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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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In Re Grand Jury Subpoena,

19 Misc. 149 (CM)
Conference

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

Before:

HON. COLLEEN MCMAHON,

Chief District Judge

APPEARANCES

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York
[REDACTED]
Assistant United States Attorney

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(In the robing room)

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

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

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

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

THE COURT: OK.

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

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 MR. [REDACTED]: OK.

18 THE COURT: All right.

19 MR. [REDACTED]: Thank you, your Honor.

20 THE COURT: And we are granting your request.

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

22 THE COURT: OK.

23 (Adjourned)

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