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6 *Pro se*

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **THE WESTERN DISTRICT OF MISSOURI**

10 PLANET AID INC., and LISBETH) Case No.: 17-cv-03695-MMC
11 THOMSEN)
12 Plaintiffs,)
13 vs.)
14 REVEAL, CENTER FOR INVESTIGATIVE)
15 REPORTING, MATT SMITH, and AMY)
16 WALTERS)
17 Defendants)

18 **NONPARTY KRISTINE K. ALONGE'S MOTION TO QUASH AND/OR**
19 **MODIFY SUPOENA DUCES TECUM AND/OR TRANSFER THE MOTION TO THE**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 **Introduction**

22 1. I, Kristine K. Alonge, a nonparty in Case No. 17-cv-
23 03695-MMC, respectfully move to quash, limit, or transfer the
24 Subpoena Duces Tecum (attached as "EXHIBIT A", and referred to
25 as "Subpoena") served upon me by Plaintiffs Planet Aid Inc., and
26 Lisbeth Thomsen ("Plaintiffs"). The Subpoena imposes an undue
27 burden on me for various reasons and commands that I, an un-
28 retained expert, hand over all information relating to my
research.

Jurisdiction

1 2. The Subpoena was issued in the US District Court,
2 Northern District of California where the case is currently
3 pending. The place of compliance is in Kansas City, Missouri.
4 The Western District of Missouri has jurisdiction over this
5 action. FRCP 45(c)(2)(A)

6 **Background**

7 3. The case is a civil lawsuit. Plaintiffs have made
8 claims of defamation, journalistic negligence, "conspiracy", and
9 other actions due to a series of news articles and podcasts
10 published by the Defendants: a respected news organization
11 Center for Investigative Reporting ("Reveal") and two reporters,
12 Matt Smith ("Smith") and Amy Walters ("Walters").

13 4. Planet Aid Inc. is a 501c3 tax-exempt charity founded
14 in 1997 by members of a Danish organization - an ideological
15 collective based on Marxist and Maoist principals - commonly
16 known as Tvind whose members are called the Teachers Group.
17 Throughout Europe the terms "Tvind", "Teachers Group", and "TG"
18 are synonymous. The TG runs a world wide, very complex
19 conglomerate of alternative schools, businesses, financial
20 institutions, and nominal "humanitarian" organizations
21 (charities).

22 5. Five top TG leaders are currently wanted by Danish
23 authorities on charges of fraud and serious economic crimes.
24 They are on Interpol's list of most wanted. Three other TG
25 members are facing similar charges in Brazil.

26 6. Of the several TG operations here in the USA, Planet
27 Aid Inc., which is registered as a tax-exempt charity, is the
28 largest money earner. Its funds are raised primarily through the

1 collection and resale of used clothing. Planet Aid Inc. sends
2 the vast majority of its earnings to its affiliates abroad,
3 primarily in Africa. Two of those affiliates, ADPP Mozambique
4 and DAPP Malawi, benefited from USDA grants awarded to Planet
5 Aid Inc. These affiliates and Planet Aid are members of a much
6 larger umbrella group called the Federation for Associations
7 connected to the Humana People to People Movement
8 ("Federation"). By contract, all members pay the Federation a
9 large percentage of their charitable funds. Planet Aid Inc. has
10 paid this Federation millions of dollars in membership fees. The
11 Federation is registered in Switzerland but has its physical
12 headquarters in Zimbabwe.

13 7. In the last 14 years, Planet Aid has obtained
14 significant monies through several USDA grants, totaling over
15 \$133M in taxpayer funds. These grants, and the alleged misuse of
16 those funds, were the focus of an 18-month long investigation
17 done by Reveal. The published articles, which detailed the
18 findings of Smith, Walters and others, are at the center of the
19 current lawsuit.

20 8. A person subject to a subpoena is given certain
21 protections.

22
23 **Motion to Quash or Modify the Subpoena Duces Tecum**
24

25 9. The court must Quash a subpoena if it imposes undue
26 burden on the subject FRCP 45(d)(3)(A)(iv)
27
28

1 **Arguments For Undue Burden**

2 **a. The location chosen to produce the requested documents**
3 **was a deliberate inconvenience.**

4 10. The party or attorney that serves the subpoena is to
5 take reasonable steps to avoid undue burden or expense on a
6 person subject to the subpoena. FRCP 45(d)(1). Yet, the location
7 chosen to produce the requested documents is in Missouri, not
8 the logical Kansas, which imposes burden and expense that could
9 have easily been avoided.

