

Declaration of Brandon B. Porter

1. My name is Brandon B. Porter. I am a resident of the State of Iowa. I am 48 years old.
2. I am trained and educated as a physician and scientist. In 2006, I earned an M.D. and a Ph.D.
3. I trained in Internal Medicine in the state of Iowa until 2009 and then started practice as a hospitalist physician in Albany, NY.
4. From 2001 until 2018, I participated in Executive Success Programs (ESP) and NXIVM education programs.
5. I met with a criminal defense attorney in January of 2018. My attorney contacted the investigating federal prosecutors in the Eastern District of New York, and he was told that I was not a target of their criminal investigation regarding Keith Raniere.
6. My attorney told the prosecutors to contact him if anything were to come up.
7. However, on April 17, 2019, FBI agents came to my home in Waterford, NY, to personally serve a criminal subpoena in the matter of USA vs. Keith Raniere on me. They did this despite knowing that I was represented by counsel. The FBI agents misrepresented the contents of the subpoena and tried to interview me without my counsel being present.
8. My children were scared that I was going to be arrested.
9. The government's subpoena demanded medical records from 2007 for a patient who lived in New York. I wasn't practicing medicine in New York in 2007. Since this is information that is public or readily available, the prosecutors either knew or should have known this.

10. The subpoena demanded for records related to Camila, the person who the government claimed was the victim of child pornography at the hands of Keith Raniere.
11. While experts later proved the evidence supporting the child pornography claims were false and due to FBI corruption of the photograph files, at the time, I took the government subpoena to threaten to irrevocably connect me with a potential victim of child pornography if I decided to testify for Keith Raniere.
12. My counsel tried to contact the lead prosecutor, Assistant US Attorney Moira Kim Penza, to ask about the subpoena. He never received a response.
13. Since Mr. Raniere's trial was set for May 7, 2019, less than three weeks away. I interpreted this hand-delivered subpoena by FBI agents as an intimidation tactic to get me to not be involved in the trial.
14. I made this conclusion for the following reasons: a) despite being represented by counsel, the prosecutors had armed FBI agents personally serve a subpoena, b) the subpoena was for information that the prosecutors knew, or should have known, that I was unlikely to have, c) the prosecutors never replied to my lawyer's inquiry into the subpoena, and d) the subpoena was delivered just three weeks before the trial.
15. During Keith Raniere's trial, I heard a story about a friend and former DOS participant, Sahajo Haertel-Kozak, who attended one day of the trial and was hastily given a false subpoena from a Federal prosecutor.
16. Also, near the end of Keith Raniere's trial, another friend, Marc Elliot, was threatened with indictment through his lawyer, by Assistant US Attorney Moira Kim Penza, if he gave a planned public speech about character assassination and how people attacked him and NXIVM and how to overcome differences with love. He did not perform the speech

and wouldn't even share with me the speech he was planning to make out of fear of retribution by the Assistant US Attorney.

17. These friends of mine were performing constitutionally protected acts and had committed no crimes. It was chilling to me to experience this type of intimidation from a group of people who's roles were to seek the truth of the matter, as opposed to seeking to scare their "opposition" into silence.

18. I understood that, in a RICO case, simple association with a government target could turn into my being indicted. The aforementioned intimidating actions led me to believe, and fear, that these federal prosecutors and FBI agents were willing to suppress information that contradicted their false narratives about NXIVM, DOS, and Keith Raniere.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct, and of my own personal knowledge, except as to those matters stated upon information and belief. As to those matters, I believe them to be true.

Executed June 14, 2022

Brandon B. Porter

