

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division**

UNITED STATES OF AMERICA	:	Case No. 2026 CF2 010237
	:	
v.	:	Hon. Todd Edelman
	:	
DAVID CARTER HEARN,	:	
	:	
Defendant.	:	

**DEFENDANT’S MOTION TO DISMISS THE INDICTMENT FOR THE
GOVERNMENT’S FAILURE TO PRESERVE MATERIAL EXCULPATORY
EVIDENCE**

Defendant David Hearn, through undersigned counsel, respectfully moves this Court, pursuant to the Due Process Clause of the Fifth Amendment, Superior Court Rule of Criminal Procedure 16, and this Court’s inherent authority, to dismiss the indictment. The government has failed to preserve the key physical evidence in this case: the Lincoln Memorial Reflecting Pool, including the section of its liner that Mr. Hearn is charged with damaging. This failure to preserve has been widely publicly reported and has been further confirmed through an inspection completed earlier today at the defense’s request.¹ And the government’s failure to preserve occurred despite a written defense demand for its preservation.

In the alternative, and only if the Court finds the current record insufficient to establish that the material evidence has been destroyed or irretrievably altered, Mr. Hearn requests an evidentiary hearing. At that hearing, the government must establish, through witnesses with personal knowledge, the current condition, location, and chain of custody of the section of the liner that Mr. Hearn allegedly damaged.

¹ A declaration regarding the defense’s July 16, 2026, inspection is attached as Exhibit I.

I. INTRODUCTION

The government has charged Mr. Hearn with a single felony count of destruction of property under D.C. Code § 22-303. The indictment alleges that on June 19, 2026, Mr. Hearn “maliciously did injure, break, and destroy... lining material of the Lincoln Memorial Reflecting Pool... causing damage in the amount of \$1,000 or more.”² Accordingly, the pool liner is not merely evidence in this case: It is the essence of the alleged offense. Its physical condition, at the charged location and elsewhere, is central to the resolution of the key contested elements in this matter: whether the liner was damaged at all by Mr. Hearn and with the requisite malicious intent, whether any detachment was caused by human force or by the liner’s documented failure to adhere, and whether the value of any damage attributable to Mr. Hearn exceeds the \$1,000 felony threshold.

Despite the importance of the pool liner to the case, in the brief period since June 19, 2026, the same government that presented and returned the indictment against Mr. Hearn has fenced off the scene, begun draining the pool yet again, and publicly announced its intention to repair the very liner whose condition is at issue.³ It has done so despite a written defense demand for preservation of the physical evidence transmitted on July 8, 2026, the day before arraignment.⁴

The spoliation of evidence caused by the government’s actions is not hypothetical or prospective. Draining the pool is itself an alteration of the evidence: It changes the coating’s

² Indictment, *United States v. Hearn*, Case No. 2026 CF2 010237, July 2, 2026.

³ ABC News, Ida Domingo, *Lincoln Memorial Reflecting Pool being drained again as fencing surrounds landmark*, ABC News (July 8, 2026) (attached as Exhibit A, at 3); USA TODAY Network, Mike Stunson, *Was the Lincoln Memorial Reflecting Pool drained? Here’s the latest*, USA TODAY (July 13, 2026) (attached as Exhibit B at 3); USA TODAY, Michelle Del Rey, *From blue to green to empty, a look at the DC Reflecting Pool saga*, USA TODAY (July 13, 2026) (attached as Exhibit C at 4). The pool has been drained multiple times in the past three months, since the start of the Reflecting Pool restoration project.

⁴ The demand letter is attached as Exhibit F.

environment, dries and shrinks compromised liner material, disturbs and removes detached fragments along with debris, and subjects the pool bottom to foot traffic, equipment, and cleaning by the very agency whose employees are the witnesses who would serve as fact witnesses at trial. And each day of continued work degrades what remains. Moreover, the government has not confirmed that the liner has been preserved intact, instead merely reciting boilerplate language to assert compliance with its discovery obligations. And earlier today, the defense's inspection confirmed that spoliation of evidence has taken place.⁵ The exculpatory evidence discussed in the defense's pending Motion for Return of Property Pursuant to D.C. Superior Court Rule 41(g) and to Compel reinforces the impropriety of tampering and destroying the key physical evidence in this case and further exacerbates the unmitigable damage of the government's actions.

The Constitution simply does not permit the government to charge a man with destroying an object, retain exclusive custody of that object, and then drain, disturb, and alter the object before the defense may examine it, despite a written demand for its preservation. And yet that is what has happened here. The government's failure to preserve this evidence, in the face of an express demand no less, has destroyed Mr. Hearn's ability to collect evidence material to his defense on multiple elements of the charged offense. Dismissal is the only appropriate remedy in view of the government's actions.

II. FACTUAL BACKGROUND

The following facts are drawn from the charging documents, statements of government officials, and public reporting, and are subject to confirmation through discovery.

In the spring of 2026, the Department of the Interior undertook a renovation of the Reflecting Pool at a publicly reported cost of approximately \$14 to \$16 million, including the

⁵ Exhibit I.

application of a blue sealant or coating to the pool's bottom.⁶ According to contract award data on USASpending.gov, Green Water Solutions, also known as Greenwater Services, received a \$1.7 million contract to install a water purification system in the Reflecting Pool, while Atlantic Industrial Coatings LLC received an award of \$14.7 million to reline the reflecting pool with waterproof material.⁷ Within weeks of completion, the project was beset by publicly documented problems: algae blooms, discolored water, and extensive peeling, bubbling, and delamination of the newly applied coating, with detached pieces of the coating visibly floating on the surface of the Reflecting Pool.⁸ According to public reporting, the National Park Service applied chemical treatments to the water, including hydrogen peroxide, to control algae, and that peeling of the coating followed.⁹ The pool was drained at least once before the events at issue here. (Exhibit A at 3).

The government alleges that on June 19, 2026, Mr. Hearn, a sixty-seven-year-old, three-time Olympian who stopped at the pool during a bicycle ride, pulled up and removed a portion of the pool's bottom liner.¹⁰ Mr. Hearn has stated publicly, and the defense will establish, that he touched a piece of coating that had already detached, released it when asked to do so by a park employee, and left the pool in no worse condition in which he found it. On July 2, 2026, a grand jury returned a one-count indictment charging felony destruction of property valued at \$1,000 or more. Mr. Hearn was arraigned on July 9, 2026, pleaded not guilty, and was released on his

⁶ Exhibit C at 2; AP News, Will Weissert, *Crews are draining the Lincoln Memorial Reflecting Pool again as part of Trump's troubled revamp*, AP News (July 10, 2026) (attached as Exhibit D at 4).

⁷ Copies of the contract awards are attached as Exhibit G.

⁸ Exhibit D at 3.

⁹ Exhibit C at 4.

¹⁰ Jeanine Pirro, Press Conference: U.S. Attorney for D.C. Jeanine Pirro and other officials hold an update on charges related to the alleged vandalism at the Reflecting Pool, July 2, 2026.

personal recognizance. The Court declined the government's request for a stay-away order from the Reflecting Pool. As set forth in the defense's pending Motion for Return of Property and to Compel, the government then seized Mr. Hearn's cell phone based on a warrant that omitted publicly available exculpatory evidence showing Mr. Hearn caused no damage to the Reflecting Pool.

According to the Secretary of the Interior, following the July Fourth holiday weekend, crews began draining the pool again.¹¹ The government erected chain-link fencing around the pool on or about July 8, 2026. *Id.* The President has publicly stated that the pool would need to be drained again for liner repairs.¹²

On July 8, 2026, undersigned counsel transmitted a discovery letter to the government demanding, among other things, preservation of all the physical evidence in this case, including the Reflecting Pool liner.¹³ The government has never disputed its obligation to preserve this evidence. Yet on information and belief, draining and preparatory remediation work has continued after that demand, and the government has not confirmed preservation of the liner. Today, the defense confirmed through an inspection initiated at the defense's request that the physical evidence in this case has not been preserved.¹⁴

¹¹ Exhibit A at 3.

¹² Donald J. Trump (@realDonaldTrump), *Truth Details*, Truth Social (July 13, 2026, at 9:49 PM) ("The Parks Department had to empty the water in order to fix the water tight basin.") (attached as Exhibit E).

¹³ Exhibit F.

¹⁴ Exhibit I.

III. ARGUMENT

A. *The physical condition of the pool is exculpatory.*

To convict Mr. Hearn, the government must prove beyond a reasonable doubt that Mr. Hearn maliciously injured or destroyed the property of another and that the property's value, or the damage caused, meets the felony threshold of D.C. Code § 22-303. *Thomas v. United States*, 557 A.2d 1296, 1299 (D.C. 1989). Under current D.C. Court of Appeals authority, the cost of repair is a measure of property damage under D.C. Code § 22-303. *See, e.g., Nicols v. United States*, 343 A.2d 336, 342 (D.C. 1975) (“[T]he value of the property damaged or destroyed is to be measured by [the] reasonable cost of the repairs necessitated by the malicious conduct.”); *Baker v. United States*, 891 A.2d 208, 215 (D.C. 2006) (“In order to repair [the] vehicle, the paint had to be removed and then replaced with a new layer of paint, otherwise, the vehicle would have been significantly devalued.”). The physical condition of the Reflecting Pool is material to each of the key elements of the offense.

The government's theory is that Mr. Hearn tore adhered liner by force, and they must prove beyond a reasonable doubt that he did so with malicious intent. Evidence showing that the liner had already failed—that the coating was delaminating because of defective surface preparation, a defective product, its defective application, or chemical degradation from the government's own algae treatments, and that whatever Mr. Hearn touched was already detached —negates the government's theory and is thus exculpatory. Moreover, the government itself has already provided evidence cutting against its own theory of damage: a comparison of a photograph taken by the government after Mr. Hearn was detained, which was provided in the government's search warrant, with a picture Mr. Hearn took *before* he touched the pool, indicates that he was not responsible for the damage to the pool liner. As explained in the defense's Motion for Return of

Property and to Compel, both images show identical damage to the relevant area of the liner before Mr. Hearn ever touched it. Thus, at first glance, the government’s theory of culpability has already failed; to the extent the government challenges this undisputed exculpatory photographic evidence, the need for the physical evidence at issue—which the government controls and is legally required to preserve—becomes even more important.

The government’s theory of culpability is physically testable. Adhesion pull-off testing of intact areas, analysis of the substrate and bond line at the margins of the charged section, examination of tear morphology to distinguish manual peeling of a failed bond from forcible removal of an adhered coating, and chemical analysis of the coating for degradation are all standard forensic methods.¹⁵ All of the methods require testing of the liner and the Reflecting Pool; none of the tests can be conducted based on photographs, or on a Reflecting Pool and liner that have been altered from the states that existed on the date and time of the alleged crime. In other words, to challenge the government’s theory, including its assertion that damage attributable to Mr. Hearn exceeded the statutory threshold of \$1,000, the defense must be able to examine the nature and extent of the damage to the unaltered site.

