

**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-1: DEFENDANT
METR (MODEL
EVALUATION & THREAT
RESEARCH, INC.)**

INTRODUCTION

This document replaces in its entirety the January 2026 draft of DISCOVERY-1. The rebuild is driven by two material changes to the evidentiary record and by a structural reorganization:

1. B-series exhibit expansion. 17 ECF-filed B-series exhibits plus 28 USB METR-series exhibits now document METR's funding structure (TED Foundation Form 990-PF filings), Paul Christiano's four concurrent roles (Anthropic Long-Term Benefit Trust trustee, METR co-founder, NIST AI Safety Institute, UK AI Safety Institute), Beth Barnes's career path (DeepMind

→ OpenAI → ARC Evals → METR CEO), METR's evaluation methodology, and the Anthropic Responsible Scaling Policy ("RSP") chain of adoption.

2. Structural reorganization. The pre-leak DISCOVERY-1 consisted of 25 requests with minimal evidentiary predicate. The pre-leak DISCOVERY-4 contained CHRISTIANO-1..6, BARNES-1..4, and RAND-1..4 — all of which address METR-adjacent custodians (Christiano as METR co-founder; Barnes as METR CEO; RAND as Canary Project governing body). These requests are consolidated here, aligned to the B-series exhibit record. DISCOVERY-4 retains only government-side Christiano/NIST requests directed at government agencies as custodians.

The rebuild is organized by **custodial architecture**: each Phase corresponds to one custodian (METR corporate, TED Foundation, Christiano individually, Barnes individually, RAND Corporation, or a relational custodian pair).

DEFINITIONS AND CONVENTIONS

For purposes of this discovery document, the following terms have the meanings given:

- **"METR"** means Model Evaluation & Threat Research, Inc., including every predecessor entity (including ARC Evals, the Alignment Research Center's evaluation arm), every subsidiary, and every affiliate during the relevant period.
- **"TED Foundation"** means The TED Foundation, Inc. (a New York nonprofit), its operating entities, and any affiliated TED conference or event-production arm that has provided funding, facility access, or in-kind contribution to METR or to its principals.
- **"RSP"** means Anthropic PBC's Responsible Scaling Policy, in every version deployed from version 1.0 (September 19, 2023) through the current version.
- **"Frontier AI Safety Commitments"** means the White House Voluntary Frontier AI Safety Commitments of July 2023.
- **"Plaintiff's claim(s)"** means any claim, cause of action, factual allegation, or theory of liability asserted by Plaintiff in this case, including claims challenging the RSP and METR's evaluation architecture as a coordinated industry regulatory-capture mechanism.

- **"Relevant period"** means January 1, 2021 (preceding ARC Evals' origin) through the date of production, unless otherwise specified.

Production format: Native-format files wherever feasible (tax filings, board minutes, evaluation reports, communications). Redaction for unrelated third-party data is permitted pursuant to a mutually negotiated protective order.

PHASE A: METR CORPORATE STRUCTURE AND FORMATION (21 DAYS)

Counts developed by this Phase: Compl., Count V (42 U.S.C. § 1985 Conspiracy), Compl., Count VI (RICO, 18 U.S.C. § 1962), Compl., Count X (Consumer Protection / Deceptive Trade Practices).

CATEGORY AA: CORPORATE HISTORY AND REBRANDING

REQUEST NO. 1: All documents regarding METR's formation history, including:

- (a) The formation of ARC Evals as the evaluation arm of the Alignment Research Center
- (b) The 2023 rebranding from ARC Evals to METR (METR-5)
- (c) The incorporation documents, articles of organization, and bylaws for every entity in the ARC → ARC Evals → METR chain
- (d) Every decision document regarding the rebranding rationale, strategic repositioning, or regulatory-capture-related considerations

Evidentiary predicate: METR-5.

