

GARRETT ZIEGLER'S LANDSCAPING PROBLEM

According to emails posted at BidenLaptopEmails dot com made available by Garrett Ziegler, sometime around May 31, 2017, someone set a Google alert for weekly landscaping work, which usually took place in the mornings. Many weeks, Hunter Biden would *receive* a Google alert on Wednesday, reminding him landscapers would show up the next day. Then the next day, his iCloud email would email his RosemontSeneca email (hosted by Google) with a reminder.

In the depths of his addiction – again, per emails made available by Garrett Ziegler – the only emails that Hunter Biden “sent,” the only sign of life on his email accounts, was that email. For weeks on end, the only communication “from” Hunter is that eerie repetitive notice: “Alert – FYI landscapers at CBR (usually in AM).” It’s like that Google alert is a phantom, always there in Hunter’s email box.

I’m not sure the technical explanation for it – though I expect that experts would be able to use the nature of those weekly alerts to determine what inboxes were really used to load up the laptop that found its way to John Paul Mac Isaac and from there, on a hard drive, to Rudy Giuliani and then, another hard drive, to Garrett Ziegler. The technical explanation may also explain why the FBI relied *on the laptop* for Google alert information rather than the information the FBI received from Google itself, as I laid out here.

“Alert – FYI landscapers at CBR (usually in AM).” There must be over 150 versions of either the Google alert or the email from Hunter’s iCloud email to Hunter’s RosemontSeneca email in the collection made available by Garrett Ziegler.

In fact, those emails, “Alert – FYI landscapers at CBR (usually in AM),” may doom Ziegler’s

effort to defeat Hunter Biden's hacking lawsuit against him.

Ziegler filed his response, along with a sworn but not notarized declaration from Ziegler himself, yesterday.

As to the claim that he hacked Hunter Biden's phone – which I've noted is a key vulnerability for Ziegler – Ziegler *admits* he used a password to access the backup from a phone Hunter allegedly owned in 2019.

¶19. Paragraph 29 falsely casts my comments to imply that I and Defendant *Marco Polo* "hacked" into Plaintiff's iPhone backup file.

20. In the case of the iPhone backup file referred to in paragraph 29, I received a copy of an iPhone backup file which existed as part of the copied files.

21. Also contained on the external hard drive given to me were files containing passcodes, which are essentially similar in function to passwords designed to allow access to password-protected files. Although it took months of examination, we were able to locate the passcode which allowed access to the iPhone backup file. Those files existed on the external hard drive when it was first given to me.

But he argues that because the disk drive he received from an associate of Rudy Giuliani had the password for the phone on it, and because Hunter never owned the hard drive on which Ziegler received both sets of data, he did not "hack" anything.

Plaintiff selectively cites to Defendant Ziegler's December 2022 remarks about decrypting a specific file which stored the passcode to the iPhone backup file, both of which were on Defendants' copy

of the Laptop. (Compl. at ¶ 29). The Complaint falsely suggests Defendants “hacked” into Plaintiff’s iPhone backup. (Zeigler Decl. at ¶ 19). Defendants received a copy of Plaintiff’s iPhone backup file which existed as part of the files. (Id. at ¶ 20). When Defendants received the external hard drive, it contained passcodes, which allowed access to the iPhone backup file. (Id. at ¶ 21).

[snip]

Moreover, Plaintiff does not allege unlawful access to a computer within the meaning of the CFAA. A computer user “without authorization” is one who accesses a computer the user has no permission to access whatsoever—an “outside hacker[].” *Van Buren v. United States*, 141 S. Ct. 1648, 1658, (2021). Here, Plaintiff admitted that Defendants accessed and used a hard drive that Plaintiff never possessed. Specifically, Plaintiff alleges that Defendants accessed a hard drive provided by a third party which contains a copy (duplicates) of files. (Compl. at ¶ 18). Plaintiff does not allege that Defendants possessed or accessed Biden’s computer or original files.

Plaintiff alludes to his actual iPhone and iCloud account when he alleges that “at least some of the data that Defendants have accessed, tampered with, manipulated, damaged and copied without Plaintiff’s authorization or consent originally was stored on Plaintiff’s iPhone and backed-up to Plaintiff’s iCloud storage.” (Id. at ¶ 28). However, Plaintiff alleges no facts which demonstrate Defendants ever accessed any computer, storage, or service which Plaintiff either owns or has exclusive control over. Likewise, the Complaint

also shows facts which conclusively prove that Defendants had no need to access any service or storage because the laptop copy in their possession admittedly contained all of the necessary information, including the passcode to view all of the files contained on the Biden Laptop regardless of encryption. (Id. at ¶ 18). Put simply, both the encrypted iPhone backup file and the passcode to open the iPhone backup file were on the Laptop copy.

Given that Hunter's lawsuit also names a bunch of John Does, blaming his access to this backup on Rudy's unnamed associate and Rudy and John Paul Mac Isaac may not help Ziegler.

In any case, Ziegler may hope he doesn't have to rely on this argument. His response actually spends more time arguing that venue, in California, is improper than he does that using a password to access an encrypted backup is legal. The "work" Ziegler did to make ten years of Hunter Biden's emails available took place in Illinois. He has no employees or board members in California. Fewer than 10% of Marco Polo's supporters live in California (Ziegler doesn't say what percentage of his donations they provide, however).