Critically, it is publicly documented that “pieces of the new blue liner were observed peeling up from the bottom” in numerous locations that the defendant is not alleged to have touched.¹⁶ The existence, extent, and physical characteristics of spontaneous delamination elsewhere in the pool are powerful exculpatory evidence: they demonstrate a systemic adhesion

¹⁵ ASTM Int’l, ASTM D4541-22, Standard Test Method for Pull-Off Strength of Coatings Using Portable Adhesion Testers, astm.org; ASTM Int’l, ASTM D6677-18, Standard Test Method for Evaluating Adhesion by Knife, astm.org; ASTM Int’l, ASTM D7234-21, Standard Test Method for Pull-Off Adhesion Strength of Coatings on Concrete Using Portable Pull-Off Adhesion Testers, astm.org.

¹⁶ AP News, Matthew Daly, *Reflecting Pool liner was cut with a sharp knife or razor, National Park Service says*, AP News (June 25, 2026) (attached as Exhibit H at 3).

failure that explains the condition of the liner without any intervention by Mr. Hearn or anyone else. But the government's action in draining the pool and re-coating the bottom prevents the conducting of forensic testing that is central to the defense.

Furthermore, the felony threshold requires the government to isolate damage attributable to Mr. Hearn from damage attributable to product failure, installation failure, chemical treatment, weather, fireworks debris, and the conduct of others. A defendant is entitled to test the government's valuation establishing the purported amount of damage with his own experts; he cannot do so once the government has resurfaced the Reflecting Pool.

B. The government has a constitutional and rule-based duty to preserve this evidence.

The government's duty to disclose evidence favorable to the accused, *Brady v. Maryland*, 373 U.S. 83, 87 (1963), includes the duty to preserve such evidence. Under *California v. Trombetta*, 467 U.S. 479, 488-89 (1984), due process is violated by the destruction of evidence that possesses exculpatory value that was apparent before its destruction and that is of such a nature that the defendant cannot obtain comparable evidence by other reasonably available means. Where evidence is merely potentially useful, its destruction violates due process if the government acted in bad faith. *Arizona v. Youngblood*, 488 U.S. 51, 57-58 (1988); *Illinois v. Fisher*, 540 U.S. 544, 547-48 (2004) (per curiam).

The District of Columbia Circuit long ago held that the duty of disclosure attaches, in some form, once the government has gathered and taken possession of evidence, and that with it comes a duty of preservation enforceable by sanction. *United States v. Bryant*, 439 F.2d 642, 651-52 (D.C. Cir. 1971); *Copeland v. United States*, 271 A.3d 213, 223-25 (D.C. 2022) (remanding to trial court for a hearing to determine whether Rule 16 sanctions should apply for non-preservation of video footage). Superior Court Rule of Criminal Procedure 16 independently entitles the defense

to inspect tangible objects, buildings, and places within the government's possession, custody, or control that are material to preparing the defense. D.C. Super. Ct. R. Crim. P. 16(a)(1)(E).

Every predicate of the preservation duty is satisfied here and satisfied more completely than in the ordinary case. The government has not merely gathered the evidence; it owns the scene, controls access to it with fencing and the presence of employees of the United States Park Police and employs the relevant witnesses. The prosecuting office and the agency conducting the remediation are both part of the federal government. The exculpatory value of the scene is not speculative; it is apparent from the government's own public record of coating failure, chemical treatment, and prior draining. And as discussed above, there is no comparable substitute.

C. Remediation of the scene after notice constitutes bad-faith destruction of evidence.

Courts have found bad faith and dismissed matters where the government destroys physical evidence after the defense has requested its preservation. In *United States v. Bohl*, 25 F.3d 904, 913-14 (10th Cir. 1994) the government prosecuted contractors for supplying nonconforming steel in radio towers, then destroyed the tower steel after the defendants explicitly requested access to test it. The Tenth Circuit held that destruction of the very object whose composition was the central issue, after notice of its exculpatory potential, violated due process. In *United States v. Cooper*, 983 F.2d 928, 932 (9th Cir. 1993) the Ninth Circuit affirmed dismissal of an indictment where the government destroyed laboratory equipment despite defense requests for its preservation, because the equipment's physical characteristics were central to the defense.

This case is fundamentally indistinguishable from those authorities, except that here the destruction has unfolded in public view, and a written demand has been made in a criminal case pending before this Court. The government cannot claim the protection of *Fisher*, where evidence was destroyed in good faith pursuant to a routine, established retention policy years before any

preservation request. 540 U.S. at 547-48. There is nothing routine about draining and resurfacing the key evidence in a pending felony prosecution.

The government therefore stands today where the government in *Bohl* and *Cooper* stood: in possession of the central physical evidence, on written notice of its significance to the defense, and choosing whether to preserve it or destroy it. Every day of continued remediation after July 8 is a day of destruction after notice. If the government completes that remediation over the demand, the inference of bad faith is not merely available; it is compelled. And the Court need not find malice on the government's part: a deliberate choice to eliminate the defense's only opportunity to test the physical evidence, made for reasons of administrative or political convenience, is bad faith within the meaning of *Youngblood*.

D. Dismissal is the only adequate remedy.

Where the government destroys evidence whose exculpatory value was apparent and for which no comparable substitute exists, dismissal follows because no trial remedy can restore the defendant's ability to make his defense. *Trombetta*, 467 U.S. at 488-89; *Cooper*, 983 F.2d at 933; *Bohl*, 25 F.3d at 914. The lesser sanctions sometimes employed for lost evidence are inadequate here. An adverse-inference instruction asks the jury to imagine evidence it will never see, in a case where the physical evidence is not one item among many but at the core of the charge. Suppression of the government's damage and valuation evidence would leave the government unable to prove its case in any event, which is dismissal by another name, but would not restore the defense's ability to develop its own evidence refuting the government's allegations. Finally, a continuance cannot restore a site the government has drained, disturbed, and resurfaced.

If the Court concludes that the present record does not establish the extent of the destruction, the appropriate course is not denial of the motion but an evidentiary hearing at which

the government, which has exclusive custody of the scene and exclusive knowledge of what has been done to it, must establish through witnesses with personal knowledge: the current condition of the liner; whether any portion of it was removed, and if so, its chain of custody and present location; every act of draining, cleaning, debris removal, chemical treatment, repair, and resurfacing performed since June 19, 2026; and who authorized each act after receipt of the defense's July 8, 2026 preservation demand. The burden of accounting for evidence in the government's exclusive custody rests with the government. *Bryant*, 439 F.2d at 648.

IV. CONCLUSION

For the foregoing reasons, Mr. Hearn respectfully requests that the Court dismiss the indictment. In the alternative, Mr. Hearn requests an evidentiary hearing at which the government must account for the condition and custody of the physical evidence, and such other relief as the Court deems just.

Dated: July 16, 2026

Respectfully submitted,

/s/ Mary L. Dohrmann

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[PROPOSED] ORDER

Upon consideration of Defendant's Motion to Dismiss the Indictment for the Government's Failure to Preserve Material Exculpatory Evidence, any opposition thereto, and the entire record, it is this ____ day of _____, 2026, hereby

ORDERED that the motion is GRANTED; and it is further

ORDERED that the indictment is DISMISSED.

[ALTERNATIVE FORM OF ORDER] ORDERED that an evidentiary hearing on the motion shall be held on _____, 2026, at which the government shall present witnesses with personal knowledge of: the current condition of the section of Reflecting Pool liner identified in the indictment; whether any portion of it has been removed, and if so, its chain of custody and present location; each act of draining, cleaning, debris removal, chemical treatment, repair, or resurfacing performed on the pool since June 19, 2026; and the authorization for each such act performed after July 8, 2026; and it is further

ORDERED that pending the hearing and further order of the Court, the government shall not repair, re-coat, resurface, or otherwise alter the charged section of liner or the comparison areas

designated by the defense, and shall preserve all records identified in the defense's preservation demands.

Judge Todd Edelman
Superior Court of the District of Columbia

EXHIBIT A

ADVERTISEMENT

Lincoln Memorial Reflecting Pool being drained again as fencing surrounds landmark

by Ida Domingo
Wed, July 8, 2026 at 5:59 AM
Updated Wed, July 8, 2026 at 6:25 AM

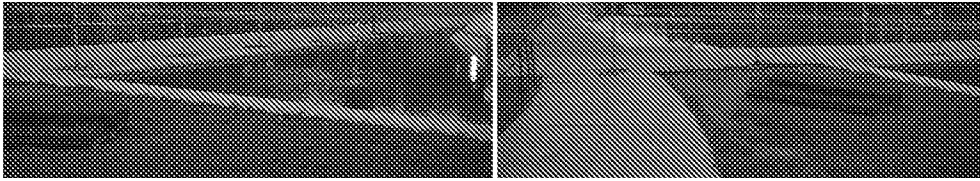




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New fencing now surrounds the Lincoln Memorial Reflecting Pool in Washington, D.C. 7News cameras captured chain-link barriers lining the perimeter of the pool area on early Wednesday morning, July 8, 2026. (Raul Condia/7News)

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WASHINGTON (7News) — Crews have started draining the Lincoln Memorial Reflecting Pool for the second time in three months as the National Mall landmark undergoes another round of repairs following weeks of issues.

Interior Secretary Doug Burgum said the draining process began Sunday as planned following the July Fourth fireworks celebration. He said crews are working to remove fireworks debris that remained in the pool after the holiday show. Burgum added the pool may only need to be partially drained.

7News cameras captured new chain-link barriers lining sidewalks surrounding the area Wednesday morning.

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New fencing now surrounds the Lincoln Memorial Reflecting Pool in Washington, D.C. 7News cameras captured chain-link barriers lining the perimeter of the pool area on early Wednesday morning, July 8, 2026. (Raul Candia/7News)

It is unclear whether the fencing means the area is closed to the public. 7News has reached out to the National Park Service (NPS) and the Department of the Interior for details.

Two weeks ago, 7News was told the barriers were being installed as part of preparations for the July 4 holiday and due to "vandalism by leftist activists."

RELATED | Trump says Lincoln Memorial Reflecting Pool cleaned, damage to be fixed

"The Reflecting Pool was always set to be fenced off ahead of the 4th of July. As in years prior, one of the launch pads for the fireworks is around the pool so fencing is put up to ensure public safety. With the increase in vandalism by leftist activists, the fencing is going up earlier than originally planned to ensure no more damage is done to this historic site," the department spokesperson said on June 24.

