From: "[redacted])" <[redacted]>
To: "[redacted])" <[redacted]>, "[redacted])" <[redacted]>, "[redacted] (USANYS)" <[redacted]>
Subject: RE: draft letter re: unsealing
Date: Thu, 20 Aug 2020 17:06:46 +0000
Attachments: 2020-08-20,_GM,_letter_to_Judge_Nathan_re_unsealing_materials.docx

---

I think this looks great, thanks – I accepted basically all of the changes, and added a short note to the footnote about us getting permission to disclose through discovery, but take a look and see if you have any additional thoughts. I have to run out to an appointment in a couple minutes, and likely won't be back until after 3:00, so [redacted]f I could please ask you to send this to the chiefs when you've taken a final look?

On my name being on it, that's very kind of you, and I appreciate it – honestly my only concern is that since I'm formally not on the case, I don't want to cause any misimpression with Nathan, not in terms of filing it right now but if there's any additional litigation, the unlikely event there's any argument, etc. I obviously stand behind the arguments (!) but don't want to inadvertently have it cause any issues down the road. So I think it probably makes sense for somebody else to ultimately sign and file? But I don't have strong feelings so if you guys think I'm being overly cautious just let me know.

And I can either do or help with chief edits later today once I'm back. Thanks again.

From: [redacted]) <[redacted]>
Sent: Thursday, August 20, 2020 11:49
To: [redacted]) <[redacted]>; [redacted]) <[redacted]>; [redacted] (USANYS) <[redacted]>
Subject: RE: draft letter re: unsealing

Thanks so much for putting this together. Some proposed edits in track. And I insist that your name be on this—even if it's the last thing you'll write in this case, you should have your name on your excellent work product.

I'll circulate proposed redactions to [redacted] letter motion in a bit.

From: [redacted]) <[redacted]>
Sent: Thursday, August 20, 2020 1:56 AM
To: [redacted]) <[redacted]>; [redacted]) <[redacted]>; [redacted] (USANYS) <[redacted]>
Subject: draft letter re: unsealing

Team – I hope this wasn't a disastrous instinct, but as I got into writing this tonight, it seemed more and more to me like I could do it without having to put anything under seal. See what you think?? I just don't know that it's necessary to get into every little accusation and innuendo; I feel like it should be straightforward – they're trying to get around the protective order that was entered less than a month ago, and there's no good cause.

In particular, I don't know that it would be productive to get into a fight about whether or not the materials are likely to affect the civil cases, because realistically Judge Nathan likely won't be well positioned to evaluate those intricacies. And I think it's doable at a level of abstraction that highlights just how uncontroversial it is to get a subpoena (and ask a court to bless it).

All that said, of course let me know what you think – I can always rework tomorrow afternoon if necessary, and in particular if anybody thinks it's insufficient. And/or feel free to just make changes in it and take it from there—I have no pride of authorship and obviously one of you guys will ultimately sign. So whatever is preferable for y'all.

many thanks,
[redacted].