10 11. Plaintiffs' attorney, Cory Manning, is well aware that
11 I reside in Kansas. Yet, knowing this fact, Mr. Manning chose
12 the location of a law firm in Kansas City, Missouri. This forced
13 the jurisdiction of the court to be Western Missouri. Mr.
14 Manning knew, or is negligent in not knowing, that the law firm
15 chosen to receive the requested documents, Berkowitz Oliver LLP,
16 has a branch office in Prairie Village, Kansas. This office is
17 the same distance from my home as the Kansas City office and is
18 located in a more convenient area.

19 12. Mr. Manning could have easily chosen the Berkowitz
20 Oliver Kansas office, thereby bringing the jurisdiction to the
21 District of Kansas, and lessening the burden on me. Since I am
22 a Kansas resident and employed in Topeka, a Kansas location
23 would be the most logical choice. Instead I was forced to take
24 time off from my work at a Topeka hospital in order to travel in
25 the opposite direction to Kansas City, Missouri. The District of
26 Kansas courthouse is just a few blocks from where I am employed,
27 and would not have posed a problem. It is clear that Mr.
28 Manning's choice of locations did not take the "reasonable

1 steps" to avoid undue burden, but instead inflicted as much
2 undue burden and expense upon me as possible while still meeting
3 the "100 mile" rule.

4
5 **b. The subpoena request is broad, vague, seeks information**
6 **not relevant to the case, and commands information that is**
7 **available through other means.**

8
9 13. In December 2016 I received a certified letter from
10 Samuel Rosenthal stating that I was "required to preserve all
11 documents responsive to the litigation, including but not
12 limited to all documents or communications of any type
13 concerning or relating to any of the following:" (attached as
14 Exhibit B) The litigation Mr. Rosenthal referred to was the
15 original lawsuit filed by the Plaintiffs in Maryland in August
16 2016. This lawsuit was transferred in June 2017 and is now
17 pending in California.

18 14. The list on the December 2016 letter was so broad and
19 vague that it encompassed all information that I had ever
20 gathered on the Tvind organization. Though important to my
21 research, very little of it could be considered relevant to that
22 lawsuit. Relevant information was then, and still is, available
23 through other means. Plaintiff Planet Aid is the source of most
24 of the relevant information. Their attorneys should not be
25 demanding it from me. Additional information can be easily
26 accessed from various government databases, such as state
27 charity registries, or state corporation databanks. Still other
28

1 information can be requested from various government agencies
2 through FOIA requests.

3 15. On January 24, 2017 I sent an email (attached as
4 "Exhibit C") to Mr. Rosenthal stating my consistent position
5 that information "relevant to that lawsuit" could be obtained
6 through his client or through simple online searches. I would
7 only add that some information, such as the emails from the
8 USDA's discussion of Planet Aid, is easily available through
9 FOIA requests.

10 16. The Subpoena I received on July 13, 2018, contains a
11 shorter list from the December 2016 letter, but remains broad in
12 scope and still commands that I submit all of the information
13 that I have ever collected on the Tvind (TG) organization. This
14 would entail copying 10 years worth of research, most of which
15 has no relation to this case. The cost in both time and
16 materials would be a clear undue burden especially since the
17 relevant information is available through other means.

18 17. For example, a few years ago I submitted FOIA requests
19 for quarterly "LOGISTIC AND MONITIZATION" reports on two USDA
20 grants awarded to Planet Aid for ADPP Mozambique. I had to pay
21 for that information. Those reports were submitted to the USDA
22 by Planet Aid. Now I am being commanded, via this subpoena, to
23 hand over "All documents involving, concerning, or related to
24 any of the following individuals, entities, and/or subjects: c.
25 Planet Aid Inc,...i. ADPP Mozambique,...k. USDA Food for Progress
26 Program" Are those "LOGISTIC AND MONITIZATION" reports relevant?
27 Yes, because they pertain to the USDA grants. Is the information
28 available through other means? Absolutely, because those reports

1 originated with Planet Aid, were submitted to the USDA, and were
2 obtained by me through a FOIA request.

3 18. Forcing me to hand information over, simply because I
4 happen to have it, is the very epitome of "undue burden" and is
5 exactly what Rule 45 seeks to avoid!