00:00 

01:03

New fencing now surrounds the Lincoln Memorial Reflecting Pool in Washington, D.C. 7News cameras captured chain-link barriers lining the perimeter of the pool area on early Wednesday morning, July 8, 2026. (Raul Candia/7News)

On July 6, President Donald Trump posted on Truth Social that, as of the latest numbers, there were seven arrests, seven federal citations issued, and 19 incidents or reports filed.



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@realDonaldTrump · Jul 6

From Greg Wischer at the United States Department of the Interior:

"Latest Law Enforcement numbers from the Reflecting Pool: 7 arrests, 7 additional people issued Federal citations, 19 incidents/reports filed. Here is the Reflecting Pool tonight!"



Last Sunday, Burgum said the administration planned to hire the same company that painted the pool "American flag blue" to make repairs.

RELATED | Burgum defends rehiring contractor to fix 'vandalized' Lincoln Memorial Reflecting Pool

The Reflecting Pool has faced several issues in recent months, including algae growth and peeling paint concerns.



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A piece of the blue coating floats among algae at the Lincoln Memorial Reflecting Pool Sunday, June 21, 2026, on the National Mall in Washington.

(AP Photo/Jon Elswick)



JOIN THE CONVERSATION (1)

Last month, Trump said the pool had been cleaned of algae and that repairs would be made to the liner. The comments came after a court filing from the National Park Service's deputy director of operations, Frank Lands, said the liner was cut with a sharp object after a \$16 million rehabilitation project was completed.

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EXHIBIT B



WASHINGTON DC

Donald Trump

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Was the Lincoln Memorial Reflecting Pool drained? Here's the latest

**Mike Stunson**

USA TODAY NETWORK

Updated July 13, 2026, 12:06 p.m. ET

AI Overview

The Lincoln Memorial Reflecting Pool is being drained again for a new round of repairs ordered by President Trump. The pool is being drained to address peeling paint and alleged vandalism, but the timeline for completion remains unclear.

[Full Summary](#)

What caused the American Flag Blue paint to peel from the Reflecting Pool?



How is the National Park Service addressing the algae bloom in the Reflecting Pool?



Based on your interests

What caused the American Flag Blue paint to peel from the Reflecting Pool?



DeeperDive BETA | Ask USA TODAY anything

The months-long saga of the Lincoln Memorial Reflecting Pool renovations hit another roadblock recently when President Donald Trump ordered another round of repairs to the iconic Washington DC landmark.

Now that Fourth of July festivities and the 16-day Great American State Fair have concluded, crews have started work on the pool again.

Here's the latest on the reflecting pool and why it needs another round of renovations.

Has the Lincoln Memorial Reflecting Pool been drained again?

Crews began draining the 6.5-million gallon pool on Friday, July 10, setting up another round of renovations by Atlantic Industrial Coatings of Virginia, which did the initial \$14.7 million worth of repairs.

By Monday morning, July 13 water was still slowly draining out of the pool.

In a podcast interview with Katie Miller - the wife of Trump's deputy chief of staff Stephen Miller - Interior Secretary Doug Burgum said the latest round of renovations would also help clean up debris from the Fourth of July fireworks show.

"Drain the water, clean up the fireworks stuff," Burgum told Miller. "Repair the vandalism that was done. Fill it back up again."

Why is the Lincoln Memorial Reflecting Pool being renovated again?

The pool has been hit by a series of issues since the first renovations began in the spring.

First it was green algae, which appeared on the pool beginning just days after repairs were said to have been completed.

Days later, recently applied paint began peeling off the basin, with large portions floating to the water's surface.

Trump blamed the issues on "vandals" and several people were arrested. Among them is former Olympic canoeist David Hearn, who was indicted by a federal grand jury after being accused of "maliciously" breaking or destroying the pool's lining.

Trump said in June that vandals had cut a 350-foot long gash into the side of the pool, but as it was drained over the weekend, no evidence of the gash had emerged.

Federal officials have not publicly identified where the alleged damage is located or released photographs showing the reported gash. The Interior Department has maintained that repairs are necessary but has not elaborated on the extent of the damage.

It's unclear how long the latest round of repairs will take or when the reflecting pool will be refilled.

EXHIBIT C

[POLITICS](#)[Donald Trump](#)[Add Topic](#)

Reflecting Pool drained again after Trump renovations. See timeline



Michelle Del Rey
USA TODAY

July 13, 2026 | Updated July 15, 2026, 8:51 a.m. ET

AI Overview

President Donald Trump's renovation of the Lincoln Memorial Reflecting Pool has repeatedly failed,

[Full Summary](#)

the pool being drained again for further repairs amid lawsuits and accusations of vandalism. While algae persist in Reflecting Pool despite new technology?



Which contractors handled Reflecting Pool renovations and their costs?



Based on your interests

What caused the American Flag Blue paint to peel from the Reflecting Pool?



DeeperDive BETA

Ask USA TODAY anything

When President Donald Trump embarked on an effort to beautify the nation's capital, the Lincoln Memorial Reflecting Pool became a key focus point of that revitalization.

The president unveiled his plans for an "American Flag Blue" basin in the Oval Office in April. The endeavor would cost \$1.5 million, he told reporters, but the bill for the project would balloon to over \$16 million by June.

The pool measures about 2,000 feet in length and 160 feet in width and sits along the central axis of the National Mall between the Lincoln Memorial to the west and the Washington Monument to the east.

Contractors were hired to sandblast, caulk and resurface the bottom, similar to maintenance work for an industrial-grade pool, the president said.

But shortly after the work was completed in early June, images of an algae-infested pool surfaced, showing slimy green water instead of the blue basin the president promised. Additionally, the American-flag-blue liner began to peel. Trump said the issue was due to "vandals" who had sabotaged the work. In a Truth Social post on June 23, the president said several people had been arrested for the alleged vandalism. Former Olympian David Hearn was one of those indicted and accused of property destruction. He pleaded not guilty on July 9.

As of July 13, the pool was still in the process of being drained again to make repairs.

As the saga continues, here's a timeline of the ongoing work to the Reflecting Pool.

From blue to green to empty, see Reflecting Pool timeline

April: A plan for a more beautiful Reflecting Pool

Trump announces a plan to begin work on the Lincoln Memorial Reflecting Pool due to complaints about a leaky foundation and filthy water, with repairs expecting to take two weeks. Renovations began in mid-April. Atlantic Industrial Coatings LLC was selected to line the pool with polyurea in an attempt to stop ongoing leaks and create the "American Flag Blue" basin effect.

The Interior Department said the color would improve the pool's reflectivity over the previous gray concrete basin.

May: Project hit with a lawsuit

The Cultural Landscape Foundation, a nonprofit, filed a lawsuit on May 11 against the Department of the Interior over the renovation project, arguing it violated federal law by not undergoing the proper review process to make changes to historic places. The nonprofit is requesting that work on the pool be stopped until plans can undergo review.

Litigation remains ongoing. District Judge Carl John Nichols has given the Justice Department until July 17 to file a motion to dismiss the lawsuit, according to court records.

June: Reflecting Pool reopens but quickly turns algae green

The Reflecting Pool reopens in early June but is soon battling a green algae problem due to warm temperatures in the nation's capital. To combat the algae issue, workers dumped hydrogen peroxide into the water and deployed a nanobubble filtration system to make the water more transparent.

Shortly after the chemicals were placed into the water, dead ducks were discovered near or in the Reflecting Pool. It's not yet clear what caused the ducks to die. Moreover, the newly installed liner began to peel. Trump said additional work to the pool would begin after the Fourth of July.

July: Tourist attraction fenced off for Fourth of July

The efforts improved the water quality for a short period of time. However, the water returned to green by the start of the month, as Washington continued to face high temperatures. The National Park Service closed the pool to tourists for the Fourth of July fireworks show and continued renovations.

The latest: Reflecting Pool drained again

On Friday, July 10, crews were observed draining the 6.5-million-gallon pool once more to make way for another round of renovations. On Monday, July 13, water was still slowly draining from the pool, according to USA TODAY reporting.

While speaking on a podcast hosted by Katie Miller, wife of Stephen Miller, Trump's deputy chief of staff, Interior Secretary Doug Burgum said the latest renovations were being done to clear firework debris from Independence Day celebrations and repair the work that had been damaged.

Pool has history of issues

The Reflecting Pool had long had a history of issues before Trump decided to undertake the project.

Since its completion in 1923, the pool has been subject to maintenance, cleaning and repair complications. In 1986, an engineering report concluded the pool's structural system was failing. The Interior Department previously told USA TODAY the Reflecting Pool leaks 16 million gallons a year.

In 2012, the Obama administration attempted to repair the pool's water quality, spending millions over 18 months in the process. However, the efforts did not permanently resolve the issue, the department said.

Michelle Del Rey is a trending news reporter at USA TODAY. Reach her at mdelrey@usatoday.com.

Contributing: Mike Stunson

EXHIBIT D

POLITICS

Crews are draining the Lincoln Memorial Reflecting Pool again as part of Trump's troubled revamp



1 of 5 | National Park Service workers stand near a pump placed next to the Lincoln Memorial Reflecting Pool, Friday, July 10, 2026, in Washington. (AP Photo/Mark Schiefelbein)

[Read More](#)**BY WILL WEISSERT**

Updated 8:34 PM EDT, July 10, 2026

[Leer en español](#)

WASHINGTON (AP) — Crews are again draining the Lincoln Memorial Reflecting Pool as President Donald Trump's problem-plagued effort to revamp the waterway pushes well past his initial goal of having it ready by July 4 to mark the nation's 250th birthday.

The president at first suggested his renovations would last a century. But, within weeks of the project originally reaching completion last month, the water was beset by an algae bloom and pieces of the new coating appeared to be peeling off the bottom.

Trump has blamed the peeling on vandals, though critics allege it's from shoddy repair work.

Interior Secretary Doug Burgum, whose agency oversees the National Park Service, told conservative podcaster Katie Miller in an interview released earlier this week that the new round of draining was planned. He also said that the water might still contain debris from an extensive Independence Day fireworks display over the National Mall.



0:00 / 52

AP AUDIO: Crews are draining the Lincoln Memorial Reflecting Pool again as part of Trump's troubled revamp

AP Washington correspondent Sagar Meghani reports water is again being drained from President Trump's troubled Lincoln Memorial Reflecting Pool renovation.

"Drain the water, clean up the fireworks stuff," Burgum told Miller, who is the wife of deputy White House chief of staff Stephen Miller. "Repair the vandalism that was done. Fill it back up again."