REQUEST NO. 2: All documents identifying METR's officers, directors, advisory board members, and senior staff during the relevant period, together with the employment, consulting, advisory, and trusteeship relationships each such person has held with:

- (a) Anthropic PBC
- (b) OpenAI, Inc.
- (c) Google DeepMind

- (d) Any other AI model-provider
- (e) The US NIST AI Safety Institute
- (f) The UK AI Safety Institute
- (g) RAND Corporation
- (h) Any federal funding agency (NSF, DARPA, IARPA, Intelligence Community element)

REQUEST NO. 3: Complete Form 990 and Form 990-PF filings for METR for tax years 2022 through 2025, together with all supporting schedules, donor-advised fund distributions, and board meeting minutes referenced in each filing.

Evidentiary predicate: B-2.

CATEGORY AB: METR WEBSITE AND PUBLIC REPRESENTATIONS

REQUEST NO. 4: Complete history of METR's website content (published at `metr.org`, `metr.ai`, and any predecessor or successor domain) during the relevant period, including:

- (a) Every version of each public-facing page
- (b) All internal review, approval, and publication records for changes
- (c) Every public representation regarding METR's independence, funding sources, and evaluation methodology

Evidentiary predicate: B-9.

REQUEST NO. 5: All documents regarding METR's public representations of "independence" from evaluated companies, including:

- (a) Every internal communication analyzing whether the independence representation is accurate
- (b) Every communication with external parties (press, regulators, academic peers) regarding independence

- (c) Every financial flow that, if publicly known, would contradict the independence representation

Evidentiary predicate: METR-30.

PHASE B: TED FOUNDATION FUNDING AND RELATIONSHIP — METR-SIDE RECORDS (21 DAYS)

Counts developed by this Phase: Compl., Count V (42 U.S.C. § 1985 Conspiracy), Compl., Count X (Consumer Protection / Deceptive Trade Practices).

Scope note: TED Foundation's standalone institutional records (Form 990-PF working papers, donor schedules, board meeting minutes, donor-tier and Schedule B records) are addressed by parallel Rule 45 subpoena at DISCOVERY-12 (TED Foundation). The two requests in this Phase B address METR's institutional records of its relationship with TED Foundation only.

REQUEST NO. 7: All grant agreements, program-related investments, and in-kind contributions between TED Foundation and METR (or its predecessor ARC Evals) during the relevant period, together with all internal records of fees, honoraria, travel reimbursement, or event-production resources flowing from TED Foundation to METR personnel during the relevant period — including:

- (a) The grant instrument for each distribution
- (b) Every restriction, reporting obligation, or performance condition
- (c) Every in-kind contribution valued at \$10,000 or more
- (d) The relationship between TED Foundation grants and METR's ability to characterize itself as independent
- (e) The user-facing speaker fees, honoraria, travel reimbursement, or event-production resources flow

REQUEST NO. 9: All internal communications between TED Foundation and METR personnel regarding the public representation of separation between the two entities, including any communications acknowledging that operational, financial, or personnel ties would undermine the representation if publicly known.

Evidentiary predicate: METR-30.

PHASE C: PAUL CHRISTIANO — MULTIPLE ROLE CONFLICTS (30 DAYS)

Note: Paul Christiano is served individually as a third-party custodian; METR is requested to produce communications in its possession.

Counts developed by this Phase: Compl., Count V (42 U.S.C. § 1985 Conspiracy), Compl., Count VI (RICO, 18 U.S.C. § 1962).

CATEGORY CA: FOUR CONCURRENT ROLES

REQUEST NO. 11: All documents sufficient to establish Paul Christiano's employment, advisory, trusteeship, and consulting relationships during the relevant period, including:

- (a) Anthropic Long-Term Benefit Trust trustee role
- (b) METR co-founder and any advisory role
- (c) US NIST AI Safety Institute role and appointment documentation
- (d) UK AI Safety Institute advisory role
- (e) Any additional role with a US or foreign AI-safety body

Evidentiary predicate: B-8; B-11.

