

From: "[REDACTED]" <[REDACTED]>
To: [REDACTED]
Cc: "[REDACTED]" <[REDACTED]>, "[REDACTED]" <[REDACTED]>

Subject: RE: initial discovery production

Date: Sat, 01 Aug 2020 21:02:36 +0000

Attachments: 2020-07-28,_government_letter_re_protective_order_(docketed).pdf; 2020-07-31,_GM,_memorandum_&_order_granting_government_motion.pdf; 2020-07-31,_GM,_signed_protective_order_(docketed).pdf

[REDACTED]

We wanted to briefly check with you on a few issues. First, I expect that we will very shortly—hopefully Monday, but I expect not later than early this week—be producing materials to you in response to your *Touhy* request. That has been pending final supervisory approval this week, but we are continuing to follow up with the person who needs to approve and we expect it will go out shortly. As I previously mentioned, we are constrained in our ability to produce any materials obtained in connection with the grand jury process, which are subject to stringent restrictions under Rule 6(e) – I expect that will be noted in the letter, but I mention it given the relatively limited volume of disclosable materials.

Second, and as we've also previously talked about (though not for some time), now that there is a protective order entered in the *Maxwell* case, we expect to begin making discovery productions to the defense this coming week. As you may have seen this past week, defense counsel argued that they should be able to publicly identify victims in certain circumstances, which we vigorously opposed. Ultimately the judge ruled in our favor, and the protective order is exceptionally strong. For your reference, the Government's letter on this issue, the Court's decision, and the final protective order are all attached.

As you would imagine, some of the discovery we will begin to produce will include information about your client, including information such as her name and date of birth, in connection with documents we have gathered. Consistent with the protective order, defense counsel may not disclose or distribute any discovery materials except under very strict conditions, and in any event the defendant and counsel "are strictly prohibited from publicly disclosing or disseminating the identity of any victims or witnesses referenced in the Discovery." To the extent they need to reference the identity of individuals as part of their investigation, e.g., in individual interviews, any potential defense witnesses and counsel are similarly prohibited from further disclosing or disseminating such identifying information. All of these appropriate restrictions notwithstanding, we nevertheless did want to let you know that we are beginning to make discovery productions, in an abundance of caution and in the interests of transparency.

Finally, when we make the initial discovery production, with your permission we may advise defense counsel that each victim in the Indictment is represented by counsel, and identify the counsel for each person (i.e., we would identify you as counsel for [REDACTED]). The reason we would do that would be to preempt attempts at direct contact with represented witnesses by defense counsel or defense investigators. For your client in particular, we note [REDACTED]

[REDACTED] Please let us know if you have a preference on this, and we're also happy to discuss it via phone.

As always, please do not hesitate to be in touch on any of these issues, we'll keep you advised of any significant developments, and thanks.

[REDACTED]

[REDACTED]
Assistant U.S. Attorney

