

From: "████████")<████████>
To: "████████ (USANYS) [Contractor]"<████████>, "████████ (USANYS) [Contractor]"<████████>
Cc: "████████")<████████>, "████████ (USANYS)"<████████>

Subject: FW: Discovery Requests

Date: Sat, 16 Jan 2021 02:02:26 +0000

Attachments: 2020.11.18_Maxwell_Discovery_Letter.pdf; 2006.12.06_FBI_Report.pdf; PROD011-Gaps.xlsx

Inline-Images: image005.jpg; image006.jpg

Hi █████,

Would you please take a look at request number 6 below and figure out how to address it? I believe you may need to work with █████ for some of these issues.

Thanks,

From: Christian Everdell <████████>
Sent: Thursday, January 7, 2021 4:13 PM
To: █████<████████>; █████<████████>; █████<████████>; █████ (USANYS)<████████>
Cc: Mark S. Cohen <████████>; Bobbi Sternheim <████████>; Jeff Pagliuca <jpagliuca@hmflaw.com>; 'Laura Menninger' <████████>
Subject: Discovery Requests

████████ -
We write to raise a number of discovery issues. Please let us know your position on these issues at your earliest convenience.

1. In our email correspondence on 11/18/2020, you agreed to create a new hard drive containing the entire discovery production. We provided you with a 4TB hard drive for that purpose on 11/20/2020. It is very important for Ms. Maxwell to have this drive as soon as possible to prepare her defense. Do you have an update on when the drive will be ready?
2. We also informed you that the CD produced on November 18, 2020 did not work on the prison computer at the MDC (as you know, the laptop provided to Ms. Maxwell does not have a CD drive). Accordingly, we asked you to include the material on the CD in the new 4TB hard drive. We followed-up with you about this issue on December 30, 2020. **Given that the new hard drive is still not ready, we ask that you download the material on the CD onto a separate thumb drive or hard drive and provide it as quickly as possible to Ms. Maxwell at the MDC so that she can review the materials this weekend. Alternatively, you can provide an external CD drive to Ms. Maxwell at the MDC so that she can read the files on the MDC computer. We will provide whatever media device you require to facilitate this production.**
3. Unlike the November 9, 2020 discovery cover letter, the November 18, 2020 discovery cover letter (attached) does not correlate the Bates numbers to the particular "Subject Device" from which the documents were recovered. Instead, the cover letter indicates that the documents came from "SDNY_PROD015" or "SDNY_PROD016." We do not know what those terms refer to. We request that the government produce a list that correlates the Bates

numbers for all of the documents in SDNY_PROD015 and SDNY_PROD016 to the particular devices from which the documents were recovered.

4. We request that the government provide an unredacted version of the FBI report, dated December 6, 2006, bearing Bates number SDNY_GM_02050812-14 (attached). We also request that the government produce a log identifying all of the redacted documents in the discovery and the bases for each of the redactions.
5. There are a few documents that seem to be missing from the discovery. For example, the AT&T documents (SDNY_GM_00001015-3637) do not seem to include subscriber information for the various phone numbers. Also, the flight logs produced by [REDACTED] begin at Bates number "[REDACTED] 000028," suggesting that [REDACTED] 000001-000027 were not produced to us. Please produce these documents to us or provide an explanation why you are not producing them to us. Please confirm whether there are other documents that were removed from the grand jury subpoena productions that we have not yet identified and the basis for their removal.
6. There are a few Bates number/metadata issues with some of the documents:
 - a. There is an overlap between the fourth and fifth document productions. The fourth production ends at SDNY_GM_00328863, the fifth production begins at SDNY_GM_00328070. We propose renumbering the range from the fifth production (i.e., renumber SDNY_GM_00328070-328863).
 - b. The metadata load files (*.DAT) for PROD011 had a number of gaps which are detailed in the attached Excel file. We propose that you send us a new DAT file covering only the missing documents.
 - c. The metadata load files (*.DAT) for PROD015 had a gap from SDNY_GM_00723971 to SDNY_GM_00723981. We propose that you send us a new DAT file covering only the missing documents.
7. To the extent that the government has created an index of the documents produced on November 9 and November 18 that is more detailed than the production cover letters, we request that you provide a copy to the defense.
8. We request that the government provide copies of the grand jury subpoenas for documents issued by the government in this case. Also, please identify the date range of documents you requested in each subpoena.

There is one other issue we'd like to raise. An article in the Daily Beast on Monday referenced the search warrant affidavit for the cell-site simulator used to track Ms. Maxwell's cellphone before her arrest (<https://www.thedailybeast.com/how-the-fbi-tracked-down-ghislaine-maxwell-alleged-madam-of-jeffrey-epstein>). The article stated that the affidavit appeared in a "newly unsealed court filing." I don't recall this affidavit being unsealed or referenced in anything that was filed on the court docket. Please confirm whether or not the government unsealed this affidavit or any other materials from the criminal discovery, and whether any discovery materials were released pursuant to FOIA requests.

Regards,

Chris

Christian R Everdell

COHEN & GRESSER LLP

[REDACTED]

[REDACTED] | [view bio](#)
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