The work on the Reflecting Pool is just one of a number of projects Trump has spearheaded across the nation's capital. Most prominently, he demolished the White House's East Wing to build a \$400 million ballroom and plans to build a towering arch between the Lincoln Memorial and Arlington National Cemetery.

He initially announced his intentions to beautify the Reflecting Pool this spring, saying he wanted it completed before the nation's 250th birthday celebrations.

Water was drained and Trump directed that the bottom be painted what he called "American flag blue." In May, the president posted on his social media site of the pool: "The goal is to have it done, at this higher level, prior to July 4th — We are ahead of schedule!"

But problems began quickly after the initial work was finished. Trump blamed vandals, and court documents later showed that the National Park Service reported to the U.S. Park Police a June 9 incident in which a sharp knife or razor cut the pool's new liner.

On Thursday, former Olympic canoe racer David Hearn pleaded not guilty in D.C. Superior Court to deliberately damaging the Reflecting Pool. Hearn has said he reached inside the pool to examine the peeled sealant and let go of a chunk when he was told to by a park worker.

His attorneys and other Trump administration critics have derided the case as an abuse of prosecutorial power and maintain he is being scapegoated for the poor job done fixing up the Reflecting Pool.

At least three other people have been charged in the same court with misdemeanors for allegedly removing pieces of paint from the Reflecting Pool, according to online court records. All three pleaded not guilty during their initial court appearances Wednesday.

The pool was closed for the Independence Day celebration, which featured what Trump said was the largest fireworks display in the world. The president had said that the pool would have to be drained anew as part of the new round of repairs.

Burgum has also said that the Trump administration won't seek bids for the new rounds of repairs. He told CNN's "State of the Union" last weekend: "We'll use the same company because they did a fantastic job."

Ohio-based Green Water Solutions, also known as Greenwater Services, was given a \$1.7 million contract to install a water-purification system in the Reflecting Pool, while Virginia-based Atlantic Industrial Coatings was awarded \$14.7 million to repaint and waterproof the pool's concrete floor.

EXHIBIT E



← Truth Details

2091 replies



Donald J. Trump  

@realDonaldTrump

We drained the beautiful "Reflecting Pool" today in order to fix the scars and damage that was done by the Vandals two weeks ago. We wanted to wait until after the July 4th Weekend. The slashes were 300 yards long, and the floor of the pool was cut and then pulled upward, with great force, by these thugs. The Parks Department had to empty the water in order to fix the water tight basin. It will be refilled and put back into service soon. These Country hating sleazebags should pay a big price for the damage done. MAKE AMERICA GREAT AGAIN! President DJT

5.14k ReTruths **21.5k** Likes

Jul 13, 2026, 9:49 PM



EXHIBIT F



Suite 1120
Washington DC, 20006

Mary Dohrmann
Main 202-521-8750
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mdohrmann@washingtonlitigationgroup.org

By Electronic Mail

July 8, 2026

Kevin Reddington
Kadian Carter
Assistant United States Attorneys
U.S. Attorney's Office for the
District of Columbia
601 D Street NW
Washington, DC 20530

Re: *United States v. David Hearn*, 2026 CF2 10237

Dear Mr. Reddington and Mr. Carter:

I represent Mr. Hearn and write pursuant to *Rosser v. United States*, 381 A.2d 598, 610 (D.C. 1977), to request provision of all discoverable material in this matter.

I specifically request the preservation of any and all audio, video, or photo images that relate to my client's case in any way, including any video of my client at or near the scene of any alleged incident/arrest or while held by or at any law enforcement agency. I specifically but not exclusively request the preservation and disclosure of all video from June 1, 2026, to July 2, 2026 capturing the site of the alleged incident/arrest. It is my understanding that video evidence is sometimes destroyed within ten (10) or thirty (30) days, which necessitates prompt action by government counsel. Accordingly, I ask that you preserve any and all footage related to this case, including but not limited to stationhouse video that may have captured my client or evidence while in the custody of USPP, and other law enforcement footage, CCTV camera footage, and DDOT camera footage, immediately to avoid destruction issues. Please ensure that any and all body worn cameras related to this case by CCN or otherwise be properly labeled and preserved.

Additionally, I request that you preserve all physical evidence material to the preparation of my client's defense, including but not limited to, all property and/or evidence allegedly belonging to all witnesses and my client, unless such property is released directly to my client or his authorized designee. This preservation request is served in part to ensure that counsel has an opportunity to conduct tests and examinations on any physical property that counsel deems appropriate and necessary.

Pursuant to Superior Court Rule of Criminal Procedure 16, *Brady v. Maryland*, 373 U.S. 83 (1963), and other pertinent case law, I hereby request the production of all discovery and other evidence that tends to exculpate my client. Rule 16 explicitly provides that upon request, “the government must disclose” and “make available for inspection, copying, or photographing” of all material covered by the Rule. In the event that you are unable or unwilling to provide the requested information, or if you disagree with any of the foregoing representations, please advise me by **July 22, 2026**, so that I might respond appropriately. If I have not received your response by this date, I will assume that my representations are accurate and will proceed accordingly.

1. Defendant’s Statements Rule 16 (a)(1)(A)

Pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(A)-(B), I request any oral, written or recorded statements made by my client, which are within the possession, custody, or control of the government, the existence of which is known, or by exercise of due diligence may become known, to the government. I request that you disclose to me and make available for inspection, copying, or photographing, that portion of any written record containing the substance of any relevant oral statement made by my client, whether before or after arrest, in response to interrogation by any person then known to my client to be a government agent, by **July 22, 2026**. If I do not hear from you by that date, I will assume that my client made no oral or written statements and will rely upon that representation in preparation for trial.

a. Co-Defendants

I understand that there are no co-defendants in this case. Should a co-defendant be named in this case, in addition to the name and contact information of the co-defendant, I request the charges pending against him or her and any statements made by him or her pursuant to *Bruton v. United States*, 391 U.S. 123 (1968), and its progeny.

2. Prior Record Rule 16(a)(1)(D)

Pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(D), I request my client’s prior record of arrests and/or criminal convictions, if any, as is within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the government. Unless I am otherwise informed and provided with a copy of the prior record of arrests and/or criminal convictions, by **July 22, 2026**, I will assume the government does not intend to introduce any evidence of arrests or convictions at any proceeding.

3. Documents and Tangible Objects Rule 16(a)(1)(E)

I request that you preserve and permit me to inspect and copy or photograph any and all documents and other information detailed in Rule 16(a)(1)(E), which are in the possession or control of the government that are intended for use by the government as evidence in chief at the trial, were obtained from or belong to Mr. Hearn, or are material to the preparation of the defense, regardless of whether you intend to introduce the item(s) at trial: books, videotapes, papers, documents, photographs, tangible objects, buildings, and places.

I also request the following specific documents and tangible evidence:

- a. Copies of any and all officers' notes regarding this incident, to include but not limited to field notes, blue book notes, and rough notes;
- b. Copies of any and all forms read to or signed by my client containing information regarding his rights under D.C. Code or otherwise, including information regarding the claimed bases for the arrest of my client and allegedly giving rise to the provisions of the D.C. Code § 50-1904.02 (2013);
- c. A description of any other tangible evidence which the prosecutor intends to use at the hearing or trial which is not contained in the materials otherwise provided pursuant to these demands;
- d. Any electronic surveillance, including but not limited to video and associated audio, or other video or audio recording, of captured portions of the charged conduct, of my client's arrest, and/or of my client at the police station or any other location; This request also includes any video footage including cameras owned or accessed by a law enforcement agency (crime, red light, and/or body camera) and DDOT (which are operated and maintained by MDP, and to which MPD has access), as well as any footage that the government has reviewed. This request also includes video footage from the USPP station where defendant was taken. As you are aware, many cameras loop over footage every 10 to 30 days, accordingly, I ask that you preserve footage related to this case immediately. I specifically request, if any, the video from any additional Body Worn Cameras, including but not limited to footage generated during the investigation, arrest, search warrant execution, and/or stationhouse booking, not identified in the arrest report.

In addition, pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(F), I am requesting a copy of any and all police reports, witness statements, or other documents.

To the extent that any of these documents are not discoverable because they are statements made by prospective government witnesses, pursuant to Superior Court Rule of Criminal Procedure 16(a)(2), I am requesting that these documents be provided if, and when, it is determined that the author or witness is not going to be a government witness. Unless I am otherwise informed and provided with copies of the above-listed evidence, by the date listed in Section I of this letter, I will assume the government does not intend to introduce any of the above-listed evidence at any proceeding in this matter.

4. Preservation of Physical Evidence

I request that you preserve all physical evidence and permit me to inspect all tangible objects seized in connection with the investigation of this case. Additionally, I request to copy or photograph all books, videotapes, papers, documents, photographs, as well as buildings, places, or copies or portions thereof, that are within the possession, custody, or control of the government as evidence in chief at trial, were obtained from or belonging to my client, or any co-defendants and/or are material to the preparation of my client's defense. In addition, pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(F), I am requesting a copy of any and all police reports, witness statements, or other documents, by the date listed in section I of this letter.

To the extent that any of these documents are not discoverable because they are statements made by prospective government witnesses, pursuant to Superior Court Rule of Criminal Procedure 16(a)(2), I am requesting that these documents be provided if, and when, it is determined that the author or witness is not going to be a government witness. Unless I am otherwise informed and provided with copies of the above-referenced evidence, by **July 22, 2026**, I will assume the government does not intend to introduce any of the above-referenced evidence at any proceeding in this matter.

5. Inspection/Viewing Letter

Pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(E), I am requesting the opportunity to inspect and photograph any physical evidence and tangible objects relating to this case which are in the possession, custody, or control of the government, including but not limited to all property allegedly belonging to all complaining witnesses and my client, unless such property is released directly to my client or his authorized designee. Those objects may include photographs, tangible evidence, biological material, video evidence, and other forensic evidence. Therefore, I request a viewing letter for any items, permitting myself, my co-counsel and my investigators to view, copy, and/or photograph any tangible evidence by **July 22, 2026**.

6. Officer/Employee Bias and Credibility Information

Pursuant to Rule 16(a)(1)(E) and *Longus v. United States*, 52 A.3d 836 (2012), please disclose source documents from pending investigations and sustained complaints from the Office of Police Complaints and USPP, and other analogs for other involved law enforcement agencies, for officers and employees involved in the investigation and arrest of the defendant, as well as from intervention plans that were in place from the date of the start of the investigation to the date of trial. If there are any objections to the form or scope of these disclosures, please raise them with me immediately.

7. Reports of Examinations and Scientific Test Analysis

I request you disclose the results or notification of the request of physical or mental examinations and scientific tests or experiment, pursuant to Rule 16(a)(1)(F). This includes the entire case file, including case and laboratory notes.

