

From:

To:

Cc:

Subject: RE: Discovery

Date: Fri, 21 Aug 2020 22:17:33 +0000

Attachments: 2020.08.21_Maxwell_Discovery_Letter.pdf

Inline-Images: image001.png; image002.jpg

Final draft of the discovery letter is attached. [REDACTED], would you please include this on the drive for the MDC?

From: [REDACTED]

Sent: Friday, August 21, 2020 3:49 PM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>

Subject: RE: Discovery

The defense drive is ready. I can add the letter when it is ready.

Let me know and I'll put this downstairs for pick up. The password is [REDACTED]

The MDC drive says it has 5 hours left. I'm optimistic it won't take quite that long. However, the last FedEx pick up is at 6 pm.

Let me know how you want to proceed with that one.

From: [REDACTED] <[REDACTED]>

Sent: Friday, August 21, 2020 11:19 AM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>

Subject: RE: Discovery

Everything is ready to go.

From: [REDACTED]

Sent: Friday, August 21, 2020 9:21 AM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>

Subject: RE: Discovery

It just so happens that EOUSA decided that last night be the time when they install software updates that require computers to restart. Consequently, any file transfer that I started was halted. I have started them up again and believe that we are still on track to get the production out today.

EFTA00074697

From: [REDACTED] <[REDACTED]>

Sent: Thursday, August 20, 2020 4:38 PM

To: [REDACTED]; [REDACTED]
<[REDACTED]> [REDACTED] [REDACTED]
<[REDACTED]>; [REDACTED] [REDACTED] <[REDACTED]>

Subject: RE: Discovery

Thanks [REDACTED]

From: [REDACTED] <[REDACTED]>

Sent: Thursday, August 20, 2020 4:33 PM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>;
[REDACTED] <[REDACTED]>

Subject: RE: Discovery

Everything is stamped and currently uploading. I've been battling it out with the lazerscans folder. It's about 40GB and is not copying over willingly. It should be handled overnight.

From: [REDACTED] <[REDACTED]>

Sent: Thursday, August 20, 2020 4:26 PM

To: [REDACTED] <[REDACTED]> [REDACTED]
[REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>

Cc: [REDACTED] <[REDACTED]>

Subject: RE: Discovery

Thanks very much!

[REDACTED] yes, if you would be available to load the drives tomorrow, we would really appreciate it.

[REDACTED] do you have a sense of timing on the production?

From: [REDACTED] <[REDACTED]>

Sent: Thursday, August 20, 2020 4:23 PM

To: [REDACTED]
<[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED]
<[REDACTED]>

Cc: [REDACTED] <[REDACTED]>

Subject: RE: Discovery

I just checked with security and picked them up, so I have them in my office. [REDACTED] feel free to pick them up anytime tomorrow – I should be here, but if I step out, I'll just leave them on my desk.

From: [REDACTED]

Sent: Thursday, August 20, 2020 16:22

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED]
[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: [REDACTED] <[REDACTED]>

Subject: RE: Discovery

I did not receive them. I have not been at the office yet [REDACTED] and I am happy to grab them!

Based on the emails below, should I be available to load discovery tomorrow?

Thanks!

From: [REDACTED] <[REDACTED]>

Sent: Thursday, August 20, 2020 4:01 PM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Subject: FW: Discovery

Hi all, apparently Maxwell's firm dropped off two drives today. Did anyone receive them?

From: Christian Everdell <[REDACTED]>

Sent: Thursday, August 20, 2020 3:55 PM

To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: Mark S. Cohen <[REDACTED]>; Jeff Pagliuca <[REDACTED]>; 'Laura Menninger' <[REDACTED]>

[REDACTED] <[REDACTED]>; Thomas J. Powers <[REDACTED]>

Subject: RE: Discovery

[REDACTED]

Tom Powers dropped off two hard drives earlier this afternoon. Please let me know if you did not receive them. Please load the complete production to date on the drive that is going to the MDC. With regard to the two drives that are already at the MDC, we want those to remain with Ms. Maxwell in the MDC for the time being.

As tomorrow is the deadline for the government to complete production of the initial non-electronic discovery, we expect that Ms. Maxwell will receive her drive tomorrow at MDC.

Regards,

Chris

From: [REDACTED] [mailto:[REDACTED]]

Sent: Wednesday, August 19, 2020 5:54 PM

To: [REDACTED]; Christian Everdell; [REDACTED]

Cc: Mark S. Cohen; Jeff Pagliuca; 'Laura Menninger'; Thomas J. Powers

Subject: RE: Discovery

Chris,

We expect to have another discovery production ready to load by this Friday, August 21st. This production will include the replacement files you requested as well. Would you please provide us with another drive for us to load? Our paralegal is not able to load the discovery without the McAfee encryption software, so it will be included in this production.

