

U.S. Department of Justice



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BY ECF AND HAND

The Honorable Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: Cohen v. United States, 18 Mag. 3161 (KMW)

Dear Judge Wood:

As directed, the Government respectfully submits this letter to: (1) update the Court regarding the expected timeline for production of documents and information on electronic devices seized from Michael Cohen; and (2) provide the Court with suggestions for a Special Master, should the Court determine one is necessary in this case. We also propose a date for the next conference to resolve Cohen's motion for the appointment of a Special Master.

First, with respect to the timeline for production of seized material, the Government expects to begin a rolling production by Friday, April 27, 2018, and to complete the production by on or about May 11, 2018,¹ with the possible exception of the content of certain telephones. These dates may be subject to change primarily for the following reasons: (1) because law enforcement has voluntarily refrained from reviewing any of the seized material, including seized electronic devices such as computers and phones, the volume of electronic material on the devices is presently unknown; and (2) it is particularly difficult with respect to telephones to estimate the length of time the downloading process will take. We expect to know within a week whether these or any other issues will materially change the expected production schedule, and will promptly advise the Court and Cohen if such a change is expected. In light of the foregoing, the parties jointly request that the Court schedule a status conference on May 25, 2018 – *i.e.*, ten business days after the currently predicted production date.

Second, the Government continues to believe, for the reasons articulated at Monday's conference, that a Special Master is not warranted to review the seized materials for privilege and that a Government Filter Team would fairly and most efficiently accomplish this task. Indeed,

¹ In addition to providing the materials to Cohen's counsel via an electronic database, the Government has agreed to also provide the material as separate load files, so that Cohen's counsel may utilize its own database, should they so choose. This means that Cohen's counsel should have access to most of these materials well before May 11.

