




Fw: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

Terry Milano to: Chambers of Judge Paul S Diamond

07/30/2018 09:19 AM

From: Terry Milano/PAED/03/USCOURTS

To: Chambers of Judge Paul S Diamond/PAED/03/USCOURTS@USCOURTS

Sender	Date	Subject
 Terry Milano	07/30/2018 09:19 AM	Fw: Commonwealth of Pe

----- Forwarded by Terry Milano/PAED/03/USCOURTS on 07/30/2018 09:17 AM -----

From: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>
 To: "terry_milano@paed.uscourts.gov" <terry_milano@paed.uscourts.gov>
 Cc: "Josh Blackman" <joshblackman@gmail.com>, "alan@gurapllc.com" <alan@gurapllc.com>, "dmorris@fr.com" <dmorris@fr.com>, "matthew@goldsteinpllc.com" <matthew@goldsteinpllc.com>, "jacks@fr.com" <jacks@fr.com>, "bmateja@sheppardmullin.com" <bmateja@sheppardmullin.com>, "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>
 Date: 07/29/2018 03:42 PM
 Subject: RE: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

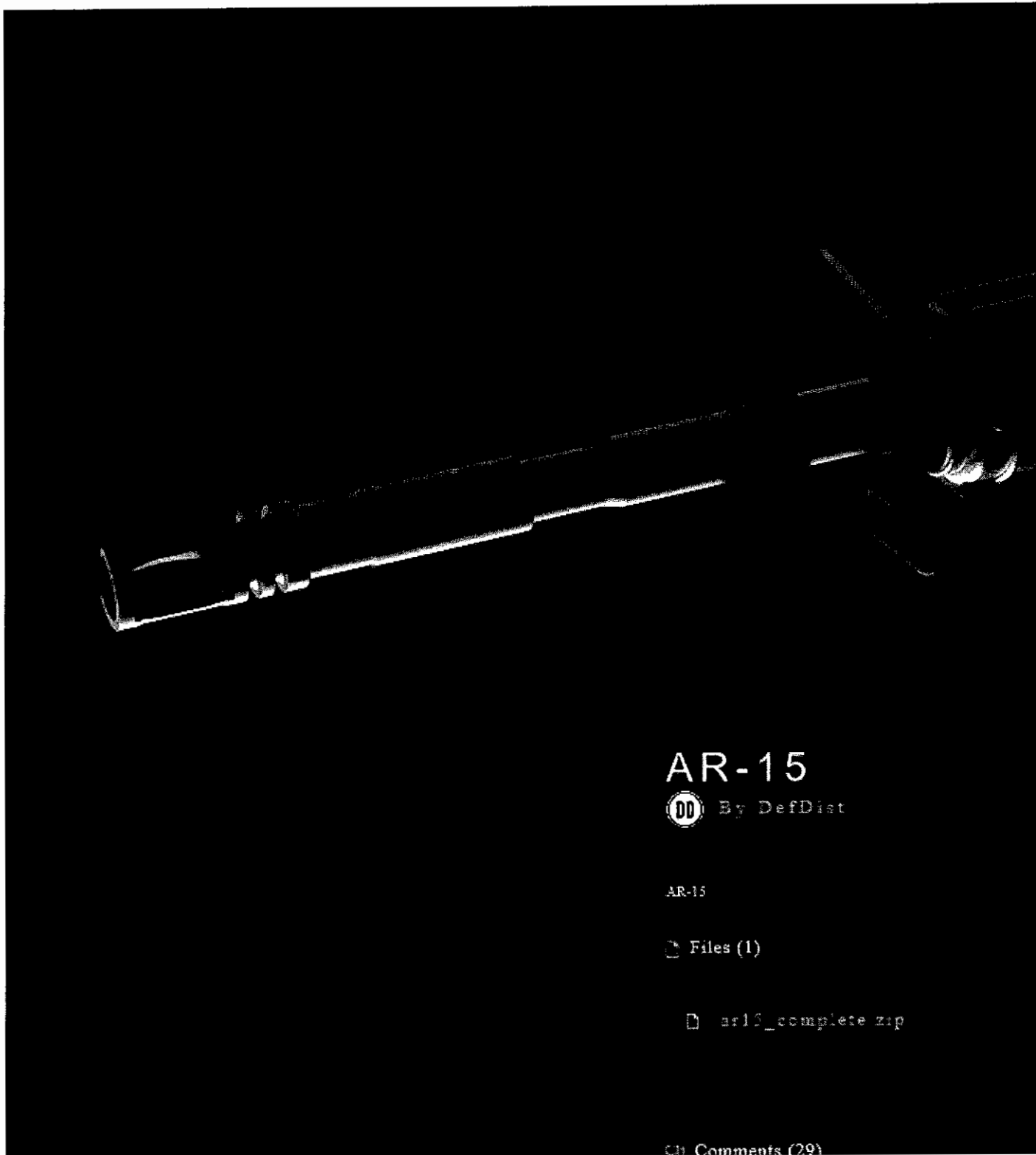
Ms. Milano,

I did, indeed, speak with Mr. Blackman. Though he represents to the Court that the Defendants' guns have been available for download since Friday, July 27, the one he directed me to moments ago appears to have been posted just today. If you look at the image below on the right, it states that the file was "Last uploaded: July 29, 2018." That is today. We were not aware of this prior to Mr. Blackman's call. It is not apparent when today this 3D-printable gun was posted and made available to the public – including people in Pennsylvania regardless of their age, criminal or background status, or whether or not they have a firearms permit or license. Indeed, far from mooted the Plaintiff's Motion for a TRO, this underscores its exigency. Accordingly, the Plaintiffs respectfully seek to modify their request for relief from one preventing upload to one requiring the Defendants to immediately take their downloadable guns off their website. Give the rate at which these guns appear to be downloaded, we would respectfully request that the Judge issue the Order asap, even without a hearing on the TRO, thereby maintaining the status quo until when we can hopefully appear before the Court this afternoon.

