within the scope of an Interrogatory or Document Request the

broadest possible range of information, the singular form of a word shall be interpreted as plural and references to one gender shall include the other gender.

11. The words “each,” “every,” “any,” and “all” are defined inclusively. “Each” includes “every,” and “any” includes “all”. Appellant is instructed to use the broadest definition of these words to provide the most inclusive and expansive answers to request.
12. If you claim any form of privilege as a basis not to answer, you shall:
 - a. Identify the nature of the privilege and the basis for asserting the privilege; and
 - b. Describe the document, communication, etc., to the fullest extent possible, without divulging information that is asserted to be privileged, in order to permit Appellants to identify the document, communication, etc.
13. No part of an interrogatory should be left unanswered merely because an objection is interposed to another part of the interrogatory. If a partial or incomplete answer is provided, the responding party shall state that the answer is partial or incomplete.
14. When a document contains both privileged and non-privileged material, the non-privileged material must be disclosed to the fullest extent possible without thereby disclosing the privileged material. If a privilege is asserted with regard to part of the material contained in a document, the party claiming the privilege must clearly indicate the portions as to which the privilege is claimed. When a document has been redacted or altered in any fashion, identify as to each document the reason for the redaction or alteration, the date of the redaction or alteration, and the person performing the redaction or alteration. Any redaction must be clearly visible on the redacted document.
15. If, in answering these discovery requests, the responding party encounters any ambiguities when construing a request, question, instruction, or definition, the responding

party's answer shall set forth the matter deemed ambiguous and the construction used in responding.

16. If the requested documents are maintained in a file, the file folder shall be included with the production of those documents.

17. If documents are produced as electronically stored information, they shall be produced in Adobe PDF.

Definitions

1. "Record" means any kind of written, typewritten, printed, electronic, or recorded material whatsoever, including without limitation notes and memoranda, letters, reports, removable notes or stickers, e-mail, text messages, instant messages, calendar entries, publications, contracts, compact discs/DVDs, audio or video recordings, transcriptions of recordings, and public records, and includes originals, all non-identical copies, and all drafts, working papers, routing slips, and similar materials. If any responsive document was, but is no longer in your possession or subject to your control, state what disposition was made of it, when disposition was made, and the reasons for such disposition.
2. "Communication" means the transmittal of information by any means.
3. "Concerning" means relating to, referring to, describing, evidencing, or constituting.
4. "Person" refers to natural persons as well as to all other entities, including, but not limited to, corporations, associations, partnerships, firms, organizations, and Governmental agencies or bodies.
5. "Agency" means any component of the Department of Justice (including but not limited to the Delaware U.S. Attorney's Office, the Federal Bureau of Investigation, the Tax

Division, and the Office of the Deputy Attorney General), as well as its officers and employees.

6. “Identify” when used in reference to a natural person means to state his or her: (1) full name; (2) present or last known business and residence addresses and telephone numbers; (3) present or last known official business position, title, and grade level; and (4) business affiliation, address, title, and grade level for the time referenced in the particular Interrogatory and/or Document Request.
7. “Identify” when used in reference to any act, occurrence, occasion, meeting, communication, discussion, transaction, or conduct shall mean to set forth the event or events constituting such act, its location, the date, the persons participating, present, or involved, and, in the case of a communication or discussion, the substance thereof.
8. When an interrogatory asks for the “basis” for any contention, claim, or belief, the response shall include, but not be limited to, the description, identification, and enumeration of: (A) all facts relating in any way to the contention, claim, or belief; (B) each and every document that records, reflects, or relates in any way to such facts; (C) each and every statement or item of testimonial or other evidence that relates in any way to such facts; and (D) the name of each and every person consulted, relied on, or with knowledge for the substantiation of such contention, claim, or belief.
9. The singular includes the plural, and the plural includes the singular. “All” means “any and all;” “any” means “any and all.” “Including” means “including but not limited to.” Words in the masculine, feminine, or neuter form shall include each of the other genders.
10. “And” as well as “or” shall be construed both disjunctively and conjunctively so as to bring within the scope of each of these Interrogatories and/or Document Requests any

information which otherwise might be construed to be outside the scope of any Interrogatory and/or Document Request.

Admissions

1. Admit the Agency requested additional discovery production from Gary Shapley on October 24, 2022 without requesting it of any other official at that time.
2. Admit the Federal Bureau of Investigation (“FBI”) never produced management-level emails as part of discovery in the Hunter Biden criminal case.

