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Congress of the United States
House of Representatives

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MARK E. GREEN, M.D.

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

PHONE (202) 225-4400

<https://coronavirus.house.gov>

July 14, 2020

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

The Honorable Chad F. Wolf
Acting Secretary
Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

The Honorable Mark T. Esper
Secretary
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Robert Wilkie
Secretary
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20571

Dear Secretary Azar, Acting Secretary Wolf, Secretary Esper, and Secretary Wilkie:

The Select Subcommittee on the Coronavirus Crisis is investigating the federal government's efforts to procure personal protective equipment (PPE), testing supplies, and other medical equipment during the coronavirus outbreak. Recent reports indicate that federal agencies awarded contracts to businesses that had political connections to the Trump Administration, lacked federal contracting experience, and had been selected by the White House without competition or transparency. Some of these companies failed to provide the supplies promised. The Select Subcommittee is concerned that these contracting practices may have wasted taxpayer dollars and exacerbated shortages of critical supplies, contributing to the spread of the coronavirus and the death of Americans. We write to request documents and information regarding contracts awarded by your departments, as well as the Administration's plans to meet the urgent need for these supplies as coronavirus cases rise across the United States.

Shortages of PPE have been reported throughout the country since the onset of the coronavirus pandemic.¹ More than five months into the crisis, many health care and nursing home workers report reusing or rationing supplies due to shortages.² Internal projections from

¹ *HHS Clarifies US Has About 1% of Face Masks Needed for 'Full-Blown' Coronavirus Pandemic*, CNBC (Mar. 4, 2020) (online at www.cnbc.com/2020/03/04/hhs-clarifies-us-has-about-1percent-of-face-masks-needed-for-full-blown-pandemic.html).

² *'It's Like Pulling Teeth': There's Still a PPE Shortage — and a Second Wave Could Send Medical Workers into Crisis Mode*, Boston Globe (June 21, 2020) (online at www.bostonglobe.com/2020/06/21/nation/dangerous-shortages-protective-gear-persist-mass-hospitals-clinicians-say/); Select Committee on the Coronavirus Crisis, *Frontline Heroes Demand Federal Action To Keep Them Safe During Coronavirus Crisis* (May 22, 2020) (online at <https://coronavirus.house.gov/news/press-releases/frontline-heroes-demand-federal-action-keep-them-safe-during-coronavirus-crisis>).

the Administration's Supply Chain Task Force last month show that the Task Force expected demand for gowns and surgical masks to continue to outpace supply, including a projected shortage of approximately 100 million gowns and 40 million N95 respirators in July alone.³ The recent surge in coronavirus cases has compounded these shortages, especially in hotspots like Texas and Florida.⁴ The surge in cases has also contributed to growing shortages of testing supplies.⁵

On July 2, 2020, the Select Subcommittee held a hearing on these issues, in which Subcommittee Members raised concerns about the lack of a clear chain of command, the lack of a comprehensive federal plan to procure and distribute supplies, and the failure to implement robust, transparent contracting practices.⁶ The Subcommittee has concerns about several specific contracting practices that may be contributing to shortages of PPE and other supplies.

First, contracts for PPE have been awarded to unqualified companies with political ties to the Administration. For example:

- The President's former Deputy Chief of Staff at the White House, Zachary Fuentes, was awarded a \$3 million federal contract from the Indian Health Services (IHS) to provide respirator masks to the Navajo Nation. Mr. Fuentes created the company that won the contract, Zach Fuentes LLC, just 11 days before the contract was awarded. Mr. Fuentes delivered masks that were unsuitable for use in a medical or surgical environment, contrary to the terms of the contract.⁷ More than 130,000 masks provided by this company were reviewed by IHS "due to a potential discrepancy between the outer package labeling and the labeling on the actual product inside the package."⁸ On June 24, IHS reported

³ *Internal Document Reveals Federal Plan to Ask Nurses to Reuse Masks*, Roll Call (June 9, 2020) (online at www.rollcall.com/2020/06/09/internal-document-reveals-federal-plan-to-ask-nurses-to-reuse-masks/).

