

**From:**

**To:**

**Cc:**

**Subject:** RE: US v Maxwell - [conferrals regarding pretrial disclosures & redactions to replies]

**Date:** Tue, 20 Apr 2021 23:13:00 +0000

**Attachments:** 2021-04-20\_GM\_Government\_letter\_re\_Reply\_Brief\_Redactions.pdf

**Inline-Images:** image001.jpg

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[REDACTED]  
As discussed, attached is the letter that I plan to file this evening. Please let me know if there is anything you would like to discuss.

Thanks,  
[REDACTED]

**From:** [REDACTED]

**Sent:** Tuesday, April 20, 2021 2:05 PM

**To:** [REDACTED]

**C**

**Subject:** RE: US v Maxwell - [conferrals regarding pretrial disclosures & redactions to replies]

[REDACTED] -

Following-up on [REDACTED] email, we are not seeking any redactions. As a general matter, the redactions we proposed in our reply briefs are almost entirely because the information was designated as Confidential by the government under the Protective Order. Accordingly, you are free to justify to the court any redactions you think are necessary. Our specific positions on the redactions in each brief are set forth below. Please confirm that the proposed course of action with respect to each brief is acceptable.

#### Reply Brief 1

The redactions relate to information designated as Confidential by the government under the Protective Order. The defense has no objection to removing the redaction on page 5 and filing the brief and Exhibit A on the public record. Given that the government takes no position about the redaction on page 5, but does want Exhibit A to remain under seal, we propose the following: (1) we will file the brief on the docket without redactions, but we will file Exhibit A under seal; and (2) the government can argue its position to the court in its letter that Exhibit A should remain under seal. If the judge does not agree, we will file Exhibit A on the docket at that time.

#### Reply Brief 3

The redactions in the brief all relate to the names of AUSAs, the names of accusers, and [REDACTED]. As to the accusers and [REDACTED] the defense has no objection to removing those redactions. As to the AUSAs, we made

those redactions as a courtesy because we did not think it was necessary or appropriate to publicly name the AUSAs. The defense takes no position with respect to those redactions.

As for the exhibits, we filed certain exhibits under seal because they were designated as Confidential by the government under the Protective Order. The defense has no objection to filing all of the exhibits on the public record, although we agree that email addresses and other contact information for third parties should be redacted pursuant to the court's local rules. You point out that the court has already adopted the government's proposed redactions to Exhibits J and O. The defense is certainly prepared to follow those redactions. But since the government will need to justify the need for other redactions to the court, it makes more sense for the government to explain to the court in its letter that it would like to follow the redactions already adopted by the court for Exhibits J and O.

Given the disagreement among the parties, we will not file the brief or the exhibits on the docket and the government can argue its position to the court in its letter.

Reply Brief 5

The defense does not believe the redaction on p.4 is necessary. Given the agreement between the parties, we will file the brief unredacted.

Reply Brief 6

The redactions relate to information designated as Confidential by the government under the Protective Order. The defense has no objection to removing the redactions and filing the brief on the public record. Given that the government wants to keep the redactions, we will not file the brief on the docket and the government can argue its position to the court in its letter.

Reply Brief 10

The redactions relate to information designated as Confidential by the government under the Protective Order. The defense has no objection to removing the redactions and filing the brief and Exhibit A on the public record. Given that the government wants to keep the redactions and keep Exhibit A under seal, we will not file either document on the docket and the government can argue its position to the court in its letter.

Please let me know if you would like to discuss.

Regards,

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, April 19, 2021 8:17 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: US v Maxwell - [conferrals regarding pretrial disclosures & redactions to replies]

[REDACTED]

We can confirm for 3:00 pm EST tomorrow. Please use the following dial-in number:

[REDACTED]

We will write separately regarding the redactions that you propose.

Thanks,

**From:** [REDACTED]  
**Sent:** Monday, April 19, 2021 4:55 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: US v Maxwell - [conferrals regarding pretrial disclosures & redactions to replies]

We are available to speak tomorrow after 2:30 pm EST. On the issue of redactions, on Friday, Judge Nathan ordered the parties to docket the April 1, 2021 joint letter or to propose redactions by April 19, 2021. (Dkt. 203). We do not believe any redactions are necessary to the letter. Assuming you agree, will you please docket the letter since you wrote the letter? If you would like to discuss, please let us know.