Please notify me if any fingerprint, DNA, firearm, or drug testing analysis was conducted in this matter, and if so, the results of such tests. Please notify me if you intend to call either a fingerprint expert, a Mobile Crime or Crime Scene Search technician, a DNA expert, firearm expert, or drug expert, as an expert witness, and provide a summary of their testimony that comports with Rule 16 (a)(1)(F). Unless I am otherwise informed and provided with copies of the above-listed scientific tests, by **July 22, 2026**, I will assume the government does not intend to introduce any scientific test evidence at any proceeding in this matter.

8. Experts Rule 16 (a)(1)(G)

Pursuant to Superior Court Rule of Criminal Procedure 16(a)(1)(G), I request a written summary of expert testimony the government intends to use during its case-in-chief at trial, including a description of the expert witness' opinions, the bases and the reasons therefore, and the witness' qualifications. Please provide the name and curriculum vitae of any expert witness that the government intends to utilize as a witness at trial in this matter as well as a written summary of the matters about which that expert will testify, a description of the experts' opinions, and the bases and the reasons therefore. Unless I am otherwise informed and provided with copies of the above-listed expert testimony, by **July 22, 2026**, I will assume the government does not intend to introduce any expert testimony at any proceeding in this matter.

In *Ferguson v. United States*, 866 A.2d 54 (D.C. 2005), our Court of Appeals found error in the government's failure to provide an adequate written summary and related information in connection with an expert the government planned to call in its case-in-chief. In *Murphy-Bey v. United States*, 982 A.2d 682, 688 (D.C. 2009), our Court of Appeals reiterated that "a list of topics that fails to describe the expert's expected testimony, fails

to describe the expert's actual opinions, and fails to describe the bases for those opinions" is inadequate disclosure under Rule 16. Accordingly, if it is the government's intention to call an expert, please provide in detail a summary of the testimony, the opinions the expert will offer, and the reasons and bases for those opinions in detail. If I do not receive expert disclosure consistent with Rule 16, *Ferguson*, and *Murphy-Bey*, I will be unable to prepare adequately to confront the expert and will move the Court to preclude the government from calling the expert.

9. Radio Communications

I request information regarding the existence and substance of any 911 calls or radio communications pertaining to this case. I request that I be allowed to listen to any existing recorded communications in advance of the trial and to make a taped copy of the requested communications. Until I have had the chance to listen to, and make a taped copy of any such communications, I ask that they be preserved. Unless I am otherwise informed and provided with copies of the above-listed radio communications, by **July 22, 2026**, I will assume the government does not intend to introduce any radio communication evidence at any proceeding in this matter.

10. Identification Procedure

I request information relating to any and all identification procedures used in relation to this case. Unless I am otherwise informed and provided with copies of the above-listed identification procedures, by **July 22, 2026**, I will assume the government does not intend to introduce any evidence of identification procedures at any proceeding in this matter.

11. Evidence of Uncharged Misconduct

If the government intends to offer evidence of uncharged misconduct against my client at trial, I request pursuant to *Drew v. United States*, 331 F.2d 85 (1964) and *Toliver v. United States*, 468 A.2d 958 (1983), that you inform me of the prior conduct you allege and that you intend to present against my client at trial. Please provide specifics regarding the alleged prior bad act or inextricably linked activity, including exact time and place of occurrence. Unless I am otherwise informed and provided with copies of the above-listed evidence of uncharged misconduct, by **July 22, 2026**, I will assume the government does not intend to introduce any uncharged misconduct evidence at any proceeding in this matter.

12. Brady Request

Under the doctrine of *Brady v. Maryland*, 373 U.S. 83 (1963), I request any and all information which is likely to exculpate Mr. Hearn, including impeachment material. This includes all information known to the government (or which may become known

by the government through the exercise of due diligence) which is favorable to the defense, whether or not technically admissible in court, and which is material to the issues of guilt and/or punishment. This includes all information indicating, in whole or in part, that my client was not involved in the alleged offenses and/or that any of the requisite elements required to prove any of the charged offenses cannot be met. This also includes all information that is inculpatory, as well as that which is exculpatory, to my client. See *United States v. Marlon Marshall*, 132 F.3d 63 (D.C. Cir. 1998).

Pursuant to District of Columbia Rules of Professional Conduct 3.8 (e), as explained in *In re Andrew J. Kline*, 13-BG-851 (decided Apr. 9, 2015), I expressly request any and all information that the prosecutor knows or reasonably should know tends to negate the guilt of the accused irrespective of whether the government believes there is a reasonable probability that any such evidence would or would not make a difference in the outcome of the pending litigation should it go to trial.

I also make the following specific Brady requests:

- a. All prior convictions and juvenile adjudications of all government witnesses. See *Lewis v. United States*, 393 A.2d 109 (D.C. 1978), *aff'd on reh'g*, 408 A.2d 303 (D.C. 1979).

I understand that you will make a “reverse *Lewis* request.” It is my client’s position that the District of Columbia Court of Appeals has rejected the rationale for a “reverse *Lewis* request” in *Middleton v. United States*, 401 A.2d 109 (D.C. 1979). The defense has no duty to provide reciprocal discovery unless it is specifically required to do so by statute or rule. No statute or rule requires disclosure of the conviction records of the defendant or defense witnesses by the defense. Moreover, because the government’s obligation to provide information about a witness’s impeachable convictions is borne of my client’s due process rights, which are the rights of a defendant and do not accrue to the government, the rationale for the government’s having to provide *Lewis* information concerning its witnesses is entirely inapplicable to the accused. Therefore, the government’s obligation to provide my client with information that would tend to exculpate him does not imply a corresponding duty upon my client to provide the government with information that would tend to convict him. Absent compelling authority to the contrary, which you may kindly persuade me with, I am respectfully denying your request.

Additionally, I request that you make available to me for interview at motions hearings and trial all government witnesses, including law enforcement officers.

- b. All information in the possession of the government indicating that (a) any government witness has been the object of prior complaint(s), accusation(s), investigation(s), and/or lawsuit(s) relating to incidents arising while employed by any government agency; (b) any government witness was arrested, pled guilty, had a trial, or was sentenced on or since the date of the offense in the present case; (c) any government witness was on juvenile or criminal parole or probation on or since the date of the offense; and (d) any government witness now has or has had any other liberty interest that the witness could believe or could have believed might be favorably affected by government action. With respect to this information, we request docket numbers, dates, and jurisdictions for all such cases. *See Davis v. Alaska*, 415 U.S. 308 (1974); *Washington v. United States*, 461 A.2d 1037 (D.C. 1983); *Beard v. United States*, 535 A.2d 1373 (D.C. 1988).
- c. Any prior inconsistent, non-corroborative, or other witness statements which the witness's trial testimony will not reflect. *See United States v. Enright*, 579 F.2d 980, 989 (6th Cir. 1978).
- d. All information indicating that the mental state of any government witness is in any way abnormal.
- e. All information that any government witness and/or informant was under the influence of alcohol, narcotics, or any other drug at the time of the observations about which the witness will testify and/or the informant informed, or that the witness's/informant's faculties of observation were impaired in any way.
- f. All information that any government witness has been or is a police informant either at the time of the offense and/or through the day of trial. If any witness is or has been an informant, I am requesting disclosure of:
 - (i) the length and extent of the witness's informant status;
 - (ii) the amounts that have been paid to the informant in connection with this case;
 - (iii) non-monetary assistance provided or promised to the informant, including, but not limited to, assistance in avoiding or minimizing harm from charges pending against the informant either at the time of the offense and/or any other time through the day of trial;
 - (iv) all statements made to the informant that promised benefits that would not be provided without informant's cooperation in connection with this case, ("benefit" refers to any monetary compensation, assistance of the

prosecution or the court concerning pending charges against the informant, or any other sort of consideration);

- (v) the nature of assistance provided to the informant prior to this case, including the number of occasions and form of help.

See United States v. Bagley, 473 U.S. 667 (1985); *Springer v. United States*, 388 A.2d 846 (D.C. 1978).

- g. All deals, benefits, or promise of benefit, threats, or statements that benefit would not be provided without cooperation that were made to any government witness in connection with this case. *See Giglio v. United States*, 405 U.S. 150 (1972); *Springer*, supra. “Benefit” is defined in point (iv) above.
- h. Any information which tends to show a government witness’s corruption, *see Matter of C.B.N.*, 499 A.2d 1215 (D.C. 1985), including anything in police officers’ personnel files indicative of corruption, *see United States v. Brooks*, 296 U.S. App. D.C. 219, 966 F.2d 1500 (1992).
- i. Any information which tends to show perjury by any government witness at any time, whether or not adjudicated and whether or not in connection with case. *See Mooney v. Holohan*, 294 U.S. 103 (1935); *Sherer v. United States*, 470 A.2d 732 (D.C. 1983), cert. denied, 469 U.S. 931 (1984).
- j. Any information regarding any prior “bad act” of a government witness which may bear upon the veracity of the witness with respect to the issues involved in the trial. *See Lawrence v. United States*, 482 A.2d 374 (D.C. 1984); *Galindo v. United States*, 630 A.2d 202 (D.C. 1993).
- k. Information that any government witness has made prior false accusations, including but not limited to prior complaints to the police or enforcement agencies that did not result in a conviction.
- l. Any other information tending to show a government witness’s bias in favor of the government or against the defendant or which otherwise impeaches a witness’s testimony (including pending complaints and closed matters, whether resolved for or against the witness, which involve facts similar to those of this case). *See United States v. Bagley*, 473 U.S. 667 (1985); *Roscoe v. United States*, 617 A.2d 529 (D.C. 1992).
- m. The names and addresses of all persons who would contradict or impeach any government testimony or other evidence.

- n. Any failures by any witness to provide the police or the government with information testified to at trial.
- o. Any indication of bias against the defendant by any complainant.
- p. With respect to identifications, I request the names and addresses of any person who:
 - (i) identified some person other than my client as a perpetrator of the alleged offense, *Cannon v. Alabama*, 558 F.2d 1211 (5th Cir. 1977), cert. denied, 424 U.S. 1087 (1978); and the identity of that party, *Gibson v. United States*, 566 A.2d 473 (D.C. 1989); *Grant v. Alldredge*, 498 F.2d 376 (2d. Cir. 1974);
 - (ii) failed to identify my client as a perpetrator of the alleged offense when asked to do so in any identification procedure. *See Gibson v. United States*, 566 A.2d 473 (D.C. 1989); *United States ex rel. Meers v. Wilkins*, 326 F.2d 135 (2d Cir. 1964);
 - (iii) gave any description(s) of the perpetrator of the alleged offense which in some material respect (e.g. height, weight, clothing, race complexion, age) differs from my client. *See Frezzell v. United States*, 380 A.2d 1382, 1385 (D.C. 1977), cert. denied, 439 U.S. 931 (1978); *see also Gibson v. United States*, 566 A.2d 473 (D.C. 1989); *Jackson v. Wainwright*, 390 F.2d 288 (5th Cir. 1968).
- q. Any evidence that any witness gave a version of events relating to this matter that differed from any other version of events given by that same witness. *Bennett v. United States*, 797 A.2d 1251 (D.C. 2002).

