

From: "[REDACTED]" <[REDACTED]>

To: "[REDACTED] (USANYS)" <[REDACTED]>

Subject: FW: Request from Judge Engelmayer in Times v. BOP, 20-cv-833

Date: Sat, 10 Apr 2021 17:35:00 +0000

Attachments: Transcript_of_040921_Oral_Argument,_Times_v_BOP,_20cv833.pdf

From: [REDACTED] (USANYS) <[REDACTED]>

Sent: Saturday, April 10, 2021 1:21 PM

To: Strauss, Audrey (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Cc: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Subject: RE: Request from Judge Engelmayer in Times v. BOP, 20-cv-833

Audrey,

Thank you very much. I just received the full, final transcript and have attached it here.

Have a great rest of the weekend!

From: Strauss, Audrey (USANYS) <[REDACTED]>

Sent: Saturday, April 10, 2021 12:47 PM

To: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Cc: [REDACTED] (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Subject: RE: Request from Judge Engelmayer in Times v. BOP, 20-cv-833

[REDACTED],

Thanks for sending this along. All of your papers are extremely well done.

[REDACTED] is going to set up a call for Monday to discuss a path forward.

Have a good rest of the weekend.

Audrey

From: [REDACTED] (USANYS) <[REDACTED]>

Sent: Saturday, April 10, 2021 9:04 AM

To: [REDACTED] (USANYS) <[REDACTED]>

Cc: Strauss, Audrey (USANYS) <[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

<[REDACTED]>; [REDACTED] (USANYS) <[REDACTED]>

Subject: Re: Request from Judge Engelmayer in Times v. BOP, 20-cv-833

Yes, that is correct.

(Also, to clarify, the portion I sent last night is all I have of the transcript right now—I asked the reporter to send a draft of the end of the argument ASAP. He says he'll send the entire final version today.)

Thanks,

[REDACTED]

On Apr 10, 2021, at 8:08 AM, [REDACTED] (USANYS) <[REDACTED]> wrote:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]?

[REDACTED]
Associate U.S. Attorney
Southern District of New York

[REDACTED] (o)

[REDACTED] (c)

On Apr 9, 2021, at 11:57 PM, [REDACTED] (USANYS) <[REDACTED]> wrote:

Audrey,

I hope you're doing well. At an oral argument today, Judge Engelmayer asked me to convey a [REDACTED]
[REDACTED]
[REDACTED] I will provide some background and paraphrase Judge Engelmayer's request here, but I am also attaching a draft transcript of the final portion of the oral argument because it may be most efficient to read the Court's request there directly, starting at page 11, line 15 of the attached.

By way of background, *Times v. BOP*, 20-cv-833 (PAE), is a FOIA case where the New York Times is seeking public disclosure of BOP records related to Jeffrey Epstein. BOP withheld a substantial number of documents under FOIA Exemption 7(A), which exempts certain documents from disclosure if their release can reasonably be expected to interfere with law enforcement proceedings. BOP withheld documents under 7(A) on the basis of their interference with two criminal cases in SDNY, *U.S. v. Noel*, 19-cr-930 (AT), the prosecution of two BOP employees on duty the night of Epstein's death, and *U.S. v. Tartaglione*, 16-cr-832 (KMK), the death penalty prosecution of a former police officer who murdered four people and who was briefly Epstein's cellmate, including at the time of Epstein's apparent suicide attempt. To support the withholdings, we submitted a declaration from [REDACTED] that, with the input of the prosecution teams in *Noel* and *Tartaglione*, explained how release of certain documents could reasonably be expected to interfere with these cases.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]raft Tr. 5:24-6:8.) I informed him that I was not aware of any such reconsideration. He then asked that

you, as the U.S. Attorney, "take a close look at the case and ask the question is this the sort of problem, the sort of

[REDACTED]

I would be happy to discuss Judge Engelmayer's request further or to provide additional information or context on the case if helpful. I note that while I have been in contact with BOP, DOJ-OIG, and the prosecution teams throughout the litigation of this case, I have not had substantial (or to my recollection, any) interactions with anyone at Main Justice about the case.

Thank you and have a great weekend,

[REDACTED]

Assistant United States Attorney

300 Quarropas Street

White Plains, NY 10601

Telephone: [REDACTED]

<Draft Transcript of Final Portion of 040921 Oral Argument, Times v BOP, 20cv833.pdf>