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July 18, 2007

VIA E-MAIL

A. Marie [REDACTED], Esq.
Assistant United States Attorney
Office of the United States Attorney
Southern District of Florida
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401

Subpoena Duces Tecum dated June 18, 2007, to Custodian of Records, NES, LLC

Dear Ms. [REDACTED]:

I write concerning the grand jury subpoena *duces tecum* dated June 18, 2007, directed to the Custodian of Records, NES, LLC ("NES"). By agreement, a response is due July 24, 2007.

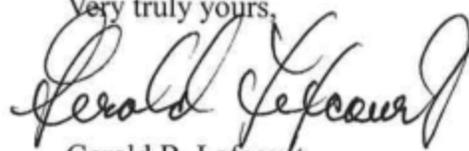
NES is not in possession, custody or control of any documents responsive to the Requests made in ¶'s 1 through 5.

With respect to Request ¶6, it would be a fair reading of the Request to conclude that it is intended to determine whether money laundering allegations can be made. I note that the subpoena was issued prior to our meeting on June 26, 2007, at which meeting the viability of money laundering charges was discussed at length. It was my understanding that, given that any such charge would require proof of specified antecedent unlawful activity, and there is no such proof, the government acknowledged that no such charge could be pursued here. On that basis, I would ask that you withdraw Request ¶6 since it would appear no longer relevant to any alleged crime under investigation by the grand jury. Additionally, the Request seems overbroad and, if you determine to pursue it, I ask that it be particularized.

[REDACTED]
Assistant United States Attorney
Office of the United States Attorney
Southern District of Florida
July 18, 2007
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With respect to Request ¶7, it is our understanding that you were previously provided with employment information, including W-2's, of the pilots which, at least at the time the request for them was made, such information was at a minimum arguably relevant to a matter then under investigation. As things stand now, the Request as written, particularly given the narrowed scope of the investigation, is overbroad and calls for information including the employment history of the cleaning staff in New York. With respect, we can discern no possible relevance to the grand jury investigation that such information would have and ask that, if you determine that some subset of information requested in ¶7 is needed and not already in your possession, that the request be more narrowly tailored.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to call.

Very truly yours,

Gerald B. Lefcourt

cc: Special Agent [REDACTED]
Lilly Ann Sanchez, Esq.
Roy Black, Esq.