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10 Attorneys for Plaintiff  
11 Robert Hunter Biden

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **WESTERN DIVISION**

15 ROBERT HUNTER BIDEN, an  
16 individual,  
17 Plaintiff,  
18 vs.  
19 GARRETT ZIEGLER, an individual,  
ICU, LLC, a Wyoming Limited  
20 Liability Company d/b/a Marco Polo,  
21 and DOES 1 through 10, inclusive,  
22 Defendants.

Case No. 2:23-cv-07593-HDV-KS

*Assigned to:  
District Judge Hernán D. Vera*

**DECLARATION OF BRYAN M.  
SULLIVAN IN SUPPORT OF  
PLAINTIFF ROBERT HUNTER  
BIDEN'S EX PARTE  
APPLICATION FOR AN ORDER  
MOTION AND MOTION TO  
VOLUNTARILY DISMISS ACTION  
PURSUANT TO FED. RULE CIV.  
PROC. 41(a)(2)**

*[Notice of Ex Parte Application and Ex  
Parte Application; Declaration of  
Robert Hunter Biden; and [Proposed]  
Order filed and served concurrently  
herewith]*

Place: Ctrm. 5B  
Judge: Hon. Honorable Hernan D. Vera

1 **DECLARATION OF BRYAN M. SULLIVAN**

2 I, Bryan M. Sullivan, declare and state as follows:

3 1. I am an Partner of the law firm of Early Sullivan Wright Gizer &  
4 McRae LLP, attorneys of record for Plaintiff Robert Hunter Biden (“Plaintiff”)  
5 herein. I submit this declaration in support of Plaintiff’s *Ex Parte* Application To  
6 Voluntarily Dismiss Action Pursuant To Fed. Rule Civ. Proc. 41(A)(2). If called as  
7 a witness, I would and could testify to the matters contained herein.

8 2. Plaintiff served discovery on November 6, 2024 and Defendants  
9 responded on December 20, 2024, but Defendants’ responses were minimal and likely  
10 will require motion practice as Plaintiff has been dealing with deficiencies with these  
11 responses. Since that time, Plaintiff has been dealing with deficiencies with these  
12 responses. I have been copied on all communications relating to these issues.

13 3. It was not until January 31, 2025 that Defendants propounded any  
14 written discovery and February 11, 2025 when they first requested Plaintiff’s  
15 deposition and sought to serve non-party and Plaintiff’s legal counsel, Kevin Morris,  
16 Esq., with a subpoena for deposition. To date, no depositions have occurred in this  
17 case.

18 4. On February 21, 2025, Defendants substituted in new counsel, Jennifer  
19 Holliday, Esq., and, for the first time, indicated their intent to file a summary judgment  
20 motion. To date, no dispositive motions or discovery motions have been filed.

21 5. While the Parties were in the meet and confer process over the discovery  
22 issues and Defendants’ intended summary judgment motion, including a meet and  
23 confer discussion on February, 26, 2025, of which I have been informed of  
24 communications relating thereto, Plaintiff informed me of his decision to seek to  
25 voluntarily dismiss this action given all of the upcoming fees to be incurred on this  
26 case and his lack of resources to continue litigating this case.

27 6. On the morning of March 3, 2025, I sent a letter to Jennifer Holliday,  
28 Esq., counsel for Defendants informing Ms. Holliday of Plaintiff’s intent to dismiss



1 this action under Rule 41(a)(2) and setting forth the reason for the dismissal. Attached  
2 hereto as Exhibit “A” is a true and correct copy of the letter I sent to Ms. Holliday.

3 7. Late in the night on March 3, 2025, Ms. Holliday sent me a letter in  
4 response to my earlier letter claiming that Defendants will suffer legal prejudice as a  
5 result of this dismissal because Defendants incurred substantial fees in this Action. In  
6 this letter, Ms. Holliday raised several discovery issues and reiterated Defendants’  
7 intent to move for summary judgment, which Defendants understood to be on hold  
8 pending the resolution of the discovery disputes. Attached hereto as Exhibit “B” is a  
9 true and correct copy of the letter I received from Ms. Holliday.

10 8. On the morning of March 4, 2025, I sent a letter to Ms. Holliday refuting  
11 and claimed prejudice to Defendants as a result of dismissal of this action and  
12 addressing the discovery issues. Further, I explained that, in light of Ms. Holliday’s  
13 concern about the discovery issues and with the discovery cut-off being April 1, 2025,  
14 that Plaintiff would file an *ex parte* application seeking voluntary dismissal under  
15 Rule 41(a)(2) by March 6, 2025. Attached hereto as Exhibit “C” is a true and correct  
16 copy of the letter I received from Ms. Holliday.

17 9. At almost 11:00 pm on the night of March 4, 2025, Ms. Holliday sent an  
18 email to, among others, me, sending Defendants portions of a motion for summary  
19 judgment and stating that Plaintiff’s portion is to be sent to her in 14 days and she  
20 tentatively set the hearing date for May 15, 2025. Attached hereto as Exhibit “D” is  
21 a true and correct copy of the letter I received from Ms. Holliday.

22 10. On the morning of March 5, 2025, I sent Ms. Holliday an email notifying  
23 her that the *ex parte* application seeking voluntary dismissal under Rule 41(a)(2) by  
24 3:00 pm that same day. Attached hereto as Exhibit “E” is a true and correct copy of  
25 this email. I also called Ms. Holliday and left a voicemail providing the same notice  
26 and asking if she was going to oppose this Application. While she did not respond

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1 prior to the filing of the Application, given the prior correspondence with Ms.  
2 Holliday, we assume that Defendants will oppose.

3 I declare under penalty of perjury under the laws of the State of California that  
4 the foregoing is true and correct. Executed on this 5<sup>th</sup> day of March, 2025, at Roanoke,  
5 Virginia.

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Bryan M. Sullivan

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**CERTIFICATE OF SERVICE**

I, April Wright, hereby certify that on this 5th day of March, 2025, a copy of the foregoing **DECLARATION OF BRYAN M. SULLIVAN IN SUPPORT OF PLAINTIFF ROBERT HUNTER BIDEN’S EX PARTE APPLICATION FOR AN ORDER MOTION AND MOTION TO VOLUNTARILY DISMISS ACTION PURSUANT TO FED. RULE CIV. PROC. 41(a)(2)** was served via email, on the following:

Jennifer Linsley Holliday  
LAW OFFICE OF  
JENNIFER LINSLEY HOLLIDAY,  
ESQ.  
7190 W. Sunset Boulevard, #1430  
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*Attorney for Defendants  
Garrett Ziegler and ICU. LLC*

Robert H. Tyler  
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*Attorney for Defendants  
Garrett Ziegler and ICU, LLC*

*/s/ April Wright*  
APRIL WRIGHT  
An employee of EARLY SULLIVAN  
WRIGHT GIZER & MCRAE LLP