⁴ *'The New Gold': Demand for PPE Soars Again Amid Shortage as US Cases Rise*, The Guardian (June 29, 2020) (online at www.theguardian.com/world/2020/jun/29/demand-ppe-soars-again-amid-shortage-us-cases-rise).

⁵ *A Dire Warning From COVID-19 Test Providers*, The Atlantic (June 30, 2020) (online at www.theatlantic.com/science/archive/2020/06/us-coronavirus-testing-could-fail-again/613675/).

⁶ Select Subcommittee on the Coronavirus Crisis, *Hearing on Supply Shortages, Top Officials Acknowledge Country Is Failing To Control Coronavirus* (July 2, 2020) (online at <https://coronavirus.house.gov/news/press-releases/hearing-supply-shortages-top-officials-acknowledge-country-failing-control>).

⁷ *The Feds Gave a Former White House Official \$3 Million to Supply Masks to Navajo Hospitals. Some May Not Work*, ProPublica (May 22, 2020) (online at www.propublica.org/article/the-feds-gave-a-former-white-house-official-3-million-to-supply-masks-to-navajo-hospitals-some-may-not-work); USASpending.gov, Purchase Order 75H71020P01137 (online at www.usaspending.gov/#/award/CONT_AWD_75H71020P01137_7527_-NONE_-NONE-).

⁸ *Democratic Congressman Calls for Probe into Former White House Officials \$3 Million Mask Deal*, ProPublica (May 26, 2020) (online at www.propublica.org/article/democratic-congressman-calls-for-probe-into-former-white-house-officials-3-million-mask-deal).

that “after completing inspection of the product, the Indian Health Service sent a letter to the contractor proposing to return the masks through a no-cost termination.” Mr. Fuentes refused and instead is seeking full payment for the unusable masks.⁹

- The Department of Veterans Affairs (VA) awarded more than 20 contracts for PPE and other supplies, many of them without competition, to AvMEDICAL. The contract awards began just four weeks after the company’s chief executive officer, Troy Mizell, gave \$85,500 to the President’s joint fundraising committee and the Republican National Committee.¹⁰ Mr. Mizell previously served as chief executive officer of another contractor, AvKARE, which the VA Inspector General concluded in 2015 had “misrepresented that they are a pharmaceutical manufacturer” and “misrepresented that they had commercial sales” in order to secure a different VA contract.¹¹

Second, the Administration awarded contracts to inexperienced suppliers, often without competitive bidding. One analysis of recent federal procurements shows that approximately one out of every five coronavirus-related contracts above \$1 million went to companies with no previous record of working with the federal government.¹² More than 445 companies had no prior experience in the federal marketplace before receiving awards related to the pandemic response.¹³ Many of the companies awarded contracts for PPE or critical supplies—such as medicines used to sedate patients on ventilators or materials needed for testing—registered to do business with the government for the first time this year, some just days before successfully winning a contract.¹⁴ More than a quarter of these contracts were awarded on a non-competitive

⁹ *The Indian Health Service Wants to Return 1 Million KN95 Masks It Bought From a Former White House Official*, ProPublica (June 25, 2020) (online at www.propublica.org/article/the-indian-health-service-wants-to-return-1-million-970482).

¹⁰ *Federal Agencies Turn to Untested Suppliers for Big PPE Contracts*, CNN (May 27, 2020) (online at www.cnn.com/2020/05/27/politics/coronavirus-federal-contracts-ppe-suppliers-problems-invs/index.html); USASpending.gov, *Spending by Transaction - AvMedical* (online at www.usaspending.gov/#/keyword_search/AvMedical).

¹¹ *Trump Donor Sued the VA—Now He’s Getting Its COVID-19 Contracts*, Daily Beast (June 6, 2020) (online at www.thedailybeast.com/trump-donor-sued-the-va-now-hes-getting-its-covid-19-contracts).