Though Mr. Blackman advised that he is not barred in Pennsylvania, I advised him that, for the purpose of the TRO, the Plaintiffs will have no objection to him appearing by phone this afternoon.

Respectfully,

Jonathan



Jonathan Scott Goldman

Executive Deputy Attorney General
Civil Law Division
Pennsylvania Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120

jgoldman@attorneygeneral.gov

Telephone: 717-787-8058

Facsimile: 717-772-4526

From: Josh Blackman [mailto:joshblackman@gmail.com]

Sent: Sunday, July 29, 2018 3:30 PM

To: Goldman, Jonathan Scott <jgoldman@attorneygeneral.gov>

Cc: terry_milano@paed.uscourts.gov; alan@gurapllc.com; dmorris@fr.com;
matthew@goldsteinpllc.com; jacks@fr.com; bmateja@sheppardmullin.com; DeLone, J. Bart.
<jdelone@attorneygeneral.gov>; Sulcove, Lauren E. <lsulcove@attorneygeneral.gov>

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

All,

I represent Cody Wilson.

I spoke with Mr. Goldman. I explained to him that the files have been available DefCad.com since Friday, July 27. He simply assumed that they would be posted on August 1st, as previously announced. The plans changed.

If you visit www.DefCad.com you can click the "Download" link for each file.

For example, the Liberator file has already been downloaded over 1,000 times:

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The Pennsylvania Attorney's General failed to perform adequate due diligence, and has now wasted this Court's time with a motion for a temporary restraining order for something that Defense Distributed already did.

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Sincerely,

Josh Blackan

Josh Blackman

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Unraveled: Obamacare, Religious Liberty, & Executive Power

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Dear Ms. Milano,

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Subject: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

Importance: High

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I will try to call each of you at the information I have. Please do not hesitate to call me on my cell at 717-580 -7342.