For your client's review at MDC, if you provide us with another new drive, we can load a full set of the discovery to date (including all past productions) onto it and send it to the MDC. Once the new drive arrives at the MDC, we can request that the jail send the two prior drives back to our office. That way your client will have all of the discovery on a single drive, and we can use the older drives to send future productions to the MDC. Please let us know if that is acceptable to you.

Thanks,

[REDACTED]

[REDACTED]

Assistant United States Attorney
Southern District of New York
[REDACTED]
New York, NY 10007
[REDACTED]
[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Tuesday, August 18, 2020 3:19 PM
To: Christian Everdell [REDACTED]; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: Mark S. Cohen <[REDACTED]>; Jeff Pagliuca [REDACTED] 'Laura Menninger'
[REDACTED]; Thomas J. Powers [REDACTED]
Subject: RE: Discovery

Chris,

The four Bates ranges you've identified are flight records produced by airline companies pursuant to subpoenas that requested flight records dating back to the 1990s. We have redacted flight information for recent flights (within the past decade) that substantially post-date the offense conduct. This information is not subject to disclosure under Rule 16. The protective order does not expand the scope of discovery; rather, it permits us to make disclosures of relevant materials with certain protections. If you have specific concerns, or if there is a particular reason you believe this material is subject to disclosure, please let us know if you'd like to discuss this further.

If there are other specific redactions that you have questions about, please let us know. Some materials were produced to us in redacted format, so it's helpful for us to discuss specific Bates ranges.

Best,

[REDACTED]

From: Christian Everdell [REDACTED]
Sent: Tuesday, August 18, 2020 12:33 AM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: Mark S. Cohen [REDACTED] Jeff Pagliuca [REDACTED] 'Laura Menninger'
[REDACTED]; Thomas J. Powers [REDACTED]
Subject: RE: Discovery

[REDACTED]

We have not compiled a complete list of redacted documents. But below are some samples Bates ranges that contain redactions.

- SDNY_GM_00000977 – SDNY_GM_000001012 (American Airlines records)
- SDNY_GM_00004650 – SDNY_GM_00004655 (Delta Airlines records)

- SDNY_GM_00006081 – SDNY_GM_00006096 (Southwest records)
- SDNY_GM_00008138 – SDNY_GM_00008146 (United Airlines records)

Can you let us know if these are your redactions and, if so, why they are necessary given the protective order?

Thanks,

Chris

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, August 17, 2020 9:48 AM
To: Christian Everdell; [REDACTED]; [REDACTED]
Cc: Mark S. Cohen; Jeff Pagliuca; 'Laura Menninger'; Thomas J. Powers
Subject: RE: Discovery

Chris,

We will work with our paralegals and IT staff to prepare replacement documents for the ranges you identified, and we will inquire about your suggestion of producing these materials without the McAfee encryption software.

We are happy to discuss any redactions that you believe should be removed. Would you please let us know what bates ranges you are referring to?

Thanks,

[REDACTED]
 Assistant United States Attorney
 Southern District of New York
 [REDACTED]
 New York, NY 10007
 [REDACTED]
 [REDACTED]

From: Christian Everdell <[REDACTED]>
Sent: Monday, August 17, 2020 2:44 AM
To: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: Mark S. Cohen <[REDACTED]>; Jeff Pagliuca <[REDACTED]>; 'Laura Menninger' <[REDACTED]>; Thomas J. Powers <[REDACTED]>
Subject: Discovery

We noticed a few errors in the most recent production. They are similar to the errors we experienced with the first production – i.e., the file names were too long, which caused a problem uploading the files. Can you please provide replacement documents for the following Bates ranges:

1. SDNY_GM_00086557 - SDNY_GM_00096055
2. SDNY_GM_00164920 - SDNY_GM_00165517

I think these problems are caused by the McAfee encryption software that you are using. If we provided you with a hard drive with onboard encryption, would you be able to do away with the McAfee encryption software?

Also, we have noticed that many of the documents in the production contain redactions. There is no reason why the documents need to be redacted, given the protective order. Can you produce unredacted copies?

Thanks,

Chris

Christian Everdell

COHEN & GRESSER LLP

[REDACTED]
New York, NY 10022

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www.cohengresser.com

New York | Seoul | Paris | Washington DC | London



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