¹² *Federal Agencies Turn to Untested Suppliers for Big PPE Contracts*, CNN (May 27, 2020) (online at www.cnn.com/2020/05/27/politics/coronavirus-federal-contracts-ppe-suppliers-problems-invs/index.html);

¹³ *A Company Run by a White House “Volunteer” With No Experience in Medical Supplies Got \$2.4 Million From the Feds for Medical Supplies*, ProPublica (June 26, 2020) (online at www.propublica.org/article/a-company-run-by-a-white-house-volunteer-with-no-experience-in-medical-supplies-got-2.4-million-from-the-feds-for-medical-supplies).

¹⁴ *Federal Agencies Turn to Untested Suppliers for Big PPE Contracts*, CNN (May 27, 2020) (online at www.cnn.com/2020/05/27/politics/coronavirus-federal-contracts-ppe-suppliers-problems-invs/index.html); *Trump to Tap New Company to Make Covid-19 Drugs in the U.S.*, New York Times (May 18, 2020) (online at www.nytimes.com/2020/05/18/us/politics/trump-coronavirus-drug-manufacturing.html); *The Trump Administration Paid Millions for Test Tubes — and Got Unusable Mini Soda Bottles*, ProPublica (June 18, 2020) (online at

basis under emergency acquisition authority, despite evidence that numerous qualified vendors exist in the market.¹⁵ For example:

- Fillakit, LLC received a \$10 million contract from FEMA just seven days after the company was formed on May 1, 2020.¹⁶ This four-year contract required Fillakit to domestically manufacture testing supplies that are at risk of shortage, including test tubes and swabs.¹⁷ Instead of delivering standard testing tubes, Fillakit LLC reportedly provided the government with three million plastic tubes that are unsuitable in size for standard laboratories and appear to be contaminated.¹⁸
- FEMA canceled a \$55 million contract for N95 masks with Panthera Worldwide, LLC, which had received only one previous federal contract four years earlier.¹⁹ The contract was awarded without competition, even though Panthera charged \$5.50 per mask, significantly more than the manufacturer's list prices of \$0.68 to \$3.40.²⁰ Reports indicate that Panthera's parent company had not had any employees since May 2018, had no history of producing medical equipment, and

www.propublica.org/article/the-trump-administration-paid-millions-for-test-tubes-and-got-unusable-mini-soda-bottles).

¹⁵ *The White House Pushed FEMA To Give its Biggest Coronavirus Contract to a Company That Never Had to Bid*, ProPublica (Apr. 10, 2020) (online at www.propublica.org/article/the-white-house-pushed-fema-to-give-its-biggest-coronavirus-contract-to-a-company-that-never-had-to-bid).

¹⁶ *The Trump Administration Paid Millions for Test Tubes — and Got Unusable Mini Soda Bottles*, ProPublica (June 18, 2020) (online at www.propublica.org/article/the-trump-administration-paid-millions-for-test-tubes-and-got-unusable-mini-soda-bottles).

¹⁷ USASpending.gov, Delivery order 70FB7020F00000113 (online at www.usaspending.gov/#/award/CONT_AWD_70FB7020F00000113_7022_70FB7020D00000029_7022); *The Trump Administration Paid Millions for Test Tubes — and Got Unusable Mini Soda Bottles*, ProPublica (June 18, 2020) (online at www.propublica.org/article/the-trump-administration-paid-millions-for-test-tubes-and-got-unusable-mini-soda-bottles).

¹⁸ *The Trump Administration Paid Millions for Test Tubes — and Got Unusable Mini Soda Bottles*, ProPublica (June 18, 2020) (online at www.propublica.org/article/the-trump-administration-paid-millions-for-test-tubes-and-got-unusable-mini-soda-bottles).

