

**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-13: RAND
CORPORATION (THIRD-
PARTY CUSTODIAN —
PROJECT CANARY
GOVERNANCE)**

INTRODUCTION

RAND Corporation is served as a third-party custodian under Federal Rule of Civil Procedure 45. Plaintiff is not asserting any claim against RAND. The records sought are in RAND's exclusive possession because they document RAND's role in Project Canary AI Evaluation governance — a co-sponsorship architecture that operates alongside Defendant METR's evaluation framework.

Pleading reference: TAC ¶ 17 (Compl. ¶ 17); Appendix B (App. B) (Project Canary co-sponsorship by RAND; Jason Matheny role as RAND CEO and former Anthropic trustee); DISCOVERY-1 Phase F (METR-side records of the same RAND-METR coordination).

This subpoena is narrowly limited to **Project Canary governance**. It expressly **does not** demand RAND's federally-funded research and development center (FFRDC) contracts supporting the intelligence community, classified intelligence-coordination records, or any classified material; those categories are excluded from this subpoena's scope as not reachable through ordinary civil process.

RELEVANT PERIOD

Unless otherwise specified, the relevant period is **January 1, 2023 through the date of production**, capturing the founding period of Project Canary through the present.

DEFINITIONS

- **"Project Canary"** means the Project Canary AI Evaluation governance, funding, and operations program described at App. B.
- **"METR"** means Model Evaluation & Threat Research, Inc. and its predecessor ARC Evals.
- **"Classified material exclusion"** means: nothing in this subpoena demands or extends to records subject to Atomic Energy Act, Executive Order 13526, Special Access Program, FFRDC-classified, or analogous classification protections; nothing in this subpoena requires RAND to produce records of intelligence-community contracts; nothing in this subpoena requires RAND to identify the existence or non-existence of any specific classified relationship.

CATEGORY A: PROJECT CANARY GOVERNANCE AND FUNDING

REQUEST NO. 1: Complete records, subject to the Classified Material Exclusion supra, of RAND Corporation's role in Project Canary AI Evaluation governance during the relevant period, including: (a) the founding and governance documents (charter, bylaws, governance structure, advisory board composition); (b) the funding architecture (RAND's contribution; co-sponsor contributions from METR or other entities; any government, foundation, or industry funding source identified in

non-classified Project Canary records); (c) the personnel arrangements (joint fellowships, advisory roles, secondments) between RAND and METR personnel during the relevant period.

Evidentiary predicate: B-12; App. B.

CATEGORY B: RAND-METR COORDINATION RECORDS

REQUEST NO. 2: All non-classified communications between RAND Corporation personnel and Defendant METR personnel during the relevant period concerning: (a) coordination of AI-evaluation approaches; (b) sharing of evaluation methodology or non-classified findings; (c) personnel arrangements; (d) strategic coordination of AI-safety evaluation activities; (e) Project Canary scope, methodology, and reporting (excluding any classified briefing).

CATEGORY C: PROJECT CANARY METHODOLOGY AND OUTPUT (NON-CLASSIFIED)

REQUEST NO. 3: Complete non-classified records of Project Canary's evaluation methodology and output during the relevant period, including: (a) every published or distributable evaluation report and the underlying methodology; (b) every non-classified briefing distributed to non-intelligence-community decisionmakers; (c) any record acknowledging gaps, limitations, or non-findings in Project Canary's evaluations; (d) any non-classified analysis of Plaintiff's Laws of Existence framework or Plaintiff's claims to the extent surfaced in Project Canary's research.

PRESERVATION NOTICE

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

1. All non-classified Project Canary governance, funding, and personnel records for the relevant period.
2. All non-classified RAND-METR communications concerning AI-evaluation coordination for the relevant period.
3. All non-classified Project Canary methodology and output records for the relevant period.

This preservation obligation does not extend, and is not to be construed to extend, to records covered by the Classified Material Exclusion.

FORMAT AND MECHANICS

Production format shall comply with RAND'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).

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