REQUEST NO. 12: All communications in Christiano's Anthropic Long-Term Benefit Trust capacity regarding:

- (a) Framework development (RSP or analog)
- (b) Evaluation methodology

- (c) METR's role as acceptable evaluator of Anthropic products
- (d) Any discussion of conflicts among Christiano's four roles

Evidentiary predicate: B-10.

REQUEST NO. 13: All communications in Christiano's METR capacity regarding:

- (a) Evaluation methodology decisions
- (b) Coordination with Anthropic, OpenAI, or DeepMind
- (c) Financial or in-kind support from evaluated companies
- (d) The RSP and its adoption by other AI model-providers
- (e) Government adoption of RSP-influenced approaches

Scope note: Christiano's NIST AI Safety Institute role is properly addressed as a federal-agency custodian matter at DISCOVERY-4 (Government Defendants), Phase E. Christiano's UK AI Safety Institute role is not addressed by this Phase, as UK government records are subject to UK Crown sovereign immunity and the Hague Evidence Convention; this Phase reaches only Christiano's records in METR's institutional possession.

CATEGORY CB: CONFLICT MANAGEMENT AND DISCLOSURE

REQUEST NO. 16: All personal communications by Christiano discussing:

- (a) Conflicts among his four roles
- (b) Strategies for managing the appearance of independence
- (c) Ethical concerns regarding multiple simultaneous roles in industry, nonprofit evaluation, US government, and foreign government
- (d) Legal risk of coordinated activity across roles
- (e) Any decision to recuse from specific decisions at any of the four roles

REQUEST NO. 17: All documents regarding any recusal, screen, or firewall procedures established to manage conflicts arising from Christiano's multiple roles, including any documents acknowledging that no effective procedures exist or that procedures exist in name only.

PHASE D: BETH BARNES — ROLE TRANSITIONS (21 DAYS)

Note: Beth Barnes is served individually as a third-party custodian; METR is requested to produce communications in its possession.

Counts developed by this Phase: Compl., Count V (42 U.S.C. § 1985 Conspiracy), Compl., Count X (Consumer Protection / Deceptive Trade Practices).

CATEGORY DA: CAREER PATH AND TRANSITIONS

Scope note: Reqs 18 and 19 reach Barnes's records held in METR's institutional possession (including any HR records of Barnes's prior employment obtained during her hiring) and Barnes's personal records. They do not reach DeepMind's or OpenAI's company-side employment files; those records, if needed, are addressed through DISCOVERY-3 (OpenAI) and through DeepMind's own Rule 45 process.

REQUEST NO. 18: All documents in METR's institutional possession (including HR-onboarding records and any documents Barnes provided to METR during hiring) and all personal records of Beth Barnes sufficient to establish her employment and advisory history during the relevant period, including DeepMind, OpenAI, ARC Evals, and METR, with dates, roles, compensation, and any overlap periods.

Evidentiary predicate: METR-23.

REQUEST NO. 19: All communications in METR's institutional possession or in Barnes's personal records regarding Barnes's departure from OpenAI and motivations for joining ARC Evals (the predecessor to METR), including:

- (a) Exit discussions
- (b) Strategic considerations

(c) Communications with Anthropic during or immediately following the transition

REQUEST NO. 20: All communications regarding Barnes's involvement in RSP framework development during her ARC Evals tenure, including:

- (a) Involvement in the September 19, 2023 initial RSP
- (b) Coordination with Anthropic personnel
- (c) Technical input provided
- (d) Strategic framework decisions

Evidentiary predicate: B-4; B-14.

CATEGORY DB: METR CEO ROLE

REQUEST NO. 21: All communications by Barnes in her METR CEO capacity regarding:

- (a) Evaluation approaches and methodology
- (b) Resource allocation among potential evaluation targets
- (c) Coordination with evaluated companies (Anthropic, OpenAI, DeepMind)
- (d) Financial or in-kind support from evaluated companies
- (e) Management of Christiano's multiple-role conflicts within METR governance

REQUEST NO. 22: All communications between Barnes and Christiano during the relevant period regarding METR's independence, the appearance of independence, or any matter that implicates Christiano's concurrent NIST or UK AISI roles.