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Date: 07/29/2018 03:46 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

All,

Moments ago, we filed the attached complaint in the Western District of Texas. We intend to add the Pennsylvania Attorney General as a party. Please take note of the arguments in this pleading--your state-law claims are preempted by federal law.

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Cc: DeLone, J. Bart. <jdelone@attorneygeneral.gov>; Sulcove, Lauren E. <lsulcove@attorneygeneral.gov>

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I will try to call each of you at the information I have. Please do not hesitate to call me on my cell at 717-580 -7342.

Thanks so much,

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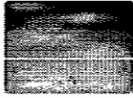
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07/30/2018 09:21 AM

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To: Chambers of Judge Paul S Diamond/PAED/03/USCOURTS@USCOURTS

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From: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>

To: "Terry_Milano@paed.uscourts.gov" <Terry_Milano@paed.uscourts.gov>

Date: 07/29/2018 04:01 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

Thank you, Ms. Milano. We will fill these out and return them ASAP. For what it's worth, we have reviewed Mr. Blackman's latest email and attached pleading. While we don't want to engage in an e-mail writing campaign, it is apparent that his Texas lawsuit is not the same as the one we filed with this court, and it does not preempt ours. We believe it is of the utmost importance that a Pennsylvania federal judge hear the Commonwealth's Pennsylvania law-specific claims.

Respectfully,

Jonathan

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Sent and possibly dictated from my iPhone — Please forgive any creative misspellings.

On Jul 29, 2018, at 3:47 PM, "Terry_Milano@paed.uscourts.gov" <Terry_Milano@paed.uscourts.gov> wrote:

Jonathan,
The attached forms need to be filled out.

Terry Milano
Operations Manager
U.S. District Court
Eastern District of Pennsylvania
(267) 299-7013

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Date: 07/29/2018 04:25 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

I will be boarding a plane at 6:05ET. I am the only lawyer who can tend to this matter. My boarding pass is attached.

I respectfully ask to adjourn this call till Monday morning. There is no urgency because the files are already online.

On Sun, Jul 29, 2018, 4:20 PM Goldman, Jonathan Scott <jgoldman@attorneygeneral.gov> wrote:

Mr. Blackman, we just received a call from the Court. We were advised that the Judge has all of the papers and emails and is on the way to the Courthouse. He will reach out to us both for a telephone conference to take place this evening. We will advise as soon as we hear anything further; please do the same for us.

Thank you,,

Jonathan

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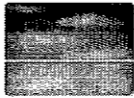
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 Cc: "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>
 Date: 07/29/2018 04:47 PM
 Subject: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

I attach the forms you requested, Ms. Milano.

Separately, we have five witnesses here at our office at 1600 Arch Street in Philadelphia who are available to testify before the Judge:

1. Major Price from the Pennsylvania State Police to discuss the threats Defendants' actions cause to the Commonwealth and to PSP's ability to make sure PA residents comply with Pennsylvania's Unified Firearms Act;
2. An undercover agent who signed up as a "member" spent money on Defendants' websites from here in Pennsylvania;
3. An expert in 3D printing who brought with him a 3D printer he can show and explain to the Judge how that process works and how it can download and create actual guns; and
4. Two witnesses from the Philadelphia School District who will testify that 3D printers are widely available to public school children throughout the City of Philadelphia.

Do you know if the Judge would like to hear from these witnesses this evening? I saw opposing counsel's statement that he must board a plane at 6:05 p.m. this evening and that none of the other 5 attorneys who represent the Defendants can handle our conference this evening.

