



Steyn submits the following responses to Plaintiff's First Set of Requests for Admissions.

#### GENERAL OBJECTIONS

Defendant Steyn objects to the entire Request for Admissions on the ground that they are framed in terms of Rule 803(8) of the Federal Rules of Evidence. The Federal Rules of Evidence do not govern proceedings in this Court. *Jenkins v. United States*, 80 A.3d 978 (DC Ct Apps 2013).

Defendant Steyn further objects to the entire Request for Admissions on the ground that Plaintiff's counsel has misrepresented these documents to the Court in multiple filings, under false headings such as "The Exoneration of Dr Mann" (Amended Complaint) and "Dr Mann Is Exonerated" (Plaintiff's Memorandum of Points and Authorities, January 18<sup>th</sup> 2013). Plaintiff's counsel falsely describes these reports as "a series of investigations and exonerations of Dr Mann" (pages 5 and 6 of January 18<sup>th</sup> memorandum), and falsely states that four university inquiries and five governmental agencies on both sides of the Atlantic have "conducted separate and independent investigations into the allegations of scientific misconduct against Dr Mann", and that "all of the above investigations found that there was no evidence of any fraud, data

falsification, statistical manipulation, or misconduct of any kind by Dr Mann". This assertion by Plaintiff's counsel is entirely inaccurate. The overwhelming majority of these reports do not "investigate" Mann and therefore cannot "exonerate" him: Their remit, such as it is, extends only to employees of bodies to which Mann has never belonged.

Furthermore, Plaintiff's counsel's mischaracterization of these documents to the Court extends to misquoting statements therefrom so that quotations cited in his pleadings do not apparently exist in the actual reports. Given these inconsistencies and mischaracterizations, it is necessary for these documents to be introduced by persons who can testify as to their accuracy.

#### REQUEST No 1

Admit that the "Report of the International Panel set up by the University of East Anglia to examine the research of the Climatic Research Unit," (April 12, 2010), by the University of East Anglia, Oxburgh Panel, attached hereto as Exhibit A, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

#### RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this

document on grounds of relevance and hearsay. The document states that its remit was limited to an investigation of the University of East Anglia's Climatic Research Unit. The Plaintiff is not and has never been an employee of the CRU; the Plaintiff's conduct was not within the remit of the investigation, and is not addressed, let alone exonerated, in this report.

#### REQUEST No 2

Admit that "The Independent Climate Change E-mails Review," (July 2010), by the University of East Anglia, Russell Panel, attached hereto as Exhibit B, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

#### RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of relevance and hearsay. The document states that its remit was limited to an investigation of the University of East Anglia's Climatic Research Unit. The Plaintiff is not and has never been an employee of the CRU; the Plaintiff's conduct was not within the remit of the investigation, and is not addressed, let alone exonerated, in this report. The quotation Plaintiff purports to "cite" from

this report in his court filings of January 18<sup>th</sup> 2013 does not, in fact, appear in the report.

REQUEST No 3

Admit that "The disclosure of climate data from the Climate Research Unit at the University of East Anglia," (March 24, 2010), by the UK House of Commons, Science and Technology Committee, attached hereto as Exhibit C, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of relevance and hearsay. The document states that its remit was limited to the events surrounding the leaks from East Anglia, and a consideration of "the terms of reference and scope" of the previously mentioned investigations. As with those investigations, it is nothing to do with the Plaintiff. He was neither a subject of the investigation, nor a witness; he is not and has never been an employee of the University of East Anglia. His conduct was not within the remit of the investigation, and was not addressed, let alone exonerated, by this report.

REQUEST No 4

Admit that the "Government Response to the House of Commons Science and Technology Committee 8th Report of Session 2009-10: The disclosure of climate data from the Climatic Research Unit at the University of East Anglia," (September 2010), by the Secretary of State for Energy and Climate Change by Command of Her Majesty attached hereto as Exhibit D, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of relevance and hearsay. This is a document presented to the British Parliament by a British government minister (subsequently jailed, and forced to resign from the Privy Council) in response to the British parliamentary report cited above. Plaintiff's counsel falsely represents this document as an exoneration of Dr Mann by "the Government of the United Kingdom". The Government did not conduct any investigation; the Plaintiff's conduct was not within the remit of its response, and is not addressed, let alone exonerated by "the Government", in this document.

