

Exhibit E

PLAINTIFF'S EXHIBIT 1

EXHIBIT

Exhibit 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
DUSTIN HICE,

Plaintiff,

-against-

DON LEMON,

Defendant.
----- x

**RESPONSES AND
OBJECTIONS TO
SUBPOENA**

Civil Action No.:
2:19-cv-4666-JMA-SIL

Non-party Isabel Peters (“Isabel”), by undersigned counsel Farrell Fritz, P.C., in accordance with Federal Rule of Civil Procedure (“FRCP”) 45, hereby responds and objects to Plaintiff’s, Dustin Hice’s, Subpoea to Testify and Produce Documents in a Civil Action (“Requests”), dated December 15, 2020, on the grounds set forth below.

GENERAL OBJECTIONS

The following general objections apply to each and every document request (“Request”) and shall have the same force and effect as if set forth in full in response to each individually numbered Request.

A. Isabel objects to the Requests to the extent that they are overly broad and unduly burdensome and seek to impose burdens in excess of those imposed under the FRCP.

B. Isabel objects to the Requests to the extent that they seek documents that are already in the possession or control of Plaintiff, or that are readily accessible to Plaintiff from a source other than Isabel.

C. Isabel objects to the Requests to the extent they call for the production of documents subject to the (i) attorney-client privilege, (ii) work-product doctrine, or (iii) any other privilege or

protection afforded by applicable law, including all materials prepared in anticipation of litigation. To the extent that any Request can be construed as seeking information subject to such privileges or any other privilege afforded by law, Isabel claims such privilege or invokes the work-product doctrine. Inadvertent disclosure of any privileged or otherwise-protected information shall not constitute a waiver of any claim of privilege, protection, exemption or immunity.

D. Isabel objects to the Requests to the extent that they call for the production of “all” documents regarding certain subjects insofar as this implies that Isabel should undertake a review of every document in her possession, custody or control. Such a request is unduly burdensome, and cost prohibitive.

E. Isabel objects to the Requests to the extent that they are unreasonably cumulative or duplicative.

F. Isabel objects to the Requests to the extent they are vague, ambiguous or otherwise lack sufficient particularity to permit a response.

G. Isabel objects to the Requests to the extent they seek information and documentation without identifying any temporal limitation.

H. Isabel objects to the “Definitions,” “on the grounds of over-breadth, burden, and vagueness. Moreover, Isabel objects to the “Definitions” to the extent they seek to impose upon him burdens or obligations that are different from or greater than those provided for under the FRCP.

I. Isabel reserves the right to supplement and update the responses to the Requests pursuant to FRCP 45.

SPECIFIC RESPONSES AND OBJECTIONS

REQUEST NO. 1

Produce all documents and communications with any person (including but not limited to Don Lemon, his attorneys, investigators, or other agents) from July 15, 2018 to present, concerning:

- (i) any interaction between Dustin Hice and Don Lemon at Murf's Backstreet Tavern on or about July 15, 2018 (this would include and any all communications concerning Don Lemon assaulting or allegedly assaulting the Plaintiff; Don Lemon sticking his hands down his shorts and then placing his fingers in or near Plaintiff's face; Don Lemon making crude remarks to Plaintiff concerning his sexual orientation; claims, denials or rumors of Don Lemon assaulting, embarrassing, or humiliating Plaintiff in the Hamptons in the summer of 2018; or mockery that Plaintiff was subjected to in the Hamptons in the summer of 2018 relating to Don Lemon); and*
- (ii) this lawsuit.*

RESPONSE TO REQUEST NO. 1

Isabel objects to this Request on the grounds that it is overbroad to the extent that it calls for the production of "all" documents and communications and lacks any temporal limitation. Isabel further objects to this Request on the ground that it seeks documents that are already in Plaintiff's possession or available to Plaintiff from a party to this litigation causing this Request to be burdensome on a non-party.

Subject to the foregoing General and Specific Objections, Isabel has produced herewith responsive, non-privileged documents bearing bates stamps IP-1 through IP-12 and has forwarded to counsel for the Plaintiff an email containing five video zip files.

Dated: December 23, 2020
Water Mill, New York

FARRELL FRITZ, P.C.

By:

/s/ Brian C. Doyle

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CERTIFICATE OF SERVICE

The undersigned attorney for Isabel Peters hereby certifies that he caused the foregoing Response and Objection to be served on the people listed below via electronic mail on December 22, 2020.

/s/ *Brian C. Doyle*

Brian C. Doyle

To: Stuart Bernstein, Esq.
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