Respectfully,

Jonathan

Jonathan Scott Goldman

Executive Deputy Attorney General
Civil Law Division
Pennsylvania Office of Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120

jgoldman@attorneygeneral.gov

Telephone: 717-787-8058

Facsimile: 717-772-4526

From: jgoldman@attorneygeneral.gov [mailto:jgoldman@attorneygeneral.gov]

Sent: Sunday, July 29, 2018 4:36 PM

To: Goldman, Jonathan Scott <jgoldman@attorneygeneral.gov>

Subject:

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20180729161937.pdf





Fw: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

Terry Milano to: Chambers of Judge Paul S Diamond

07/30/2018 09:26 AM

From: Terry Milano/PAED/03/USCOURTS

To: Chambers of Judge Paul S Diamond/PAED/03/USCOURTS@USCOURTS

Sender	Date	Subject
 Terry Milano	07/30/2018 09:26 AM	 Fw: Commonwealth of Pe

----- Forwarded by Terry Milano/PAED/03/USCOURTS on 07/30/2018 09:24 AM -----

From: Josh Blackman <joshblackman@gmail.com>

To: Martha_Hanna@paed.uscourts.gov

Cc: Alan Gura <alan@gurapllc.com>, douglas gould <dgould@gouldlawpa.com>, "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>, "Goldstein, Matthew A." <mgoldstein@swlaw.com>, terry_milano@paed.uscourts.gov

Date: 07/29/2018 05:23 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

My number is 202-294-9003.

And please provide Judge Diamond with a source of supplemental authority:

New York Times Co. v. United States (The Pentagon Papers Case), 403 U.S. 713, 733, 91 S. Ct. 2140, 2151, 29 L. Ed. 2d 822 (1971) (White, J., concurring).

It is not easy to reject the proposition urged by the United States and to deny relief on its good-faith claims in these cases that publication will work serious damage to the country. But that discomfiture is considerably dispelled by the infrequency of prior-restraint cases. Normally, publication will occur and the damage be done before the Government has either opportunity or grounds for suppression. So here, publication has already begun and a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documents by many unauthorized people is undeniable, and the efficacy of equitable relief against these or other newspapers to avert anticipated damage is doubtful at best.

Josh Blackman

<http://JoshBlackman.com>

Unprecedented: The Constitutional Challenge to Obamacare

Unraveled: Obamacare, Religious Liberty, & Executive Power

On Sun, Jul 29, 2018 at 5:19 PM, <Martha_Hanna@paed.uscourts.gov> wrote:

Could everyone who intends to participate in the hearing provide their phone numbers?

Martha Hanna | Law Clerk

Chambers of the Honorable Paul S. Diamond

United States District Court for the Eastern District of Pennsylvania

James A. Byrne U.S. Courthouse | 601 Market Street | Philadelphia, PA 19106

(267) 299-7732 (Direct Phone)

martha_hanna@paed.uscourts.gov | <https://www.paed.uscourts.gov>

From: Josh Blackman <joshblackman@gmail.com>

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Cc: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>, terry_milano@paed.uscourts.gov, Alan Gura <alan@gurapllc.com>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>, "Goldstein, Matthew A." <mgoldstein@swlaw.com>, "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, douglass_gould@douglassgouldlaw.com

Date: 07/29/2018 05:06 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

Will the court be supplying the call-in information?

Josh Blackman

<http://JoshBlackman.com>

Unprecedented: The Constitutional Challenge to Obamacare

Unraveled: Obamacare, Religious Liberty, & Executive Power

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Thank you. I will be prepared to participate in the call. Mr. Gura will not.

In this haste, I have contacted Mr. Douglas Gould, who is licensed in Pennsylvania. He has not been formally engaged by Mr. Wilson, but we will proceed in turn.

Josh Blackman

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Good afternoon,

Judge Diamond is planning to hold a telephonic hearing in this matter today at 5:15 pm.