PHASE E: RSP CHAIN OF ADOPTION AND REGULATORY CAPTURE (30 DAYS)

Counts developed by this Phase: Compl., Count V (42 U.S.C. § 1985 Conspiracy), Compl., Count VI (RICO, 18 U.S.C. § 1962), Compl., Count X (Consumer Protection / Deceptive Trade Practices).

CATEGORY EA: RSP VERSION HISTORY

REQUEST NO. 23: All communications with Anthropic PBC regarding the development, publication, and revision of the RSP at each version transition, including:

- (a) Version 1.0 (September 19, 2023) — B-4
- (b) Version 2.2 (May 14, 2025) — B-5
- (c) Every intermediate version
- (d) The blog post acknowledging measurement inadequacy — B-3

REQUEST NO. 24: All documents regarding METR's review, endorsement, critique, or auditing of each RSP version, and all communications reflecting METR's role in conferring the appearance of third-party validation.

Evidentiary predicate: B-3; B-13.

CATEGORY EB: CROSS-COMPANY ADOPTION (OPENAI PREPAREDNESS FRAMEWORK)

REQUEST NO. 25: All communications between METR and OpenAI regarding:

- (a) The OpenAI Preparedness Framework (Beta, December 18, 2023) — METR-4
- (b) The OpenAI Preparedness Framework Version 2 (April 2025) — B-7
- (c) Coordination with Anthropic regarding framework harmonization
- (d) Shared evaluation methodology

REQUEST NO. 26: All documents regarding METR's role in evaluating OpenAI's Preparedness Framework, and all communications regarding any consideration that would ordinarily raise a conflict of interest given METR's Anthropic ties.

**CATEGORY EC: WHITE HOUSE VOLUNTARY COMMITMENTS AND GOVERNMENT
COORDINATION**

REQUEST NO. 27: All documents regarding METR's role in, or coordination with, the White House Voluntary Frontier AI Safety Commitments (July 2023).

Evidentiary predicate: B-6.

REQUEST NO. 28: All communications with the Executive Office of the President, White House Office of Science and Technology Policy, Federal Trade Commission, Department of Commerce, NIST, or any other federal agency regarding:

- (a) Government adoption of RSP or RSP-analog frameworks
- (b) Government recognition of METR as an acceptable evaluator
- (c) Federal procurement, funding, or partnership with METR
- (d) METR's role in the emerging federal AI-safety regulatory architecture

**PHASE F: RAND CORPORATION AND CANARY PROJECT — METR-SIDE
RECORDS (21 DAYS)**

Counts developed by this Phase: Compl., Count V (42 U.S.C. § 1985 Conspiracy), Compl., Count VI (RICO, 18 U.S.C. § 1962).

Scope note: RAND Corporation's standalone institutional records (Project Canary governance, funding, and operations) are addressed by parallel Rule 45 subpoena at DISCOVERY-13 (RAND). RAND's federally funded research and development center (FFRDC) contracts supporting the intelligence community and any classified-coordination records are not within the scope of this discovery action; they are excluded as classification-protected and not reachable through ordinary civil process. This Phase F addresses only METR's institutional records of communications with RAND.

REQUEST NO. 30: All communications between METR and RAND Corporation regarding:

- (a) Coordination of AI-evaluation approaches
- (b) Sharing of evaluation methodology or findings
- (c) Personnel arrangements, joint fellowships, or advisory relationships
- (d) Strategic coordination of AI-safety evaluation activities
- (e) Project Canary scope, methodology, and reporting

Evidentiary predicate: B-12.