Interrogatories

1. What Agency officials first began reviewing materials Gary Shapley produced for discovery in April 2022?
2. On what date did Agency officials first begin reviewing materials Gary Shapley produced for discovery in April 2022?
3. Which Agency employee first suggested requesting post-April 2022 discovery from Gary Shapley in the Hunter Biden criminal case?
4. On what date did the Agency first request post-April 2022 discovery from any IRS employee other than Gary Shapley in the Hunter Biden criminal case?
5. On what date did the Agency first request management-level emails from the FBI in the Hunter Biden criminal case?
6. What follow-up did the Agency do to obtain management-level emails from the FBI in the Hunter Biden criminal case?

7. On what date in 2023 did the Delaware U.S. Attorney's Office formally request a new investigative team from the IRS?

Document Requests

1. All records from the U.S. Attorney's Office for the District of Delaware, the Tax Division, or the Office of the Deputy Attorney General which contain the words "whistleblower" or "whistleblowers."
2. From November 2018 to the present, all Agency records concerning Joseph Ziegler of which Mr. Ziegler was not a recipient, including but not limited to those concerning:
 - a. The August 16, 2022 meeting of the prosecution team;
 - b. Mr. Ziegler's protected disclosures;
 - c. Mr. Ziegler's status as a whistleblower;
 - d. Mr. Ziegler's appearances before Congress or the media;
 - e. Mr. Ziegler's removal from the Hunter Biden case; and
 - f. Communications between the Delaware U.S. Attorney's Office and/or the Tax Division and/or the Office of the Deputy Attorney General.
3. From January 1, 2020 to the present, all Agency records concerning Gary Shapley of which Mr. Shapley was not a recipient, including but not limited to those concerning:
 - a. The August 16, 2022 meeting of the prosecution team;
 - b. The October 7, 2022 meeting of prosecution team leadership;
 - c. Mr. Shapley's protected disclosures;
 - d. Mr. Shapley's status as a whistleblower;
 - e. Mr. Shapley's appearances before Congress or the media;

- f. Mr. Shapley's removal from the Hunter Biden case; and
 - g. Communications between the Delaware U.S. Attorney's Office and/or the Tax Division and/or Office of the Deputy Attorney General.
- 4. From January 1, 2022 to the present, all Agency records concerning the Internal Revenue Service's ("IRS") and the FBI's production of discovery materials (including supervisor- and management-level communications) in the Hunter Biden criminal investigation.
- 5. All Agency records concerning the meeting(s) and communication(s) between Gary Shapley and FBI Assistant Special Agent in Charge Ryeshia Holley in advance of the October 7, 2022 meeting.
- 6. All Agency records concerning the October 6, 2022 leak of information to the *Washington Post*, including but not limited to any response or findings from the Department of Justice Office of Inspector General and/or the Treasury Inspector General for Tax Administration.
- 7. All Agency records concerning the October 7, 2022 meeting of prosecution team leadership.
- 8. All Agency records concerning communication between David Weiss and IRS employees from August 1, 2022 to the present, including but not limited to:
 - a. The November 22, 2022 call between David Weiss and Guy Ficco;
 - b. Communications with Darrell Waldon; and
 - c. The December 22, 2022 call between David Weiss, Michael Batdorf, and Darrell Waldon.
- 9. All Agency records concerning the April 19, 2023 letter from Mark Lytle to Congress.

10. All Agency records concerning the decision to remove Gary Shapley and Joseph Ziegler from the Hunter Biden criminal investigation and request a new IRS investigative team, including but not limited to records concerning:
 - a. The December 22, 2022 call between David Weiss, Michael Batdorf, and Darrell Waldon; and
 - b. The formal May 15, 2023 removal of Gary Shapley's team.
11. All Agency records from May 1, 2022 to the present concerning communication(s) between David Weiss and any Committee or Member of Congress, including but not limited to drafts, edits, and/or communications with others involved in the drafting process of such communications.
12. All Agency records concerning the June 22, 2023 release of materials by the House Committee on Ways and Means.
13. All Agency records concerning the July 19, 2023 hearing of the House Committee on Oversight and Accountability.
14. All Agency records concerning the Office of Special Counsel's investigation into the prohibited personnel practice complaints of Gary Shapley and Joseph Ziegler.
15. All Agency records concerning the Office of Special Counsel's finding that the removal of Gary Shapley and Joseph Ziegler from the Hunter Biden investigation constituted a prohibited personnel practice.

CERTIFICATE OF SERVICE

I certify that the attached document entitled *Appellants' First Set of Discovery Requests to the Agency* was sent by email to the following on this 13th day of August 2025:

Jeffrey Mullins
jeffrey.j.mullins@usdoj.gov

James Bush
jamie.bush@usdoj.gov

Neil White
Neil.White@usdoj.gov

/s/ Tristan Leavitt
Tristan Leavitt
tl@empowr.us
Empower Oversight
11166 Fairfax Blvd. Ste. 500 #1076
Fairfax, VA 22030