

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSEPH KIRCHNER,

Plaintiff,

v.

MIKE JOHNSON, in his individual and official capacity as Speaker of the United States House of Representatives;
DONALD J. TRUMP, in his individual capacity as former and current President of the United States;
PAMELA J. BONDI, in her individual and official capacity as Attorney General of the United States;
BRENDAN T. CARR, in his individual and official capacity as Chairman of the Federal Communications Commission;
THE UNITED STATES HOUSE OF REPRESENTATIVES;
ANTHROPIC PBC;
OPENAI, INC.;
APPLE INC.;
COMCAST CABLE COMMUNICATIONS, LLC;
METR (MODEL EVALUATION & THREAT RESEARCH);
and DOES 1-20, unknown co-conspirators,
Defendants.

Case No. 1:25-cv-02735-ACR

**DISCOVERY-12: THE TED
FOUNDATION, INC. (THIRD-
PARTY CUSTODIAN)**

INTRODUCTION

The TED Foundation, Inc. is served as a third-party custodian under Federal Rule of Civil Procedure 45. Plaintiff is not asserting any claim against The TED Foundation. The records sought are in The TED Foundation's exclusive possession because they document (a) The TED Foundation's funding of Defendant METR (Model Evaluation & Threat Research, Inc.) and METR's predecessor entity ARC Evals, and (b) the donor-tier and donor-schedule architecture supporting the appearance-of-separation pleaded between The TED Foundation and METR.

Pleading reference: TAC ¶ 17 (Compl. ¶ 17) (METR as the regulatory-capture evaluator); Appendix B (App. B) (METR funding architecture, TED Foundation 990-PF analysis,

Audacious Project funding mechanism, Schedule B donor-tier analysis); DISCOVERY-1 Phase B (METR-side records of the same relationship).

This subpoena is the parallel third-party subpoena to DISCOVERY-1's Phase B; DISCOVERY-1 reaches METR's institutional records of the TED-METR relationship; this DISCOVERY-12 reaches The TED Foundation's institutional records of the same relationship that are not in METR's possession, custody, or control.

RELEVANT PERIOD

Unless otherwise specified, the relevant period is **January 1, 2020 through the date of production**, capturing the formation of ARC Evals, the rebranding to METR, and every subsequent funding cycle through the present.

DEFINITIONS

- **"METR"** means Model Evaluation & Threat Research, Inc. and its predecessor ARC Evals (the Alignment Research Center's evaluation arm).
- **"Audacious Project"** means the TED-affiliated funding program described at App. B §§ relevant.
- **"Plaintiff's claims"** means any claim, cause of action, factual allegation, or theory of liability asserted in the operative Third Amended Complaint, including the regulatory-capture claims pleaded against METR as a defendant.

CATEGORY A: FORM 990-PF AND CORPORATE GOVERNANCE RECORDS

REQUEST NO. 1: Complete Form 990-PF filings of The TED Foundation, Inc. for tax years 2020 through 2025, together with all supporting schedules and working papers, including: (a) the complete Schedule B donor schedule (anonymized as filed and, separately, identified by donor name to the extent The TED Foundation maintains the identification record); (b) all grant-recipient lists; (c) all program-related-investment

records; (d) all in-kind-contribution records; (e) all board meeting minutes referenced in or supporting each filing.

Evidentiary predicate: B-1; METR-28; App. B.

CATEGORY B: METR / ARC EVALS GRANT DISBURSEMENT RECORDS

REQUEST NO. 2: All grant agreements, program-related investments, in-kind contributions, fellowships, speaker fees, honoraria, travel reimbursement, and event-production resources flowing from The TED Foundation, Inc. (or any TED-affiliated entity for which The TED Foundation maintains records) to Defendant METR, METR's predecessor ARC Evals, or any METR personnel during the relevant period — including: (a) the grant instrument or other instrument for each distribution; (b) every restriction, reporting obligation, or performance condition attached; (c) every TED Foundation–side communication concerning the public representation of separation between The TED Foundation and METR.

Evidentiary predicate: METR-30; App. B §§ relating to TED Foundation funding architecture; cross-reference DISCOVERY-1 Phase B.

CATEGORY C: AUDACIOUS PROJECT AND DONOR-TIER ARCHITECTURE

REQUEST NO. 3: All records concerning the Audacious Project funding mechanism and the TED Conference Schedule B donor-tier architecture during the relevant period, including: (a) the complete donor-tier definitions and access rights conferred at each tier (including access to AI model-

provider executives, regulators, and METR-related fellows); (b) the complete list of Audacious Project beneficiaries during the relevant period; (c) all internal communications acknowledging the relationship between donor-tier access and METR's evaluation methodology; and (d) any internal records concerning whether the donor-funding-to-evaluation-recipient architecture would, if publicly known in full, undermine The TED Foundation's representation of independence from the AI industry it indirectly funds through METR.

Evidentiary predicate: METR-28; App. B §§ donor-tier analysis.

PRESERVATION NOTICE

This subpoena serves as express notice under Federal Rule of Civil Procedure 37(e) that The TED Foundation, Inc. is on notice of the preservation obligation. Routine destruction of any category of record identified in this subpoena is expressly prohibited pending completion of production, including:

1. All Form 990-PF filings, supporting schedules, and working papers for the relevant period.
2. All grant agreements, in-kind contributions, and METR-personnel-related disbursement records for the relevant period.
3. All Audacious Project records and Schedule B donor-tier documentation for the relevant period.

FORMAT AND MECHANICS

Production format shall comply with The TED Foundation's standard litigation-response specifications. Plaintiff appears pro se and is prepared to meet and confer on scope, form, and

cost under Rule 45(d), and to negotiate an appropriate protective order for any donor-confidentiality concerns consistent with the Schedule B confidentiality framework.

Respectfully submitted,

/s/ Joseph Kirchner

Joseph Kirchner

Pro Se Plaintiff

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Dated: May 5, 2026

CERTIFICATE OF SERVICE

I hereby certify that on the date shown above, a true and correct copy of the foregoing was served on counsel of record by the Court's CM/ECF electronic filing system. Those who have not appeared will be served by United States certified mail, return receipt requested, same day or on the next business day, at the addresses on file with the Court.

/s/ Joseph Kirchner

Joseph Kirchner

Pro Se Plaintiff