¹⁹ *FEMA Cancels \$55 Million Contract for N95 Masks*, CNN (May 14, 2020) (online at www.cnn.com/2020/05/13/politics/fema-ppe-contract-cancelled-coronavirus/index.html); USASpending.gov (online at www.usaspending.gov/#/award/CONT_AWD_70FB7020C00000006_7022_-NONE_-NONE-).

²⁰ *Fraudulent Activity, Price Gouging, and Counterfeit Products*, 3M (May 18, 2020) (online at www.multimedia.3m.com/mws/media/18036700/fraudulent-activity-price-gouging-and-counterfeit-products.pdf); *Federal Agencies Turn to Untested Suppliers for Big PPE Contracts*, CNN (May 27, 2020) (online at www.cnn.com/2020/05/27/politics/coronavirus-federal-contracts-ppe-suppliers-problems-invs/index.html).

filed for bankruptcy before FEMA's contract was awarded. The company's owners have been sued for fraud.²¹

- VA canceled a \$35 million contract awarded on a non-competitive basis for N95 masks with Federal Government Experts, LLC, a first-time federal contractor, after the company failed to secure the 6 million masks the agency ordered.²² The company reportedly had no experience selling medical equipment, lacked a realistic plan to acquire masks, and charged the government \$5.75 per mask, more than three times the manufacturer's price.²³

Third, the White House reportedly pushed for some contracts to be awarded to particular companies without competition. For example, FEMA awarded Immediate Response Technologies, LLC, a subsidiary of AirBoss, a \$96 million sole-source contract for respirators and filters. An entry in a federal procurement database states that the award was "ordered by the White House."²⁴

The Subcommittee is seeking to determine why the Administration engaged in these contract practices, the impact of these practices on the availability of personal protective equipment and other supplies, and the steps the Administration is taking to address ongoing shortages.

To assist the Select Subcommittee with this investigation, please produce by July 28, 2020, the following documents and information from January 1, 2020, to the present. These requests are consistent with House Resolution 935, which established the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including the "preparedness for and response to the coronavirus crisis, including ... the acquisition, distribution, or stockpiling of protective equipment and medical supplies."

²¹ *In Coronavirus Scramble for N95 Masks, Trump Administration Pays Premium to Third-Party Vendors*, Washington Post (April 15, 2020) (online at www.washingtonpost.com/national/coronavirus-trump-masks-contracts-prices/2020/04/15/9c186276-7f20-11ea-8de7-9fdff6d5d83e_story.html).

²² *Federal Agencies Turn to Untested Suppliers for Big PPE Contracts*, CNN (May 27, 2020) (online at www.cnn.com/2020/05/27/politics/coronavirus-federal-contracts-ppe-suppliers-problems-invs/index.html); USASpending.gov (online at www.usaspending.gov/#/award/CONT_AWD_36E77620C0056_3600_-NONE-_NONE-).

²³ *How Profit and Incompetence Delayed N95 Masks While People Died at the VA*, ProPublica (May 1, 2020) (online at www.propublica.org/article/how-profit-and-incompetence-delayed-n95-masks-while-people-died-at-the-va).

²⁴ *The White House Pushed FEMA To Give its Biggest Coronavirus Contract to a Company That Never Had to Bid*, ProPublica (April 10, 2020) (online at www.propublica.org/article/the-white-house-pushed-fema-to-give-its-biggest-coronavirus-contract-to-a-company-that-never-had-to-bid); System for Award Management, *Contract Award Summary for Purchase Order 70FB7020P00000008* (online at beta.sam.gov/awards/89347966%2BAWARD?keywords=70FB7020P00000008&sort=-relevance&index=&is_active=true&page=1).

