

**From:** [REDACTED] >

**To:** [REDACTED]

**Subject:** RE: Jane Does [REDACTED] United States - Redacted Pleadings

**Date:** Wed, 03 Jul 2013 17:09:21 +0000

**Importance:** Normal

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[REDACTED]

The primary privileges we will be asserting are attorney-client, attorney work product, and deliberative process. For deliberative process, the document must be pre-decisional, and include recommendations, opinions, or deliberations, usually from a subordinate to a superior. For instance, your May 1, 2007 "Operation Leap Year" prosecution memo would fall squarely within the deliberative process privilege.

[REDACTED]

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**From:** [REDACTED]

**Sent:** Wednesday, July 03, 2013 12:21 PM

**To:** Sanchez, Eduardo (USAFLS); Lee, Dexter (USAFLS)

**Subject:** RE: Jane Does [REDACTED] United States - Redacted Pleadings

Okay. That all sounds good.

[REDACTED] – Just give me some guidance on how you want me to organize these items, otherwise I was just going to go through and keep them in the order maintained, just noting the few non-responsive items and marking for attorney-client privilege and 6(e). Any other privileges I should consider?

[REDACTED]

Assistant U.S. Attorney  
Southern District of Florida  
500 S. Australian Ave, Suite 400  
West Palm Beach, FL 33401

[REDACTED]

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**From:** [REDACTED]

**Sent:** Wednesday, July 03, 2013 12:18 PM

**To:** [REDACTED]  
**Subject:** RE: Jane Does [REDACTED] United States - Redacted Pleadings

I'll redact out the "Fed. R. Crim. P." in those spots.

I don't think there's any point in redacting the grand jury numbers. In one of his order, Judge Marra wrote: "The November 8, 2011 order refers to certain collateral evidence gathered in **Federal Grand Jury Proceeding 05-02 and Federal Grand Jury Proceeding 07-103 (WPB)** [DE 121-1, page 15], matters having little, if any, relevance to the issues framed in this proceeding under the Crime Victims Rights Act." (DE187 at 3). That bell has been rung. Do you think we can and should nonetheless redact it from the order? I did not do that in the proposed redacted order that I sent you to accompany the motion to Judge Middlebrooks.

My thought is to prepare one notice of filing to which the 6 separate redacted filings are attached. I'll put one together after lunch and circulate for thoughts and comments.

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**From:** [REDACTED]  
**Sent:** Wednesday, July 03, 2013 11:58 AM  
**To:** Sanchez, Eduardo (USAFLS); Lee, Dexter (USAFLS)  
**Subject:** RE: Jane Does [REDACTED] United States - Redacted Pleadings

Hi Ed – I finished reviewing the rest. They all look good. In the Reply in support of the Motion to Dismiss for Lack of Subject Matter Jurisdiction, on pages 27 and 33, should you redact “Fed. R. Crim. P.” before the rest of the redaction? By leaving that in, coupled with the sealed order from Judge Middlebrooks, it is pretty obvious which Rule you are referring to.

Also, on the Judge Middlebrooks Order, do you think we should take out the grand jury numbers? Is there any chance of their identities being discovered?

Thank you. We can figure out how to file these once we hear back from Judge Middlebrooks.

[REDACTED]  
Assistant U.S. Attorney  
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[REDACTED]

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**From:** [REDACTED]  
**Sent:** Wednesday, July 03, 2013 10:30 AM  
**To:** [REDACTED]  
**Subject:** Jane Does [REDACTED] United States - Redacted Pleadings

Attached are the redacted motion to dismiss, motion to stay discovery (with attached unredacted RFP), and reply in support of motion to dismiss (plus exhibits). Other than the motions to seal, and the redacted version of Judge Middlebrooks' order (which accompanied all of our filings and which is also attached), I believe that these are the only documents that we are required to file in redacted form. Does anyone disagree?

Please take a look and let me know if you think we need to redact any additional language. Given Judge Marra's rulings, what he has already publicly disclosed, and what we are requested from Judge Middlebrooks, it has been a light redaction. I have mostly redacted language that in some way identifies the grand jury as the source of our representations about SDNY and DNJ or that identifies the victims by their initials. Feel free to tell me if you think my approach presents any problem.

Does anyone have Word or WordPerfect versions of the motions to seal?