Pursuant to the Sixth Amendment of the United States Constitution, 18 U.S.C. Code § 3500, Super. Ct. R. Crim. P. 16, *Davis v. Alaska*, 415 U.S. 508 (1974) (and its progeny), and *Brady v. Maryland*, 373 U.S. 83, 87 (1963) (and its progeny), I request that the government search all of the messages and e-mails sent, received, or forwarded by each officer or employee involved in this case and provide me with any messages or e-mails the content of which is inappropriate, offensive, or suggestive of bias or profiling. I am requesting that, for each officer or employee involved in the stop and arrest of my client, any identification procedures involving my client, or any interview of my client (whether or not you plan to call them as a witness at either the motions hearings or at trial) you provide me with any e-mails that: (1) indicate a bias against those of my client's race, gender, national origin, sexual orientation or other protected class; or (2) indicate the use of, or approval of, profiling of individuals of my client's race, gender, national origin, sexual orientation or other protected class. For each officer or employee the government intends to have testify at either the motions hearing or at trial, I am requesting messages and e-mails with the information described above and any message or e-mail generated,

received, or forwarded to any other person by the officer or employee that contains (3) any objectionable message including messages containing the following: profanity, hateful comments, spiteful comments, or pejorative language targeted at any group of citizens or any individual.

Messages and e-mails in category (1) are clearly material to the defense in this case as evidence of bias against my client. See *Moreno v. United States*, 482 A.2d 1233, 1237-38 (D.C. 1964) and *Petway v. United States*, 391 A.2d 798 (D.C.) 1978). Messages and e-mails in category (2) relating to the use of, or approval of, profiling are clearly material to the preparation of the defense with respect to the legality of the stop of my client in this case, as well as demonstrate a bias against members of my client's race, gender, national origin, sexual orientation or other protected status. Each of the e-mails requested in categories (1), (2), and (3) are material to the preparation of the defense because this evidence relates to the credibility of officers or employees who will be testifying on behalf of the government.

Officers and employees who have sent offensive messages or e-mails, or forwarded with approval to others offensive messages or e-mails, or failed to report offensive messages or e-mails they have received from other officers are all potential subjects of an internal investigation by their law enforcement agencies and may be targets of an investigation by the Department of Justice. Under these circumstances any police officer that has sent, received and not reported, or forwarded inappropriate messages or e-mails has reason to curry favor with the government, and despite the lack of formal proceedings or an agreement with the government the information must be disclosed. See *Davis v. Alaska*, 415 U.S. 508 (1974); *Reutter v. Solem*, 888 F.2d 578, 482 (8th Cir. 1989).

The above requested documents are admissible as extrinsic evidence of bias (whether as bias against my client's or to demonstrate a motive/reason to curry favor of the government). See *Bethea v. United States*, 599 A.2d 415 (D.C. 1991).

13. Jencks

In addition to the above-listed requests, pursuant to the ABA Standards for Criminal Justice, 11-2.2 (Discovery and Procedure Before Trial), D.C. Sup. Ct. Crim. R. 5.1(f)(1) and 26.2(g)(1), and the practice enunciated in *United States v. Hinton*, 203 U.S. App. D.C. 187, 197-98, 631 F.2d 769, 779-80 (1980), I request prompt disclosure of all *Jencks* material, including but not limited to the production of any statements of the witness(es) that the government intends to call that are in the government's possession and that relate to the subject matter of the witness testimony, so that any issues involving disclosure may be resolved in advance, counsel will have adequate time to review the material, and there will no delay in court proceedings while counsel reviews the material, considers any discovery or *Brady* ramifications, and prepares to use the material in cross-examination. This request explicitly includes a request for production of any body-worn camera

footage capturing the witness' statements. I also request that you diligently preserve all *Jencks* material.

14. DNA-Related Objections

The defense objects to any request for buccal swab or blood sample (as well as any ex parte process that disables the defense from objecting), as well as consumption of DNA.

15. Consent/Return of Property

The defense hereby revokes any and all prior consent to seize and/or search any of the defendants' property. Furthermore, the defense requests that all of the defendant's property be returned immediately. If the government objects to this request the defense requests that the government inform the defense of this position immediately.

16. Speedy Trial

The defense hereby asserts the defendant's Sixth Amendment right to a speedy trial.

* * *

For purposes of this letter and any related litigation, "information" refers to all documentary, tangible, or oral material including, but not limited to, statements by witnesses, whether recorded or otherwise memorialized or not, grand jury testimony, and reports of investigation or personal notes of investigators. Such information is "known" to the government if known to you personally or known to any other prosecutor or law enforcement agent, which you could acquire actual knowledge or through the exercise of due diligence in responding to these inquiries. If such information is disclosed to you, please disclose all supporting documents or objects as well as the names and addresses of all witnesses having knowledge of the information disclosed. If you elect not to disclose exculpatory information concerning the requests made herein until the day of trial, then please secure the presence of witnesses having such knowledge by subpoena so that delay will not be necessitated between the time of your disclosure and the time I seek to use or explore the ramifications of that information. Finally, as you know, the duty to disclose is a continuing one, stretching until the final disposition of this case.

Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary J. Dohrmann", is positioned above a horizontal line.

Mary J. Dohrmann
D.C. Bar No. 90042577
Washington Litigation Group
1717 K Street, NW, Suite 1120
Washington, D.C. 20006
202-521-8750
mdohrmann@washingtonlitigationgroup.org

cc: Steven Levin, Esq.
Norman Eisen, Esq.

EXHIBIT G

 An official website of the United States government

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Contract Summary



Definitive Contract



PIID 140P2026C0028

Completed

Awarding Agency

Department of the Interior (DOI)

Recipient

ATLANTIC INDUSTRIAL COATINGS LIMITED LIABILITY COMPANY

24498 N JAMES MADISON HWY

NEW CANTON, VA 23123-2214

UNITED STATES

Congressional District: VA-05 

Related Awards

Parent Award Unique Key

N/A

Dates



Start Date	Apr 03, 2026
Current End Date	Jun 03, 2026
Potential End Date	Jun 03, 2026

\$ Award Amounts





\$14.7 Million
Current Award Amount

\$14.7 Million
Potential Award Amount

Outlaid Amount
\$5,257,748.01
Obligated Amount
\$14,652,521.24
Current Award Amount
\$14,652,521.24
Potential Award Amount
\$14,652,521.24

 View Transaction History

 Description

NAMA 291052 PAINT LINCOLN REFLECTING POOL

North American Industry Classification System (NAICS) Code 

23 : Construction

2383: Building Finishing Contractors

238390: Other Building Finishing Contractors

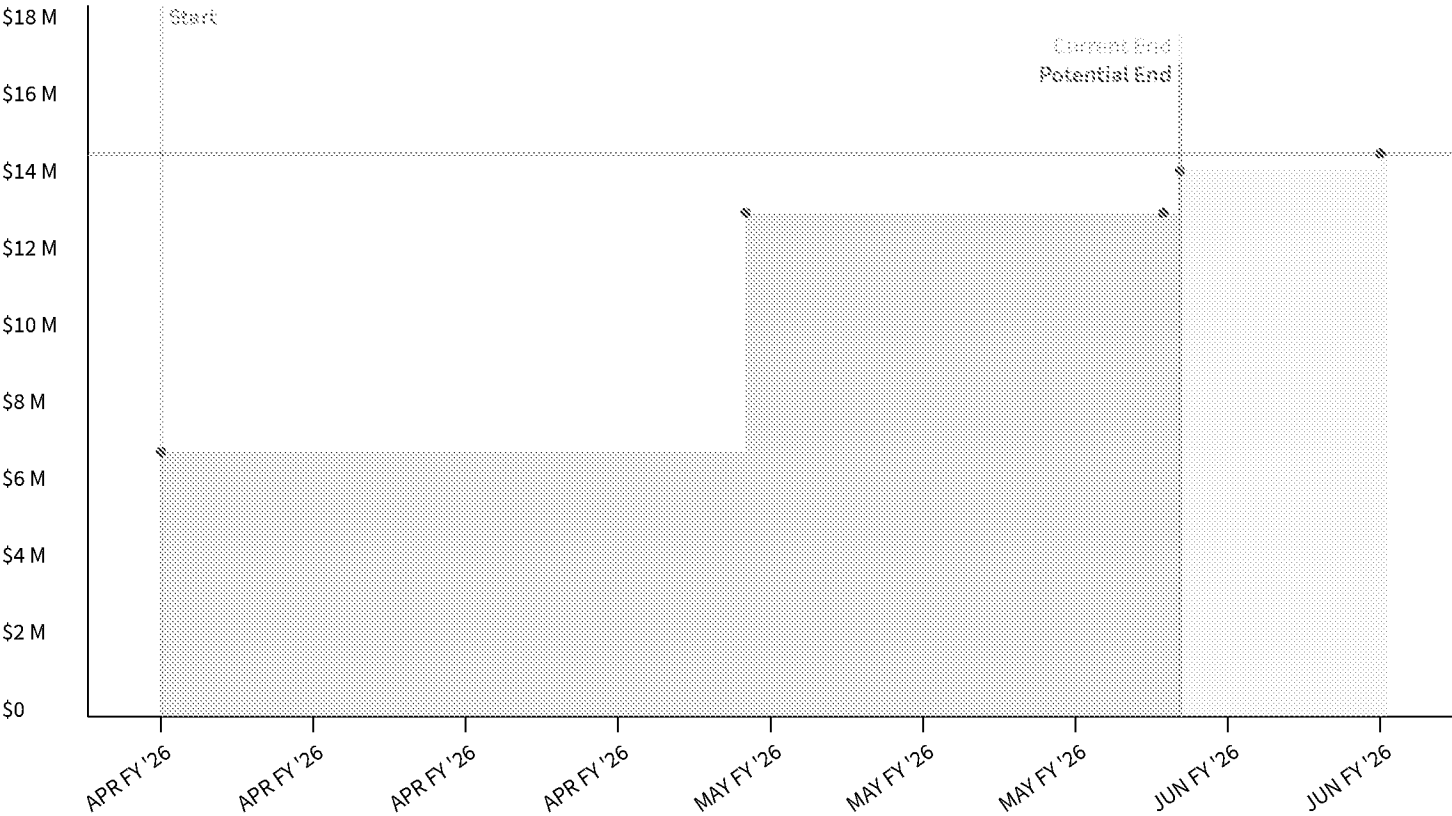
Product or Service Code (PSC)

- SERVICES
- Z: MAINT, REPAIR, ALTER REAL PROPERTY

Z2: MAINT, ALTER, REPAIR NONBUILDINGS

Z2NZ: REPAIR OR ALTERATION OF OTHER UTILITIES

 Contract Activity



 View transactions table

 Federal Accounts





Federal Account 	Combined Obligated Amount 	Percent of Total 	Funding Agency
RECREATION ENHANCEMENT FEE PROGRAM, ...	\$8,104,901	61%	(DOI) DEPARTMENT OF THE INTERIOR
DONATIONS, NATIONAL PARK SERVICE	\$5,000,000	38%	(DOI) DEPARTMENT OF THE INTERIOR

NOTE: Result count may differ between treemap view and table view. Treemap view only displays accounts with a positive combined obligated amount, while table view displays all accounts.

