

INDEPENDENCE COUNTY, ARKANSAS
CIRCUIT CLERK GREG WALLIS
FILED FOR RECORD BY
R SCOTT POLSTON D.C.

DATE: MARCH 10, 2020

TIME: 12:27:44

**IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS
DOMESTIC RELATIONS DIVISION**

LUNDEN ALEXIS ROBERTS

PLAINTIFF

V.

CAUSE NO. 32DR-19-187-2

ROBERT HUNTER BIDEN

DEFENDANT

**MOTION FOR CONTINUANCE OR, ALTERNATIVELY, MOTION TO RECONSIDER
MOTION TO QUASH AND MOTION FOR PROTECTIVE ORDER**

NOW COMES Robert Hunter Biden ("Defendant" herein), by and through his attorney of record, Brent M Langdon of LANGDON ★ DAVIS, L.L.P., and seeks a continuance of the pending hearing or, alternatively, reconsideration of protection from the deposition of Defendant and hearing, and would show the following:

Background

1. This case is not set for trial until May 13, 2020.
2. On February 17, 2020 Defendant supplemented his discovery.
3. On February 24, 2020 Notice of Deposition of Defendant was emailed to undersigned counsel setting the deposition for March 5, 2020.
4. Defendant filed a Motion to Quash and Motion for Protective Order on February 25, 2020.
5. By telephonic hearing on February 26, 2020 the Court granted the Motion to Quash and Motion for Protective Order, however the Court indicated that the deposition of Defendant should occur on March 11 or 12, 2020.
6. No order has been submitted to the undersigned reflecting the Court's ruling of February 26, 2020.

7. On March 5, 2020 Notice of Deposition of Defendant was emailed to undersigned counsel setting the deposition for March 11, 2020. *See Exhibit "1"*.

8. Defendant has paid all obligations to-date and has committed to continued support of the child in this matter.

9. Defendant's counsel has relayed to Plaintiff's counsel a proposal to continue or, alternatively, conduct Defendant's deposition telephonically and appearing telephonically for the March 13, 2020 hearing upon approval of the Court.

10. Unable to reach a compromise as to this discovery dispute, this motion was diligently filed.

Motion for Continuance

11. The hearing on March 13, 2020 per the Court's Agreed Order on Temporary Child Support filed January 27, 2020 is for purposes of discovery disputes between the parties and appearance of the Defendant is not necessary.

12. Defendant requests continuance of the hearing as he is unavailable to attend due to his wife's due date is in 2 ½ weeks or less and risks involved with travel. Defendant will supplement this motion as soon as possible with the affidavit of his wife's treating physician.

13. This continuance is sought for good cause shown, and is not sought for the purpose of delay, or to cause prejudice to the Plaintiff but, rather, so that justice may be obtained by all parties and in the best interest of the child.

Motion to Reconsider Motion to Quash and Motion for Protective Order

14. In the prior hearing the undersigned reported to the Court that he was unable to report on the availability of Defendant when asked by the Court because the following was either unknown or had yet to occur.

15. Since that time and now that Defendant has been noticed for deposition, Defendant reports to the Court the unreasonableness of the Notice of Deposition for Defendant to appear in Little Rock, Arkansas, namely, such deposition is unduly burdensome and oppressive thereby entitling Defendant to a protective order pursuant to Ark. R. Civ. P 26(c) because:

- a. Defendant's wife's due date is imminent. Defendant will supplement this motion as soon as possible with the affidavit of his wife's treating physician.
- b. It is unsafe for the Defendant to travel, as travel restrictions have been implemented both domestically and internationally, particularly on airlines, due to the Coronavirus. Setting aside personal endangerment, Defendant reasonably believes that such travel unnecessarily exposes his wife and unborn child to this virus. California, in particular, has been the site of numerous reported cases of exposure.
- c. Defendant is once again the subject of intense media scrutiny arising from President Trump, Republican Senators and others politically motivated to thwart former Vice-President Joseph R. Biden's nomination as the Democratic candidate for President as he has once again become the frontrunner for nomination as the Democratic Presidential candidate. The scrutiny includes, among other things, photographers following him and his wife and individuals opposed to former Vice President Biden seeking to protest at Defendant's residence. The headlines just in the past few days demonstrate the intensity of the media barrage. See, e.g.: **"Senate GOP Ramps Up Investigations As Biden Surges"** <https://q13fox.com/2020/03/04/senate-gop-ramps-up-investigations-as-biden-surges/> March 4, 2020; **"Republicans, Egged On by Trump, Scrutinize Hunter Biden as His Father Surges"** <https://www.nytimes.com/2020/03/05/us/politics/biden-trump-burisma->

investigation.html March 5, 2020; “**Republicans Now Poised For Biden-Burisma Subpoena With Romney On Board**”