Thank you,

Martha Hanna | Law Clerk

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United States District Court for the Eastern District of Pennsylvania

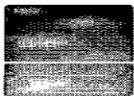
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403_U.S._713.pdf




Fw: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

Terry Milano to: Chambers of Judge Paul S Diamond

07/30/2018 09:28 AM

From: Terry Milano/PAED/03/USCOURTS

To: Chambers of Judge Paul S Diamond/PAED/03/USCOURTS@USCOURTS

Sender	Date	Subject
 Terry Milano	07/30/2018 09:28 AM	Fw: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

----- Forwarded by Terry Milano/PAED/03/USCOURTS on 07/30/2018 09:26 AM -----

From: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>
 To: Josh Blackman <joshblackman@gmail.com>
 Cc: "Martha_Hanna@paed.uscourts.gov" <Martha_Hanna@paed.uscourts.gov>, "Alan Gura" <alan@guraplpc.com>, douglas gould <dgould@gouldlawpa.com>, "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>, "Goldstein, Matthew A." <mgoldstein@swlaw.com>, "terry_milano@paed.uscourts.gov" <terry_milano@paed.uscourts.gov>
 Date: 07/29/2018 05:27 PM
 Subject: RE: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

We certainly have not tried to ambush you, Mr. Blackman -- we have just been busy. My apologies. We have:

1. 1. Major Price from the Pennsylvania State Police to discuss the threats Defendants' actions cause to the Commonwealth and to PSP's ability to make sure PA residents comply with Pennsylvania's Unified Firearms Act;
2. 2. An undercover agent who signed up as a "member" spent money on Defendants' websites from here in Pennsylvania;
3. 3. An expert in 3D printing who brought with him a 3D printer and can explain to the Judge how that process works and how it can download and create actual guns; and
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Jonathan Scott Goldman

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jgoldman@attorneygeneral.gov

Telephone: 717-787-8058

Facsimile: 717-772-4526

From: Josh Blackman [joshblackman@gmail.com]

Sent: Sunday, July 29, 2018 5:23 PM

To: Goldman, Jonathan Scott

Cc: Martha_Hanna@paed.uscourts.gov; Alan Gura; douglas gould; DeLone, J. Bart.; Sulcove, Lauren E.; Goldstein, Matthew A.; terry_milano@paed.uscourts.gov

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

I move to strike the testimony of any witness. The Plaintiffs could have informed me over an hour ago about the identity of such witness, and failed to. This entire suit is an ambush.

Josh Blackman

<http://JoshBlackman.com>

Unprecedented: The Constitutional Challenge to Obamacare
Unraveled: Obamacare, Religious Liberty, & Executive Power

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Plaintiffs and our witnesses are in a conference room at 215-560-7065. We have one witness who is on her cell phone and would like to please be conferenced in at 267-879-3888.

Thank you,

Jonathan

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Sent: Sunday, July 29, 2018 5:19 PM

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Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

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Martha Hanna | Law Clerk

Chambers of the Honorable Paul S. Diamond
United States District Court for the Eastern District of Pennsylvania
James A. Byrne U.S. Courthouse | 601 Market Street | Philadelphia, PA 19106
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Date: 07/29/2018 05:06 PM
Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

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Martha Hanna | Law Clerk

Chambers of the Honorable Paul S. Diamond

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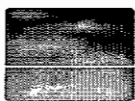
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07/30/2018 09:26 AM

From: Terry Milano/PAED/03/USCOURTS

To: Chambers of Judge Paul S Diamond/PAED/03/USCOURTS@USCOURTS

Sender	Date	Subject
 Terry Milano	07/30/2018 09:26 AM	Fw: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

----- Forwarded by Terry Milano/PAED/03/USCOURTS on 07/30/2018 09:25 AM -----

From: Josh Blackman <joshblackman@gmail.com>

To: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>

Cc: "Martha_Hanna@paed.uscourts.gov" <Martha_Hanna@paed.uscourts.gov>, Alan Gura <alan@guraplbc.com>, douglas gould <dgould@gouldlawpa.com>, "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>, "Goldstein, Matthew A." <mgoldstein@swlaw.com>, "terry_milano@paed.uscourts.gov" <terry_milano@paed.uscourts.gov>

Date: 07/29/2018 05:25 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

My colleague Mr. Matthew Goldstein cleared conflicts with his firm, and can also join. His # is 202-550-0040.