Summary of All Federal Accounts used by this Award

Total Funding Obligated	\$13,104,901.00
Total Count of Funding Agencies	1
Total Count of Awarding Agencies	1
Total Count of Federal Accounts	2

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 Award History

This section displays the awards:

Transaction History - Displays modification records for an award. Each modification appears as a row in the table below.

Sub-Awards - Displays any sub-contracts reported by this contract's recipient (the 'prime recipient' in the sub-award context). Sub-contracts are contractual agreements that a prime recipient makes with another entity (sub-recipient) to furnish supplies or services for the prime contract. Above the Sub-Award table, we display the total number of reported sub-contract actions and their total value.

Federal Account Funding - Each row in this table shows a transaction in the awarding agency's financial system that promises spending for the award from a federal account (a rollup of TAS, or Treasury accounts), broken down by program activity and object class.

Transaction History 5

Sub-Awards 0

Federal Account Funding 4

Modification Number	Action Date	Amount	Action Type	Tran
0	04/03/2026	\$6,886,520	--	NAM POC
P00001	05/08/2026	\$6,218,381	B: SUPPLEMENTAL AGREEMENT FOR WORK WITHIN SCOPE	NAM POC
P00002	06/02/2026	\$0	B: SUPPLEMENTAL AGREEMENT FOR WORK WITHIN SCOPE	NAM POC
P00003	06/03/2026	\$1,086,576	B: SUPPLEMENTAL AGREEMENT FOR WORK WITHIN SCOPE	NAM POC
P00004	06/15/2026	\$461,044	B: SUPPLEMENTAL AGREEMENT FOR WORK WITHIN SCOPE	NAM POC

<

1

>

1-5 of 5 results

Additional Information

Expand All

Unique Award Key

Agency Details

Parent Award Details

https://www.usaspending.gov/award/CONT_AWD_140P2026C0028_1443_-NONE_-NONE-

5/8



Place Of Performance



Period Of Performance



Legislative Mandates



Recipient Details



Acquisition Details



Competition Details



Additional Details



Executive Compensation



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Contract Summary



Definitive Contract



PIID 140P2026C0031

In Progress

(2 months remain)

Awarding Agency

Department of the Interior (DOI)

Recipient

GREEN WATER SOLUTIONS, LLC

6874 STRIMBU DR

BROOKFIELD, OH 44403-9526

UNITED STATES

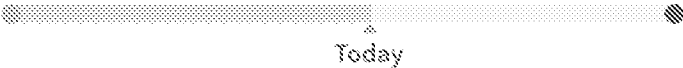
Congressional District: OH-14 

Related Awards 

Parent Award Unique Key

N/A

Dates



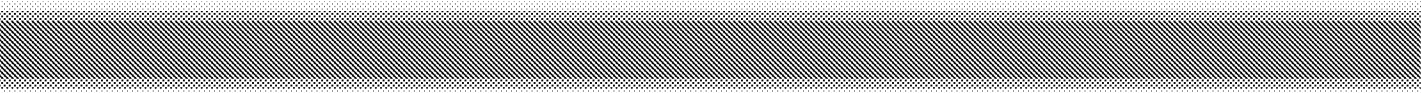
Start Date	Apr 13, 2026
Current End Date	Sep 30, 2026
Potential End Date	Sep 30, 2026

\$ Award Amounts



\$1.7 Millior

Obligated Amount



\$1.7 Millior

Current Award Amount

\$1.7 Millior

Potential Award Amount

Outlayed Amount
\$0.00
Obligated Amount
\$1,740,255.50
Current Award Amount
\$1,740,255.50
Potential Award Amount
\$1,740,255.50

 View Transaction History

Description



NAMA 291052 LINCOLN REFLECTING POOL NANO BUBBLE

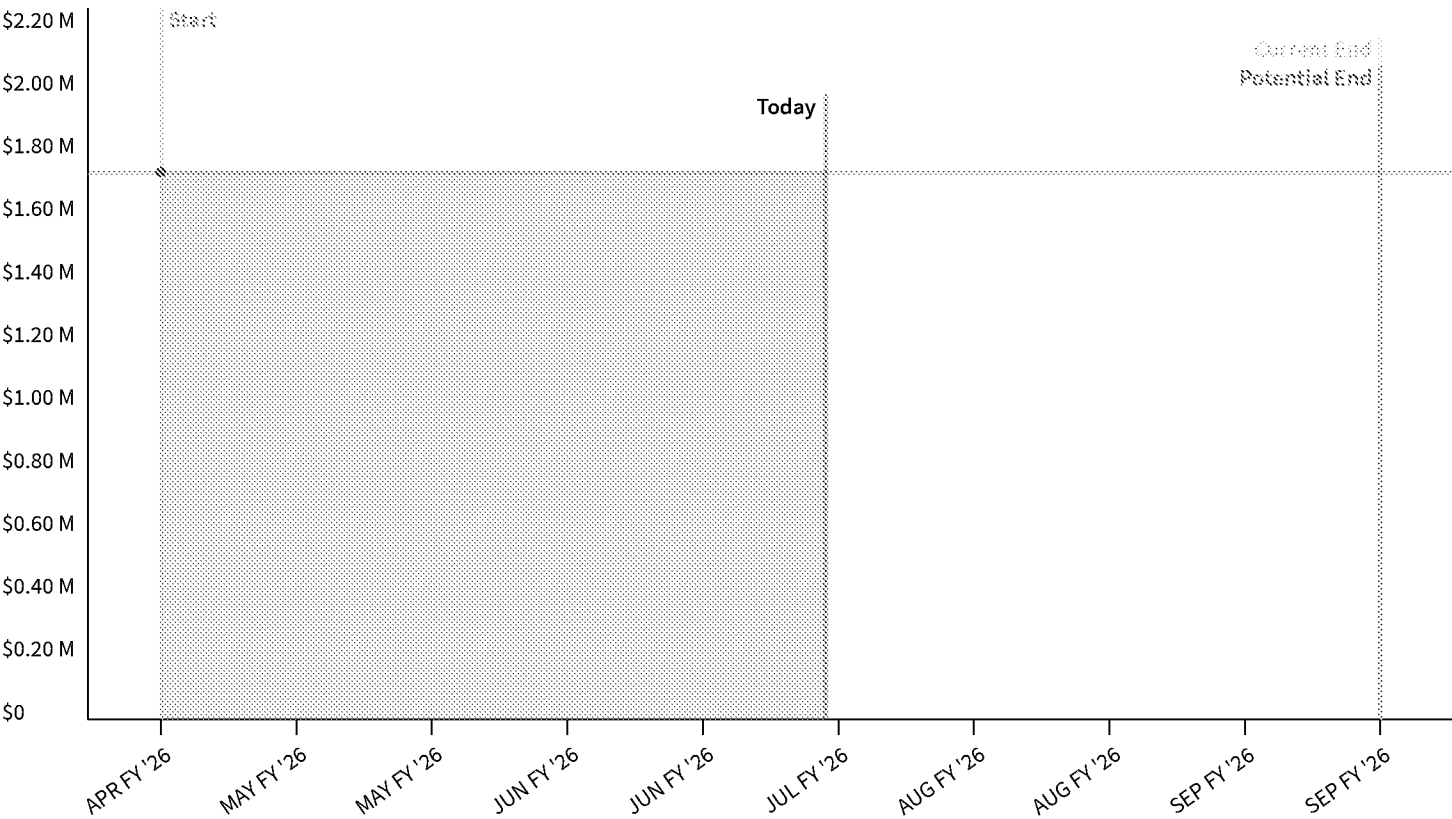
North American Industry Classification System (NAICS) Code

- 23 : Construction
 - 2362: Nonresidential Building Construction
 - 236220: Commercial and Institutional Building Construction**

Product or Service Code (PSC)

- SERVICES
 - Z: MAINT, REPAIR, ALTER REAL PROPERTY
 - Z2: MAINT, ALTER, REPAIR NONBUILDINGS
 - Z2NE: REPAIR OR ALTERATION OF WATER SUPPLY FACILITIES**

Contract Activity



View transactions table

 Federal Accounts



Federal Account	Combined Obligated Amount	Percent of Total	Funding Agency
CONSTRUCTION, NATIONAL PARK SERVICE,...	\$1,740,256	100%	(DOI) DEPARTMENT OF THE I

NOTE: Result count may differ between treemap view and table view. Treemap view only displays accounts with a positive combined obligated amount, while table view displays all accounts.

Summary of All Federal Accounts used by this Award

Total Funding Obligated	\$1,740,255.50
Total Count of Funding Agencies	1
Total Count of Awarding Agencies	1
Total Count of Federal Accounts	1

 [View federal funding submissions](#)

 Award History

This section displays the awards:

- Transaction History - Displays modification records for an award. Each modification appears as a row in the table below.
- Sub-Awards - Displays any sub-contracts reported by this contract's recipient (the 'prime recipient' in the sub-award context). Sub-contracts are contractual agreements that a prime recipient makes with another entity (sub-recipient) to furnish supplies or services for the prime contract. Above the Sub-Award table, we display the total number of reported sub-contract actions and their total value.
- Federal Account Funding - Each row in this table shows a transaction in the awarding agency's financial system that promises spending for the award from a federal account (a rollup of TAS, or Treasury accounts), broken

down by program activity and object class.