REQUEST No 5

Admit that the "RA-10 Inquiry Report: Concerning the Allegations of Research Misconduct Against Dr. Michael Mann, Department of Meteorology, College of Earth and Mineral

Sciences," by The Pennsylvania State University, (February 3, 2010), attached hereto as Exhibit E, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of hearsay.

REQUEST No 6

Admit that the "RA-10 Final Investigation Report Involving Dr. Michael Mann," (June 4, 2010), by The Pennsylvania State University, attached hereto as Exhibit F, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of hearsay.

REQUEST No 7

Admit that the "Letter and Detailed Results of Inquiry Responding to May 26, 2010, Request from Senator Inhofe," (February 18, 2011), by the office of Inspector General, United States Department of Commerce, attached hereto as Exhibit G, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of relevance and hearsay. The document is a report from the National Oceanic and Atmospheric Administration's Office of the Inspector General, the remit of which is limited to the conduct of NOAA employees involved in the "Climategate" emails. Dr Mann is no more a NOAA employee than he is a British subject. He has never been a NOAA employee. He is neither the subject of the investigation, nor a witness to it. The Plaintiff's conduct is not within the remit of the investigation, and is not addressed, let alone exonerated, in this report.

REQUEST No 8

Admit that the "Closeout Memorandum, Case No. A09120086," by The Office of Inspector General, Office of Investigations, National Science Foundation, attached hereto as Exhibit H, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this



document on grounds of relevance and hearsay. The document is unsigned and does not describe either the subject or the scope of the underlying investigation.

REQUEST No 9

Admit that the "EPA's Denial of the Petitions to Reconsider the Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act, Final Rule, Fed. Reg. 75:156," (August 13, 2010), by the United States Environmental Protection Agency, attached hereto as Exhibit I, constitutes a public record or report pursuant Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence. Steyn objects to the admissibility of this document on grounds of relevance and hearsay. The document in question was produced in the context of ongoing litigation over the Clean Air Act. Its remit was the determination of whether various petitions for reconsideration of the EPA's Endangerment Finding established the requirement for such reconsideration. The Agency had no specific remit to investigate Plaintiff's conduct, and could elect not to consider Plaintiff's conduct or to make decisions on other grounds, as it did. The EPA failed to examine the most controversial aspects of Plaintiff's conduct, and its report was highly partisan and insufficiently independent to be admissible as a public record under the rules

of the District of Columbia.

REQUEST No 10

Admit that the "EPA's Response to the Petitions to Reconsider the Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act, Volumes 1-3," by the United States Environmental Protection Agency, attached hereto as Exhibit J, constitutes a public record or report pursuant to Rule 803(8) of the Federal Rules of Evidence and is admissible under this Rule into evidence for the truth of the matters asserted.

RESPONSE

Defendant Steyn denies that the document referred to is admissible as a public record under the District of Columbia Rules of Evidence, for the reasons set out in response to Request No 9 above.

Dated: Woodsville, New Hampshire

March 24th 2014

/s/Mark Steyn  
Mark Steyn  
Defendant  
Box 30  
Woodsville, New Hampshire 03785  
(603) 747-4055  
mark@defendfreespeech.org

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24th day of March 2014 I caused a copy of the foregoing *Defendant's Response to National Review's Motion for Protective Order Staying Discovery Pending Appeal* to be served via CaseFileXpress on the following:

John B Williams  
WILLIAMS LOPATTO PLLC  
1776 K Street NW, Suite 800  
Washington, DC 20006

Catherine R Reilly  
COZEN O'CONNOR  
1627 I Street NW, Suite 1100  
Washington, DC 20006

David B Rivkin  
Bruce D Brown  
Mark I Bailen  
Andrew M Grossman  
BAKER & HOSTETLER LLP  
Washington Square, Suite 1100  
1050 Connecticut Avenue NW  
Washington, DC 20036

Michael A Carvin  
Anthony J Dick  
JONES DAY  
51 Louisiana Ave NW  
Washington, DC 20001

/s/Mark Steyn  
Mark Steyn