

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

Subject: RE: initial discovery production

Date: Sat, 01 Aug 2020 21:20:35 +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 couple issues. First, as we briefly discussed this past week, now that there is a protective order entered in the *Maxwell* case, we expect to begin making discovery productions to the defense in the very near future. As you know, defense counsel argued that they should be able to publicly identify victims in certain circumstances, which we vigorously opposed, and ultimately the judge ruled in our favor. The resulting protective order is exceptionally strong. I know you have some of these materials, but just to give them to you all in one place, attached are the Government's letter, the Court's opinion, and the Order.

As you would expect, some of the discovery we will begin to produce will include information about your client, including, e.g., her name and date of birth, in connection with documents we have gathered that require production. 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.

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

As always, please don't 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
Southern District of New York
[REDACTED]