Transaction History 1		Sub-Awards 0		Federal Account Funding 1	
Modification Number	Action Date	Amount	Action Type	Transaction	
0	04/13/2026	\$1,740,256	--	NAME NAME	

1-1 of 1 results

 Additional Information

Expand All

- 

Unique Award Key


- 

Agency Details


- 

Parent Award Details


- 

Place Of Performance


- 

Period Of Performance


- 

Legislative Mandates


- 

Recipient Details





Acquisition Details



Competition Details



Additional Details



Executive Compensation



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EXHIBIT H

POLITICS

Reflecting Pool liner was cut with a sharp knife or razor, National Park Service says



1 of 6 | President Donald Trump said multiple arrests have been made and claimed authorities have proof to support the claim. [Read More](#)



BY **MATTHEW DALY**

Updated 11:05 PM EDT, June 25, 2026

[Leer en español](#)

WASHINGTON (AP) — A liner along the bottom of the Lincoln Memorial Reflecting Pool was cut with a sharp knife or razor this month, causing damage to the foam sealant installed as part of a \$16 million rehabilitation project, a top official at the National Park Service says.

The U.S. Park Police responded June 9 to a complaint by the park service, said Frank Lands, deputy director of operations for the park service. Lands [made the statement](#) in a court document filed late Wednesday as part of a lawsuit filed by a nonprofit organization to halt the Trump administration's work on the project.

His statement does not say when exactly the damage occurred or whether it was a suspected case of vandalism and does not identify anyone who might have been involved.

The police report indicates damage to the pool, "including a caulk over the foam sealant that was cut with a sharp knife or razor and destruction of delaminating surface material," Lands said. About 70 fence post tops

also were thrown into the pool, he said.



0:00 / 49

AP AUDIO: Reflecting Pool liner was cut with a sharp knife or razor, National Park Service says

AP Washington correspondent Sagar Meghani reports the National Park Service is detailing damage to the Lincoln Memorial Reflecting Pool.

The statements are the first time the Republican administration has offered specifics for when and how the Reflecting Pool may have been damaged after work on the project was substantially completed.

Interior Department thought the reported damage was an 'isolated incident'

A spokesperson for the Interior Department said Thursday that public notification about the damage was delayed because, "at the time of the June 9 incident, the vandalism was under investigation and believed to be isolated. So as not to encourage deranged individuals, we did not announce what we hoped to be an isolated incident."

Around the same time, park service staff "discovered another incident where fencing around the pool had been forcibly removed and thrown into the pool," the spokesperson said in an email.

The department soon noticed that "recurring cases and videos of people ripping at the coating began to circulate. We then knew this was not an isolated incident, but a new trend to attempt to damage the Reflecting Pool," the email said.

President Donald Trump and other officials have repeatedly blamed, without citing evidence, unidentified vandals for peeling paint as well as a "350-foot gash" in the liner and other problems. Six people have been arrested, Trump said this week, without providing details.

The Interior Department said Thursday there have been seven arrests, seven federal citations and 18 police reports filed. The department did not specify what the charges were or identify anyone cited by police.

Trump pledged to beautify the century-old Reflecting Pool before the nation's 250th birthday celebrations, draining its water and directing the bottom to be painted a color he called "American flag blue." But after the site was restored, its water was plagued by an algae bloom for more than a week, and pieces of the new coating have appeared to be peeling off the bottom. The pool has largely cleared in recent days after devices called nanobubblers infused ozone into the water to kill algae and bacteria.

Trump's administration faces a self-imposed deadline to complete the renovation before July Fourth. Trump also has said the federal government would release images to substantiate his claim.

Trump said Wednesday that "sick people" had used razors and box cutters to slice portions of the lining.

Reflecting Pool was refilled between June 4 and June 9

The Associated Press reviewed videos showing that the Reflecting Pool was refilled between June 4 and June 9, meaning the alleged cut reported to law enforcement on June 9 could have occurred before the basin was fully refilled. Days later, pieces of the new blue liner were observed peeling up from the bottom.

The Park Police posted surveillance footage Wednesday evening and asked for help "identifying the individual depicted here in connection with a Destruction of Government Property investigation." The grainy, 30-second video appears to show a person kneeling down, reaching into the reflecting pool and removing something from the water. Police said it was taken on Friday afternoon.

In his statement to the court, Lands said the parks agency plans to begin draining the Reflecting Pool following Independence Day celebrations to conduct repairs, including assessing and repairing any damage to

the lining.

The park service completed more than two months of renovations at the Reflecting Pool in early June. The 2,000-foot-long basin was drained and a tinted, plastic-like liner was installed to waterproof and protect the concrete pool surface, and the pool was refilled with water, Lands said.

The Cultural Landscape Foundation, an education and advocacy group that sued in May to halt work on the project, asked a federal judge to block further renovations.

"It is also not too late to correct course," the group wrote in a filing Monday. It urged the administration to "engage with experts and the public, and make an informed decision about what is best based on the consultations mandated by the law, instead of once again rushing ahead with half-baked ideas."

Democrats call for investigations into the pool renovations

Congressional Democrats have called for formal investigations into the pool renovations, saying no-bid contracts for the project were awarded to vendors with prior ties to Trump.

Ohio-based [Green Water Solutions](#), also known as Greenwater Services, was given a \$1.7 million contract to install a water-purification system in the Reflecting Pool, while Virginia-based [Atlantic Industrial Coatings](#) was awarded \$14.7 million to repaint and waterproof the pool's concrete floor.

Oregon Sen. Jeff Merkley, the top Democrat on the Senate Appropriations panel overseeing the Interior Department's budget, said the pool renovation appears to be a waste of taxpayers' dollars.

"After railing about waste, fraud and abuse, Donald Trump spent more than \$16 million on a renovation of the Reflecting Pool that's now peeling and chock full of algae," Merkley said Thursday. He said this is a "massive waste" of tax dollars and the public deserves "swift answers — and a refund."

Merkley is one of about 10 Democratic senators and House members investigating the pool project.

"Taxpayers deserve a full explanation of how these failures occurred and who will be held accountable for correcting them," said another letter, signed by New Mexico Sen. Martin Heinrich and five other senators.

Heinrich is the top Democrat on the Senate Energy and Natural Resources Committee, which oversees the Interior Department.

Associated Press writers Michael Kunzelman and Michael Biesecker contributed to this report.



MATTHEW DALY

Daly covers climate, environment and energy policy for The Associated Press. He is based in Washington, D.C.



EXHIBIT I

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Criminal Division

UNITED STATES OF AMERICA,

v.

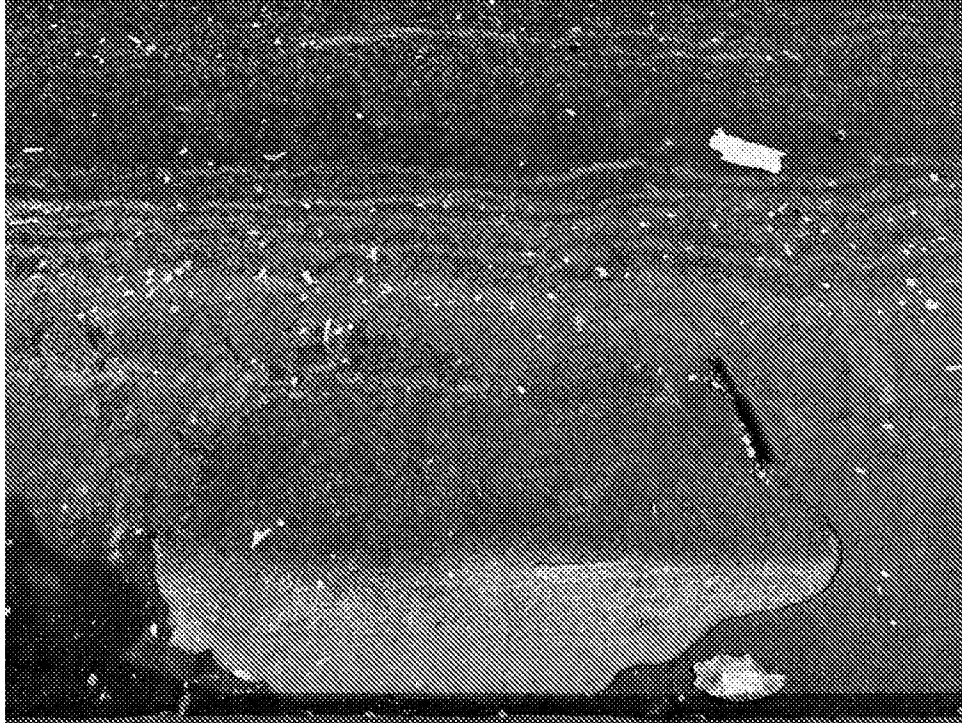
DAVID CARTER HEARN

Case No. 2026 CF2 010237

Judge Edelman

DECLARATION

1. My name is Emma Howard. I am an attorney at the law firm of Steptoe LLP in Washington, DC. Our firm, along with co-counsel, represents David Hearn in the above-captioned case.
2. On July 16th, at approximately 10 a.m., upon request of counsel, I obtained access to the Reflecting Pool, with the assistance of government representatives. As reflected in this declaration, I began my observations at the Southeast corner of the pool.
3. My first observation was that the pool was completely drained. There was no water whatsoever in the pool, and therefore, no algae.
4. Immediately upon walking due west along the long edge of the pool, I observed that all of the pool liner appeared to be damaged in multiple spots throughout the entirety of the pool. This included warping, cracking, peeling, areas where the entire liner was missing, and other forms of damage.
5. AUSA Kevin Reddington accompanied us and showed us the precise location where Mr. Hearn allegedly touched the pool liner.
6. This entire section of the pool liner is missing. Below is a photograph of the liner at the location where Mr. Reddington stated in substance that Mr. Hearn touched it.



7. As can be observed, there is a large oval shaped bald patch at this point running approximately 3.5 feet across. The only remaining trace of liner in that area is a small shred of translucent blue liner of approximately 6 inches at the top right of the bald patch in the photograph. A close up of the remaining liner fragment is shown in the photograph below.



8. Both in this area and throughout the pool, I observed a large amount of what Mr. Reddington indicated was debris from the Fourth of July fireworks display, including scraps of white paper. This debris litters the entire pool. The white scraps in both photographs, the small dots and the larger pieces of paper at the top and bottom right, are representative of the debris throughout the pool.
9. By comparing publicly available media videos with materials provided by the prosecution, and by doing a 360-degree review of the surrounding area, I concluded that this was the location where the prosecution alleges the damage had occurred.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 16, 2026

/s/ Emma Howard
Emma Howard (D.C. Bar No. 90030411)
Steptoe LLP
1330 Connecticut Ave., NW
Washington, DC 20036
202.429.1368
ehoward@steptoe.com