

 **KATZ, MARSHALL & BANKS, LLP**

Debra S. Katz, Partner
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By Electronic Mail
September 26, 2018

Mike Davis, Esquire
Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Mr. Davis:

Attached please find additional materials responsive to the requests for documents contained in Senator Grassley's letter dated September 23, 2018. We reserve the right to provide supplemental documents as necessary.

We will not produce copies of Dr. Christine Blasey Ford's medical records. These records contain private, highly sensitive information that is not necessary for the Committee to assess the credibility of her testimony. Our client has already been forced to compromise her privacy and safety in order to provide the Committee with important information about the nominee's past conduct, and she will be available to answer any questions the Committee may have when she testifies tomorrow. Any request that she expose her private medical records for public inspection represents an unacceptable invasion of privacy to which no reasonable person would consent. Under no circumstances will we grant any such request.

Sincerely,



Debra S. Katz



Lisa J. Banks

Attorneys for Dr. Christine Blasey Ford

Encl.

cc: Heather Sawyer, Esquire

POLYGRAPH EXAMINATION REPORT

Date of Report
08/10/2018

Date of Examination
08/07/2018

Location of Examination

Hilton Hotel, 1739 West Nursery Road, Linthicum Heights, MD 21090

Examinee's Name

Christine Blasey

Synopsis

On August 7, 2018, Christine Blasey reported to the Hilton Hotel, 1739 West Nursery Road, Linthicum Heights, MD 21090, for the purpose of undergoing a polygraph examination. The examination was to address whether Blasey was physically assaulted by Brett Kavanaugh while attending a small party in Montgomery County, MD. This assault occurred in the 1980's when Blasey was a high school student at the Holton-Arms School. Accompanying Blasey was Attorney Lisa Banks of the firm Katz, Marshall & Banks. After introductions were made, this examiner left the room so Blasey and Attorney Banks could discuss this matter. During this discussion, Blasey provided a written statement to Banks detailing the events that occurred on the evening of the assault. The statement was provided to this examiner when he returned. Blasey stated that the statement was true and correct and signed it in the presence of this examiner and Banks attesting to its accuracy. A copy of this statement is attached to this report. After a brief discussion, Banks departed.

Blasey was then interviewed in an effort to formulate the relevant questions. During this interview, Blasey described the events that occurred on the night of the assault. She stated she attended a small party at a house where the parents were not home. Those attending the party were drinking beer. Blasey stated that Kavanaugh and his friend, Mark, became extremely intoxicated. Blasey stated that she had met Kavanaugh before at previous parties and she briefly dated one of his friends. She stated that Kavanaugh attended Georgetown Preparatory School and she previously attended parties hosted by students of this school. Blasey remembers another male at this party, PJ, who she described as a very nice person. At some point in the evening, Blasey went upstairs to use the restroom. When she got upstairs, she was pushed into a bedroom by

either Kavanaugh or his friend, Mark. The bedroom was located across from the bathroom. She was pushed onto a bed and Kavanaugh got on top of her and attempted to take her clothes off. She stated she expected Kavanaugh was going to rape her. Blasey tried to yell for help and Kavanaugh put his hand over her mouth. Blasey thought if PJ heard her yelling he may come and help her. Blasey stated that when Kavanaugh put his hand over her mouth that this act was the most terrifying for her. She also stated that this act caused the most consequences for her later in life. Blasey stated that Kavanaugh and Mark were laughing a lot during this assault and seemed to be having a good time. Kavanaugh was having a hard time trying to remove Blasey's clothes because she was wearing a bathing suit underneath them. She stated Mark was laughing and coaxing Kavanaugh on. Blasey recalls making eye contact with Mark and thinking he may help her. Mark continued to encourage Kavanaugh. On a couple of occasions, Mark would come over and jump on the bed. The last time he did this, all three became separated and Blasey was able to get free and run to the bathroom. She stated she locked herself in the bathroom until she heard Kavanaugh and Mark go downstairs.