1. All formal or informal policies, procedures, and guidance regarding procuring PPE, medical equipment, and testing supplies to meet the demand of states and other entities or to replenish the Strategic National Stockpile, including but not limited to guidance regarding use of emergency contracting procedures, and the certification, prioritization, acquisition, production, delivery method, or exclusion of any products;
2. The complete contract files, including but not limited to all solicitations, contracts, task orders, justifications for other than full and open competition, responsibility determinations, documentation of acceptance or performance, and verification of price reasonableness for any contract for PPE, medical equipment, or testing supplies, with any of the following entities:
 - a. Zach Fuentes, LLC;
 - b. AvMEDICAL, LLC;
 - c. Phlow Corporation;
 - d. Immediate Response Technologies, LLC or AirBoss;
 - e. Fillakit, LLC;
 - f. Federal Government Experts, LLC; and
 - g. Panthera Worldwide, LLC; and
3. For each entity listed in Request 2, all documents and communications regarding the contract award, including internal agency communications and communications with the White House, other federal agencies, the company, or others;
4. All documents reflecting any bids or proposals received in connection with each contract responsive to Request 2, including all analyses of these bids and proposals;
5. All projections, forecasts, models, and estimates, including underlying data, relating to the amount of personal protective equipment and other medical supplies needed to respond to the coronavirus crisis, including for filling the Strategic National Stockpile and distributing to any state or territory, as well as the supply of these materials, including the following categories:
 - a. N95 respirator masks;
 - b. surgical masks;
 - c. face shields;
 - d. isolation gowns;
 - e. surgical gowns;
 - f. goggles;
 - g. disposable caps;
 - h. disposable shoe covers;

- i. disposable gloves;
 - j. ventilators; and
 - k. testing kits or other testing-related supplies; and
6. A list of contracts awarded to procure any items listed in Request 5 in connection with the coronavirus crisis, including the name of the vendor, date of the contract, value of the contract, quantity of supplies ordered, and actual or expected date of delivery; and
 7. A detailed description of the Administration's plans to procure personal protective equipment, testing supplies, and other medical supplies; to replenish of the Strategic National Stockpile; and to distribute supplies to states and territories in response to the coronavirus outbreak.

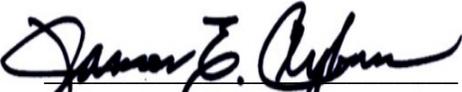
In addition, the Subcommittee reiterates the request made at the Select Subcommittee's July 2, 2020, hearing for biweekly updates on the projected supply and demand for PPE and testing supplies. At that hearing, Chairman Clyburn stated:

[T]o ensure this problem gets fixed, we need you to keep Congress apprised of your progress. I am therefore calling on FEMA, HHS, and DOD to provide this Committee with biweekly updates on the projected supply and demand for PPE and testing supplies.²⁵

Please provide these biweekly updates beginning on July 20, 2020.

An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,



Rep. James E. Clyburn
Chairman

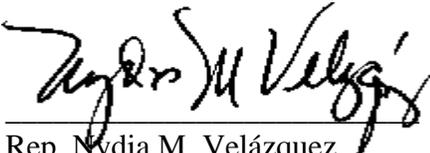


Rep. Maxine Waters

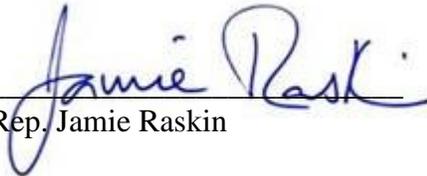
²⁵ Select Subcommittee on the Coronavirus Crisis, *Hearing on The Administration's Efforts to Procure, Stockpile, and Distribute Critical Supplies* (June 2, 2020) (online at <https://coronavirus.house.gov/subcommittee-activity/hearings/administration-s-efforts-procure-stockpile-and-distribute-critical>).

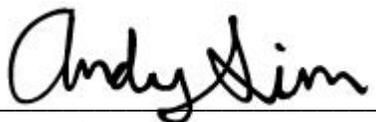
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The Honorable Robert Wilkie
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Rep. Carolyn B. Maloney


Rep. Nydia M. Velázquez


Rep. Bill Foster


Rep. Jamie Raskin


Rep. Andy Kim

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.