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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 In Re Grand Jury Subpoena,

19 Misc. 149 (CM)

Conference

5 -----x

6 New York, N.Y.
7 April 9, 2019
8 11:45 a.m.

9 Before:

10 HON. COLLEEN MCMAHON,

11 Chief District Judge

12 APPEARANCES

13 GEOFFREY S. BERMAN
14 United States Attorney for the
15 Southern District of New York
16 [REDACTED]
17 Assistant United States Attorney
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1 (In the robing room)

2 THE COURT: This is 19 Misc. 149, In Re Grand Jury
3 Subpoena. I've had one conference with the government in this
4 matter. You want to put your appearance on the record.

5 [REDACTED]: Yes. Good morning, your Honor. [REDACTED]
6 [REDACTED] for the government.

7 THE COURT: [REDACTED], I now know a lot more
8 about what's going on than I did the last time we were
9 together. My question is this: I'll be very up-front with
10 you. I want to make sure I'm not in a Chemical Bank kind of
11 situation, so I would like to know about contacts between the
12 United States Attorney's Office and the Boies Schiller firm
13 prior to the issuance of the subpoena on the subject of your
14 investigation.

15 [REDACTED]: Yes, your Honor. So with respect to
16 this investigation, the investigation was opened in late
17 November or early December, either on Friday, November 30, or
18 Monday, December 3.

19 THE COURT: OK.

20 [REDACTED]: In the initial days and weeks of the
21 investigation, we endeavored to identify information about the
22 subject of the investigation, including, among other things,
23 possible victims who we should speak to. In the process of
24 doing so, we identified certain counsel that were identified as
25 representing victims or witnesses either in public filings or

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1 in media reports. Boies Schiller was among those plaintiff
2 attorneys. So following the opening of the investigation, we
3 were in touch with Boies Schiller, among other plaintiff and
4 witness counsel, in connection with their representation of
5 witnesses or victims.

6 With respect to Boies Schiller in particular, we
7 quickly came to learn during the investigation that they had at
8 the time either active or recently completed civil litigation
9 and so asked them, as is our standard practice, told them, I
10 should say, that we expected to make document requests. They
11 generally advised us that they believed there was a protective
12 order that would govern at least some of the materials, and
13 that is why we ultimately made the application to the Court.

14 THE COURT: OK. That's all I needed to know. I want
15 to make two little changes in this opinion, and if you come
16 back in an hour, you'll have it.

17 [REDACTED]: OK.

18 THE COURT: All right.

19 [REDACTED]: Thank you, your Honor.

20 THE COURT: And we are granting your request.

21 [REDACTED]: Understood. Thank you, your Honor.

22 THE COURT: OK.

23 (Adjourned)

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