Following this interview, Blasey was given a polygraph examination consisting of the following relevant questions:

Series I

- A. Is any part of your statement false? Answer: No
- B. Did you make up any part of your statement? Answer: No

Four polygraph charts (which included an acquaintance or "stim" chart) were collected using a Dell Inspiron 15 notebook computer and Lafayette LX4000 software. This software obtained tracings representing thoracic and abdominal respiration, galvanic skin response, and cardiac activity. All of these physiological tracings were stored in the computer along with the time that the questions were asked as well as text of each question.

The format of the test was the two question Federal You Phase Zone Comparison Test (ZCT). As part of a 2011 meta-analysis study done by the American Polygraph Association (APA), the ZCT is one of the polygraph examinations considered valid based upon defined research protocol. As part of the validation process, the APA chose techniques that were reported in the Meta 22 Analytic Survey of Validated Techniques (2011) as having two, independent studies that describe the criterion validity and reliability. The ZCT includes relevant questions addressing the issues to be resolved by the examination, comparison questions to be used in analysis, symptomatic questions, and neutral or irrelevant questions. All questions were reviewed with Blasey prior to the test. The charts collected were subjected to a numerical evaluation that scored the relative strength of physiological reactions to relevant questions with those of the comparison questions. An analysis was conducted using a three (3) point scale (-1, 0, +1). If reactions were deemed to be greater at the relevant questions, then a negative score was assigned. If responses were deemed to be greater at the comparison questions, then a positive score was assigned. A decision of deceptive is rendered if any individual question score is -3 or less or the grand total of both questions is -4 or less. A decision of non-deceptive is rendered if the grand total of both questions is +4 or more with a +1 or more at each question.

Examinee's Name: Blasey, Christine
Date: 08/10/2018

Blasey's scores utilizing the three (3) point scale are +4 at Question A and +5 at Question B with a total score of +9. Based upon this analysis, it is the professional opinion of this examiner that Blasey's responses to the above relevant questions are **Not Indicative of Deception**.

A second analysis was conducted utilizing a scoring algorithm developed by Raymond Nelson, Mark Handler and Donald Krapohl (Objective Scoring System Version 3) which concluded "**No Significant Reactions- Probability these results were produced by a deceptive person is .002.**" Truthful results, reported as "No Significant Reactions," occur when the observed p-value indicates a statistically significant difference between the observed numerical score and that expected from deceptive test subjects, using normative data obtained through bootstrap training with the confirmed single issue examinations from the development sample. **Truthful results can only occur when the probability of deception is less than .050.**

Deceptive results, in which an observed p-value indicates a statistically significant difference between the observed numerical score and that expected from truthful persons, and are reported as "Significant Reactions."

When the observed p-value fails to meet decision alpha thresholds for truthful or deceptive classification the test result will be reported as "Inconclusive." No opinion can be rendered regarding those results.

A third analysis was conducted utilizing a scoring algorithm developed by the Johns Hopkins University Applied Physics Laboratory (PolyScore Version 7.0) which concluded "**No Deception Indicated—Probability of Deception is Less Than .02.**"

One ^{Summer} ~~While~~ in high school in ~~early~~ 80's,
I went to a small party in the
Montgomery County area. There were
4 ~~people~~ boys and a couple of girls.
At one point, I went up a small
stairwell to use the restroom. At
that time, I was pushed by ~~two~~
~~persons~~ into a bedroom and was
locked in the room and pushed onto a
bed. ^{The boys were in the room.} Brad ~~lay~~ laid on top of me
and tried to remove my clothes
while groping me. He held me
down and ~~set~~ put his hand on
my mouth ~~so~~ to stop me
from ~~is~~ screaming for help. His
friend Mark was ^{also} in the room
and both were laughing. Mark
jumped on top of us 2 or 3
times. I tried to get out from
under unsuccessfully. Then Mark
jumped ~~again~~ and he toppled
over. I managed to run out of
the room across to the bathroom
and lock the door. Once ~~that~~
I heard them go downstairs,
I ran out of the ~~building~~ and
went home.

Christy Blazy August 7, 2018