Josh Blackman

<http://JoshBlackman.com>

**Unprecedented: The Constitutional Challenge to Obamacare
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jgoldman@attorneygeneral.gov
Telephone: 717-787-8058
Facsimile: 717-772-4526

From: Martha Hanna@paed.uscourts.gov [Martha Hanna@paed.uscourts.gov]

Sent: Sunday, July 29, 2018 5:19 PM

To: Josh Blackman

Cc: Alan Gura; douglas gould; DeLone, J. Bart.; Goldman, Jonathan Scott; Sulcove, Lauren E.; Goldstein, Matthew A.; terry_milano@paed.uscourts.gov

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

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Martha Hanna | Law Clerk

Chambers of the Honorable Paul S. Diamond

United States District Court for the Eastern District of Pennsylvania

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martha_hanna@paed.uscourts.gov | <https://www.paed.uscourts.gov>

From: Josh Blackman <joshblackman@gmail.com>

To: Martha_Hanna@paed.uscourts.gov

Cc: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>, terry_milano@paed.uscourts.gov, Alan Gura <alan@gurapllc.com>, "Sulcove, Lauren E." <lsulcove@attorneygeneral.gov>, "Goldstein, Matthew A." <mgoldstein@swlaw.com>, "DeLone, J. Bart." <jdelone@attorneygeneral.gov>, douglas gould <dougould@gouldlawpa.com>

Date: 07/29/2018 05:06 PM

Subject: Re: Commonwealth of Pennsylvania, et al. v. Defense Distributed, et al.

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applicable privilege. PA-OAG

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Re: Preliminary Injunction Hearing

Josh Blackman

to:

Martha_Hanna

07/29/2018 08:43 PM

Cc:

"Goldman, Jonathan Scott", "Goldstein, Matthew A.", Alan Gura

Hide Details

From: Josh Blackman <joshblackman@gmail.com>

To: Martha_Hanna@paed.uscourts.gov

Cc: "Goldman, Jonathan Scott" <jgoldman@attorneygeneral.gov>, "Goldstein, Matthew A." <mgoldstein@swlaw.com>, Alan Gura <Alan@guraplpc.com>

Ms. Hanna,

Thank you for the email. I have copied my co-counsel on the case.

We will confer with the Plaintiffs tomorrow after the new complaint is filed, and we have a sense of what claims we are facing.

Please convey the following representations to Judge Diamond:

1. I conferred with Mr. Wilson. All of the files were uploaded between July 27th 11:41PM CT and July 28th 0:39PM CT. The "download" link on each page became active at that time. At the Court's request, I can provide technical data with time stamps to verify the upload times.
2. Mr. Wilson also informed me that all IP addresses from Pennsylvania are now blocked. Currently the server is configured to deny access to any computer whose IP address corresponds to a physical location with a "region" value of New Jersey or Pennsylvania, or with a "city" value of Los Angeles, or to a "country" value of Islamic Republic of Iran, Belarus, Myanmar (Burma), Burundi, Cote d'Ivoire, Cuba, The Democratic Republic of the Congo, Iraq, Lebanon, Liberia, Libyan Arab Jamahiriya, Democratic People's Republic of Korea, Somalia, Sudan, Syrian Arab Republic, Yemen, or Zimbabwe. At the Court's request, I can provide technical data to provide how this process works.

Sincerely,
Josh Blackman

Josh Blackman

<http://JoshBlackman.com>

Unprecedented: The Constitutional Challenge to Obamacare

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On Sun, Jul 29, 2018 at 6:14 PM, <Martha_Hanna@paed.uscourts.gov> wrote:

Good evening,

As discussed during today's hearing, Judge Diamond will schedule a preliminary injunction hearing for a date later this week. Could the Parties please confer and provide some times that work for all Parties?

Also, if there are other Parties or lawyers who should be added to this email, please add them.

Thank you,

Martha Hanna | Law Clerk

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