As to the redactions to the undocketed Reply Briefs and certain exhibits you proposed being filed under seal, below please find our position for inclusion in a letter. If you would like to discuss tomorrow, please let us know.

Reply Brief 1

The Government takes no position on the defendant's proposed redaction on page 5 of Reply Brief 1. The defense submitted Exhibit A to Reply Brief 1 under seal and the Government agrees that Exhibit A should remain sealed in order to protect the privacy interests of victims and third parties.

Reply Brief 3

The Government agrees with the defense's proposed redactions to Reply Brief 3, which are narrowly tailored to cover information implicating the personal privacy interests of victims and third parties. Further, the proposed redactions are consistent with the redactions ordered by the Court on March 18, 2021. (Dkt. 168).

As to the exhibits to Reply Brief 3, the defense submitted Exhibits L, M, and N under seal. The Government filed Exhibit L in connection with its Omnibus Memorandum of Law in Opposition to the Defendant's Pretrial Motions as Exhibit 6. Exhibit 6 was filed without any redactions and accordingly, the Government does not object to the public filing of Exhibit L. The Government does not object to the public filing of Exhibits M and N, but respectfully submits that the names and email addresses/contact information of third parties should be redacted from Exhibits M and N to protect the privacy interests of third parties.

The defense also submitted Exhibits J and O to Reply Brief 3 under seal. The Government filed Exhibits 5 and 7 to its opposition, which are, respectively, redacted versions of Exhibits J and O. *See* Dkt. 204. The Government had set forth proposed redactions to Exhibits 5 and 7 in order to protect the privacy interests of third parties, which the Court adopted on March 18, 2021 (see Dkt. 168). Accordingly, the Government respectfully submits that the defense should redact Exhibits J and O to Reply Brief 3 to reflect the redactions approved by the Court and reflected in the publicly filed versions of Exhibits 5 and 7 to the Government's opposition.

Reply Brief 5

The Government respectfully submits that there is no basis under the applicable standard to redact the language that the defendant proposes redacting in Reply Brief 5 as it refers to language contained in the publicly-filed Indictment in this case. The information in the Indictment is part of the public record and, therefore, has a diminished privacy interest.

Reply Brief 6

The Government agrees with the defense's proposed redactions to Reply Brief 6, which are narrowly tailored to cover information implicating the personal privacy interests of third parties. The proposed redactions are consistent with the proposed redactions requested by the Government on pages 158 to 159 and 163 of its opposition to the defendant's pre-trial motions, which the Court granted on March 18, 2021. (Dkt. 168).

Reply Brief 10

The Government agrees with the defense's proposed redactions to Reply Brief 10, which are narrowly tailored to cover information implicating the personal privacy interests of third parties and are consistent with prior redactions in earlier briefing. The Government further agrees that Exhibit A to Reply Brief 10 should be filed under seal to protect the personal privacy interests of the third party implicated in the document.

Thanks,  
[REDACTED]

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**From:** [REDACTED]

**Sent:** Monday, April 19, 2021 12:31 PM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** US v Maxwell - [conferrals regarding pretrial disclosures & redactions to replies]

Counsel –

I am writing to schedule a time for counsel to formally confer on two issues.

First, we need to confer regarding the pretrial disclosure deadlines, as directed in the Court's Friday order (Dkt. 207 at 34). Although we tentatively discussed some possible deadlines while we were together last week, the Court's opinion includes other upcoming deadlines we did not discuss and we may need to adjust our proposals based on her opinion.

Second, we need to confer regarding redactions to the as yet undocketed Replies in support of our Pretrial Motions (Dkt. 205).

We are generally available tomorrow (Tuesday) for a call. Please let me know a time that works from your end and I can circulate a dial-in number.

Thanks,  
Laura

[REDACTED]

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recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving it in any manner. Thank you.