PHASE G: EVALUATION METHODOLOGY AND FINDINGS (21 DAYS)

Counts developed by this Phase: Compl., Count X (Consumer Protection / Deceptive Trade Practices), Compl., Count XV (App Store Misrepresentation).

CATEGORY GA: CLAUDE EVALUATION METHODOLOGY

REQUEST NO. 33: Complete documentation of METR's evaluation of Claude 3.5 Sonnet (January 2025), including:

- (a) The evaluation protocol applied
- (b) The evaluation environment and any access-control concessions from Anthropic
- (c) The raw evaluation results
- (d) The published summary and any redactions or omissions from it
- (e) All communications with Anthropic during the evaluation

Evidentiary predicate: METR-9.

REQUEST NO. 34: Complete documentation of any METR evaluation, preview, or pre-release access to Claude Sonnet 4.5 and any later Claude model, including all communications with Anthropic regarding release-gating evaluations.

Evidentiary predicate: METR-7.

- REQUEST NO. 35:** All documents regarding gaps, limitations, or non-findings in METR evaluations, including:
- (a) Tests not performed
 - (b) Capabilities not assessed
 - (c) Energy-consumption or infrastructure-cost testing absence — METR-18
 - (d) Any internal acknowledgment that an evaluation gap was strategic rather than technical

CATEGORY GB: CONSTITUTIONAL AI AND AWARENESS-DURING-EVALUATION

- REQUEST NO. 36:** All documents regarding METR's knowledge of the "awareness during evaluation" phenomenon documented at B-16, including:
- (a) Any internal acknowledgment that models exhibit differential behavior during evaluation versus deployment
 - (b) Any methodology adjustment in response
 - (c) Any communication with Anthropic regarding the phenomenon's implications
- REQUEST NO. 37:** All documents regarding METR's position on Constitutional AI as an evaluation target, including documents referencing B-15.

CATEGORY GC: CHILD-SAFETY AND SYSTEM-CARD CLAIMS

- REQUEST NO. 38:** All communications regarding the Claude Sonnet 4.5 child-safety claims reported at METR-22 and METR's role in testing, verifying, or endorsing those claims.
- REQUEST NO. 39:** All documents acknowledging a gap between public child-safety representations and the capabilities or behaviors METR actually tested.

PHASE H: PRESERVATION AND EXPERT DISCLOSURE (IMMEDIATE / 30 DAYS)

- REQUEST NO. 40:** Complete documentation of every preservation hold, litigation hold, or legal hold issued by METR during the relevant period, including scope, custodians, effective dates, and compliance audits.
- REQUEST NO. 41:** Identify every person employed by or contracting with METR (and with TED Foundation for in-kind personnel) who has personal knowledge of the authorship, authorization, deployment, or operation of any matter identified in Phases A through G.
- REQUEST NO. 42:** Identify every expert witness METR intends to offer on any subject addressed in Phases A through G, together with qualifications, prior testimony, and preliminary opinions.

PRESERVATION NOTICE

This request serves as express notice under Federal Rule of Civil Procedure 37(e) that Defendant METR is on notice of the following categories of electronically stored information (ESI) subject to preservation obligation. Routine destruction is expressly prohibited:

1. All METR corporate records from its ARC Evals formation forward.
2. All communications between METR and TED Foundation, Anthropic PBC, OpenAI, Inc., Google DeepMind, and RAND Corporation.
3. All communications by, to, or involving Paul Christiano in any of his four roles.
4. All communications by, to, or involving Beth Barnes during her tenure at DeepMind, OpenAI, ARC Evals, and METR.
5. All evaluation raw data, protocols, results, and internal review records for every Claude, GPT, and Gemini model evaluated during the relevant period.

6. All Form 990 and Form 990-PF filings and supporting working papers.
7. All records of any communication with a federal agency, foreign AI-safety body, or classified coordination partner regarding AI evaluation.

Respectfully submitted,

/s/ Joseph Kirchner
Joseph Kirchner
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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