6
7 **PROTECTION OF AN UNRETAINED EXPERT**

8 19. To protect a person subject to a subpoena, the court
9 may quash or modify the subpoena if it requires disclosing an
10 un-retained expert's opinion or information that does not
11 describe specific occurrences in dispute and results from the
12 expert's study that was not requested by a party. FRCP
13 45(d) (3) (B) (ii)

14 20. As stated previously, I have researched the Tvind (TG)
15 organization for over 10 years. I am one of only a few experts
16 on Tvind in the United States.

17 21. Sometime in late 2014 I was contacted by reporter Matt
18 Smith ("Smith") because of my expertise on the TG. Having
19 researched the TG since 2008 I now have an extensive knowledge
20 of the organization and its members as well as numerous
21 documents and information on its entities.

22 22. Smith was interested in my research, particularly with
23 my dealings with the USDA. In June 2015 I was interviewed at an
24 NPR studio in Lawrence, Kansas by Smith and Amy Walters. Only a
25 few minutes of that interview were broadcast in May 2016.

26 23. At no time did I receive, nor was I offered, payment
27 by Smith, Walters, or anyone affiliated with Reveal for my
28

1 insight or information. I am not now, nor ever have been,
2 retained for my expertise.

3 24. I have been sought out for my expertise on the TG by
4 journalists, elected officials, government agencies, and even
5 victims.

6 25. In August 2016 Congresswoman McCollum (MN) requested
7 that the USDA funding to Planet Aid be investigated. In December
8 2016 I am considered a valuable source in this investigation.

9 26. The court must weigh the needs of Plaintiff as well as
10 the rights of the subject of the subpoena. But the Plaintiff has
11 not shown a substantial need for the information that cannot be
12 otherwise met without undue hardship. FRCP 45(d)(3)(c)(i)

13
14 **Letter of Objection has been sent**

15 27. On July 18, 2018 I wrote a Letter of Objection
16 (attached as "Exhibit D") to Mr. Manning, the attorney of record
17 on the subpoena. It was sent via e-mail and certified mail, and
18 was sent before the due date of compliance, July 25th, 2018.

19 28. I flat out reject any offer made by Mr. Manning or Mr.
20 Rosenthal to narrow the request of the subpoena because I
21 considered those offers to be disingenuous. I have read the
22 First Amended Complaint (attached as a Chambers Copy) and am
23 appalled by the accusations made about me. I am accused of being
24 part of a scheme, a "conspiracy", that my actions are
25 "unlawful", and that I have no expertise helpful to the Articles
26 simply because I had never worked for any TG entity. By this
27 ridiculous logic, a person could only be an eye surgeon if they
28 were blind! Any offer to narrow the subpoena is simply a ploy to

1 give the impression of compromise and a false willingness to
2 lessen any burden imposed upon me. I will not be taken advantage
3 of.

4 29. I am not a party nor a party's officer in this case.
5 The court must protect me from significant expense resulting
6 from compliance. FRCP 45(d)(2)(B)(ii) Copying my information
7 would be a great expense of both time and money. I am not
8 willing to disclosed the volume, nature, source, or methods of
9 any of my research as I believe this is my private business,
10 would violate my rights to privacy, and would compromise my
11 research.

12 30. I respectfully request the court to quash the subpoena
13 in its entirety, or to consider modifying the subpoena to
14 command only documents that are relevant to the case that cannot
15 be obtained through other means, and that Plaintiffs' attorneys
16 explain precisely what the information is and why it is needed.
17 I must insist that the names of any confidential sources or
18 contacts be protected, therefore I refuse to submit any emails
19 or communications to or from persons that I have discussed the
20 TG with. I have the right to privacy and the right to freedom of
21 assembly.

22
23 **Transferring the Motion to Quash to the Northern District**
24 **of California.**


25
26 If the court feels that the needs of this case would be
27 better served by the court where the case is pending, I hereby
28

1 consent to a transfer of the motion to the Northern District of
2 California with the following stipulation:

3 The Motion cannot be transferred until I have been granted
4 permission to file electronically in California. FRCP 45(f)

5 I have sent the request to the Northern District of
6 California so that I may file *Pro se* and use the ECF system. The
7 request has arrived and appeared on PACER on 7/24/2018. The
8 order granting permission has still not been posted. I do not
9 anticipate a problem. Please wait a few days to issue the
10 transfer so that it won't be rejected.

11 Dated this 25TH day of July, 2018

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