[https://www.npr.org/2020/03/06/812918407/republicans-now-poised-for-biden-](https://www.npr.org/2020/03/06/812918407/republicans-now-poised-for-biden-burisma-subpoena-with-romney-on-board)

[burisma-subpoena-with-romney-on-board](https://www.npr.org/2020/03/06/812918407/republicans-now-poised-for-biden-burisma-subpoena-with-romney-on-board) March 6, 2020; “**Trump Jr. Wants to Debate Hunter Biden on Who's Benefited More from Their Dads**”

[https://nypost.com/2020/03/08/trump-jr-wants-to-debate-hunter-biden-on-whos-](https://nypost.com/2020/03/08/trump-jr-wants-to-debate-hunter-biden-on-whos-benefited-more-from-their-dads/)

[benefited-more-from-their-dads/](https://nypost.com/2020/03/08/trump-jr-wants-to-debate-hunter-biden-on-whos-benefited-more-from-their-dads/) March 8, 2020; “**Hunter Biden 'Willfully and Contemptuously' Defying Court Order to Turn Over Sensitive Financial Docs, Contempt Motion Says**”

[https://www.foxnews.com/politics/hunter-biden-defying-court-order-to-turn-over-financial-docs-lacks-respect-for-legal-process-contempt-](https://www.foxnews.com/politics/hunter-biden-defying-court-order-to-turn-over-financial-docs-lacks-respect-for-legal-process-contempt-motion-says)

[motion-says](https://www.foxnews.com/politics/hunter-biden-defying-court-order-to-turn-over-financial-docs-lacks-respect-for-legal-process-contempt-motion-says) March 8, 2020. The tremendously elevated media scrutiny creates some physical risks and logistics difficulties with travel to Arkansas, invades the privacy of the Defendant and his 8 and 1/2 month pregnant wife, threatens to complicate the Court's ability to conduct a public hearing, creates a highly prejudicial environment from Defendant, and cannot be in the child's or his mother's interest in any way. Given that there is a temporary support order in place that Defendant has fully complied with and is providing support to the child as agreed by the parties, Defendant has no objection to entry of an order continuing the temporary support for another nine months and rescheduling the deposition and hearing at the end of that period.

16. A deposition taken without leave of court pursuant to a notice under Rule 30(b)(2) shall not be used against a party who demonstrates that, when served with less than 11 days notice of a deposition, has promptly upon receiving such notice filed a motion for a protective order under Rule 26(c)(2) requesting that the deposition not be held or be held at a different time or place and

such motion is pending at the time the deposition is held. See Ark. R. Civ. P. 32(a)(3).


17. In computing any period of time prescribed or allowed by the Rules of Civil Procedure, the day of the service of the notice is not included but the last day is; however if the period of time is less than fourteen (14) days, intermediate Saturdays and Sundays are not included. See Ark. R. Civ. P. 6. The Notice of Deposition was received on February 24, 2020 for the deposition to occur on March 5, 2020, which would be the eighth (8th) day per Rule 6.

18. To be clear, Defendant has paid all obligations to-date and has committed to continued support of the child in this matter. Defendant has also provided updated financial information and documents through counsel. Postponing the deposition does not prejudice the child in any way but failing to do so prejudices Defendant greatly. At a minimum, intermediate steps will adequately protect the child's interests and the Court's interests in moving this matter to a conclusion to benefit the child. Those steps include, as an alternative, a video-conference deposition and participation in the March 13 hearing by telephone.

FOR THESE REASONS, Defendant, Robert Hunter Biden, seeks a protective order of the Court of and from the Notice of Deposition, for his fees expended in having to file this motion, and for such other and further relief to which he may be entitled.

Respectfully submitted,

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By: 
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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on each attorney of record or party on the 10th day of March 2020, as follows:

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*Via Electronic Mail clint@thelancasterlawfirm.com
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Brent M. Langdon
Attorney for Defendant