His venue argument and his hacking argument ignore a part of Hunter's lawsuit, though, which alleges that Ziegler "directed illegal conduct to occur in California."

Plaintiff is informed and believes that Defendant Ziegler intentionally directed illegal conduct to occur in California and has therefore subjected himself to jurisdiction in California.

Similarly, his response only mentions Hunter's allegation that *in addition* to accessing that iPhone, he also accessed data in the cloud once.

Plaintiff accuses Defendants of

“knowingly accessing and without permission taking and using data from” Plaintiff’s devices or “cloud” storage (Compl. at ¶¶ 40, 41), computer service (id. at ¶ 42), or protected computer (id. at ¶ 35) but fails to identify a single device Defendants accessed without authorization

That allegation is a key part of alleging that Ziegler broke the law in California.

40. Defendants have violated California Penal Code § 502(c)(1) by knowingly accessing and without permission taking and using data from Plaintiff’s devices or “cloud” storage, including but not limited to, Plaintiff’s encrypted iPhone backup to devise or execute a scheme to defraud or deceive, or to wrongfully obtain money, property, or data.

41. Defendants also have violated California Penal Code § 502(c)(2) by knowingly and without permission accessing, taking, copying, and making use of programs, data, and files from Plaintiff’s devices or “cloud” storage, including but not limited to, Plaintiff’s encrypted iPhone backup.

Ziegler denies accessing any computer in the possession of Hunter Biden. That falls short of denying that he hacked data owned by Hunter Biden.

22. Neither I nor any person associated with *Marco Polo* have accessed, or attempted to access, any computer, device, or system owned or controlled by Plaintiff. We are not hackers, we are simply publishers, and the Plaintiff is attempting to chill our First Amendment rights and harass us through a frivolous and vexatious lawsuit.

I think Ziegler has a problem with his description of where the iPhone backup came from in the first place: he says that the “laptop” was in Hunter Biden’s possession when the iPhone backup was saved to it on February 6, 2019.

The metadata concerning the duplicated iPhone backup file on our external hard drive indicates that the last backup made of the iPhone file to the plaintiff’s laptop, which he left at the repair shop of John Paul Mac Isaac on April 12, 2019, occurred on February 6, 2019, while still in the plaintiff’s possession based upon all the facts known to me to be provably true beyond dispute.

Hunter *may* be able to prove that Ziegler, of all people, doesn’t believe that to be true, doesn’t believe that when that iPhone was backed up on February 6 – a day when someone presenting as Hunter was involved in a car accident in DC – Hunter was in possession of that laptop.

But the bigger problem Ziegler that has is that phantom landscaping reminder.

Biden Laptop Emails < Previous 1 2 3 4

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Date	Type	Interlocutor	Subject
2019-01-23 18:46	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Jan 24, 2019 (hbiden@rosemontseneca.com)
2019-01-24 11:17	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-01-24 13:17	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-01-30 18:52	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Jan 31, 2019 (hbiden@rosemontseneca.com)
2019-02-06 18:53	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Feb 7, 2019 (hbiden@rosemontseneca.com)
2019-02-13 18:57	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Feb 14, 2019 (hbiden@rosemontseneca.com)
2019-02-15 07:26	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-02-20 18:47	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Feb 21, 2019 (hbiden@rosemontseneca.com)
2019-02-20 18:50	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-02-20 20:50	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-02-27 18:50	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Feb 28, 2019 (hbiden@rosemontseneca.com)
2019-02-27 22:01	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-02-28 00:00	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-03-06 18:50	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Mar 7, 2019 (hbiden@rosemontseneca.com)
2019-03-06 19:10	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-03-06 21:10	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-03-13 17:46	Received	"Google Calendar" calendar-notification@google.com	Notification: FYI landscapers at CBR (usually in AM) @ Thu Mar 14, 2019 (hbiden@rosemontseneca.com)
2019-03-13 17:50	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-03-13 18:31	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2019-03-13 18:50	Sent	hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2020-10-29 21:25	Sent	"Robert Biden" hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2021-11-24 16:27	Sent	"Robert Biden" hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)
2021-11-24 16:27	Sent	"Robert Biden" hbiden@rosemontseneca.com	Alert - FYI landscapers at CBR (usually in AM)

Date/Time is displayed as UTC-03:00

According to emails that Garrett Ziegler has made publicly available, an October 14, 2021 notice triggered by a Google alert was received on November 24, 2021, long past the time, per Ziegler’s declaration, he was in possession of

this hard drive.

Again, I'm not sure how that happened technically. But if it involved either Apple servers or Google servers (or both, given that the notice was dated October 24, 2021), that would get you venue in California.

Hunter Biden may not have been in possession of Apple's and Google's servers in 2021, but accessing them using passwords stored on the hard drive – at least one password that Ziegler admits to using – would also constitute hacking.

Update, to answer a question below: The text of the email shows that the notice was October 14, but the email was received on November 24, 2021.

Subject: **Alert – FYI landscapers at CBR (usually in AM)**

From: "Robert Biden" rhbdc@icloud.com
To: "Robert Biden" hbiden@rosemontseneca.com
Date: 2021-11-24 16:27

October 14, 2021, FYI landscapers at CBR (usually in AM)
conversation-id 120902 date-received 1637782072 flags 8623685825