

From: "[REDACTED], [REDACTED] (USANYYS)" <[REDACTED]>

To: [REDACTED]
[REDACTED]

Cc: [REDACTED]
[REDACTED]
[REDACTED]

Subject: RE: motions under seal?

Date: Fri, 02 Aug 2019 16:09:36 +0000

We had the court seal the documents, and per the Court's request, are following up with a formal letter request to do so. We do not believe there is a legitimate legal basis to seal [REDACTED] statements, but if you can point us to any authority, we are happy to look at it.

[REDACTED]
[REDACTED]
Assistant United States Attorney
[REDACTED]

From: [REDACTED] <[REDACTED]>

Sent: Friday, August 2, 2019 12:07 PM

To: [REDACTED], [REDACTED] (USANYYS) <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: [REDACTED]
[REDACTED]

Subject: RE: motions under seal?

We will take care of that error and apologize for it.

I know that the statements are not marked as sensitive by the Government but for obvious reasons we don't want to file those publically. Thus our request. If the government won't consent then, we will serve you via email and hold off filing it until we can get the court to rule.

[REDACTED]
[REDACTED]
[REDACTED]
Garden City, NY 11530
[REDACTED]
[REDACTED]

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From: [REDACTED], [REDACTED] (USANYYS) [[mailto:\[REDACTED\]](mailto:[REDACTED])]

Sent: Friday, August 02, 2019 11:50 AM

To: [REDACTED]; [REDACTED]

Cc: [REDACTED]

Subject: RE: motions under seal?

[REDACTED]

As you know, the protective order distinguishes between all discovery and that marked "sensitive," and it is the sensitive discovery that cannot be publicly filed. [REDACTED] statements to law enforcement do not fall into the sensitive category, so they should be publicly filed. We'd ask that, consistent with the protective order, any sensitive discovery and references to cooperators be redacted in your public filings. Along the same lines, we noticed that you publicly filed four documents that were marked sensitive (Exhibits A through D to your cell site motion) in violation of the protective order. We will be asking the Court to remove them from the docket and you will need to refile.

[REDACTED]
Assistant United States Attorney
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, August 2, 2019 11:33 AM
To: [REDACTED], [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: [REDACTED]
[REDACTED]
Subject: RE: motions under seal?

I don't think that will satisfy our concern about revealing the statements and certainly not something we can do today or easily. Nor do I want the extra work.

[REDACTED]
[REDACTED]
[REDACTED]
Garden City, NY 11530
[REDACTED]
[REDACTED]

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From: [REDACTED], [REDACTED] (USANYS) [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: Friday, August 02, 2019 11:26 AM
To: [REDACTED]; [REDACTED]
Cc: [REDACTED]
Subject: RE: motions under seal?

[REDACTED],

It is a little difficult to know what needs to be sealed/redacted in the abstract. Out of an abundance of caution, can you file the documents with any reference to evidence/discovery and cooperators redacted? We can then review the unredacted version and discuss what, if anything, can be unredacted for the public version.

[REDACTED]
Assistant United States Attorney
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Friday, August 2, 2019 11:03 AM
To: [REDACTED] <[REDACTED]>; [REDACTED], [REDACTED] (USANYS) <[REDACTED]>
Cc: [REDACTED]

[REDACTED]
Subject: motions under seal?

[REDACTED], [REDACTED],

Our motions will be ready to go out in a few hours., One is straight forward legal argument about the cell tower data, which we don't have a problem filing. The other motion deals with the statements to the police and by necessity we discuss the statements in detail. We also discuss some of the discovery and the cooperating witnesses. What is the Government position about filing that motion under seal?

Also, [REDACTED] affidavit hasn't been signed because the only regular access to a notary are members of his legal team and we don't want to witness his signature. We will have him sign it through whatever the process is at MCC or in open court at our next appearance.

[REDACTED]
[REDACTED]
[REDACTED]
Garden City, NY 11530
[REDACTED]
[REDACTED]

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