

**From:** [REDACTED] >

**To:** "Kathleen E. Cassidy" <[REDACTED]>

**Cc:** Samidh Guha <[REDACTED]>; Susan Necheles <[REDACTED]>; [REDACTED]

**Subject:** Re: Section 1512

**Date:** Mon, 09 Nov 2020 15:01:52 +0000

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Great, thanks. Talk to you then—we can use this line: [REDACTED]

Sent from my iPhone

On Nov 9, 2020, at 9:58 AM, Kathleen E. Cassidy <[REDACTED]> wrote:

Yes, that is fine. Thanks,  
Kate

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**From:** [REDACTED]

**Sent:** Monday, November 9, 2020 9:57 AM

**To:** Kathleen E. Cassidy <[REDACTED]>

**Cc:** Samidh Guha <[REDACTED]>; Susan Necheles <[REDACTED]>; [REDACTED]

**Subject:** Re: Section 1512

Hi Kate,

Would Wednesday at 12:30 p.m. work?

Thanks,

[REDACTED]

Sent from my iPhone

On Nov 9, 2020, at 8:43 AM, Kathleen E. Cassidy <[REDACTED]> wrote:

Hi all, I apologize but can we move our call to Wednesday? We can be available at your convenience. Thanks, Kate

Sent from my iPhone

On Nov 5, 2020, at 5:22 PM, [REDACTED] wrote:

Thanks very much. We are free anytime from 3 pm onwards on Monday, is there a time that works best for you?

Sent from my iPhone

On Nov 5, 2020, at 5:17 PM, Kathleen E. Cassidy <[REDACTED]> wrote:

Hi [REDACTED]

EFTA00019119

We thought it would be useful to schedule a call for Monday. Is there a time that would work for you all?

Best,

Kate

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**From:** [REDACTED]

**Sent:** Thursday, November 5, 2020 11:35 AM

**To:** Kathleen E. Cassidy <[REDACTED]>; Samidh Guha <[REDACTED]>; Susan Necheles <[REDACTED]>

**Subject:** RE: Section 1512

Hi all,

Hope everyone is doing well. I'm checking in to see if you have any updates on timing for next steps. As always, please let us know if it would be useful to schedule a call.

Thanks,

[REDACTED]

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**From:** Kathleen E. Cassidy <[REDACTED]>

**Sent:** Wednesday, October 28, 2020 3:50 PM

**To:** [REDACTED] Samidh Guha <[REDACTED]>; Susan Necheles <[REDACTED]>

**Cc:** [REDACTED]

**Subject:** RE: Section 1512

Hi all,

We are working on drafting something up and will get back to you by early next week.

Thanks,

Kate

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**From:** [REDACTED]

**Sent:** Monday, October 26, 2020 1:03 PM

**To:** Kathleen E. Cassidy <[REDACTED]>; Samidh Guha <[REDACTED]>; Susan Necheles <[REDACTED]>

**Subject:** RE: Section 1512

All,

[REDACTED] and I wanted to follow up to ask if a call would be useful to check in – we recognize you will likely need more time to evaluate this, but it would be helpful to discuss where we are. Are you available for a call this week?

Thanks,

[REDACTED]

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**From:** [REDACTED]

**Sent:** Monday, October 19, 2020 6:57 PM

EFTA00019120

**To:** Kathleen E. Cassidy [REDACTED]; Samidh Guha [REDACTED]; Susan Necheles [REDACTED]

**Cc:** [REDACTED]

**Subject:** RE: Section 1512

All,

Following up on our discussions, we wanted to send you a preliminary statement of facts, so that we can discuss whether there might be room for agreement. Whenever you're ready to discuss, please let us know when you'd like to schedule a call.

Please note that the language below isn't final from our perspective – we're happy to discuss any issues you see with the statement, and it's possible there might be modifications on our end as well. However, we wanted to have a starting point so that we could have more concrete discussions with you about whether a resolution is possible here.

As we've discussed, this isn't a plea offer, and we don't intend to issue a plea offer before notifying and consulting with victims.

Thanks,

[REDACTED]

[REDACTED]

**From:** Kathleen E. Cassidy [REDACTED]  
**Sent:** Wednesday, September 23, 2020 12:51 PM  
**To:** [REDACTED]  
**Cc:** Samidh Guha [REDACTED] Susan Necheles [REDACTED]  
**Subject:** Re: Section 1512

[REDACTED]  
We can use this dial in for 4:30.

[REDACTED]  
Talk to you then.

Sent from my iPhone

On Sep 23, 2020, at 9:59 AM, [REDACTED] wrote:

Hi Kate,

Just following up to confirm that we are scheduled to talk today at 4:30 p.m. If that time no longer works for you, please let us know.

Thanks,

[REDACTED]  
Sent from my iPhone

On Sep 22, 2020, at 8:57 AM, [REDACTED] wrote:

Hi Kate,

EFTA00019122

That works for us, thanks. Could you please send us a conference line?

Thanks,

Sent from my iPhone

On Sep 21, 2020, at 9:48 PM, Kathleen E. Cassidy [REDACTED] > wrote:

Hi [REDACTED]

Would 4:30 on Wednesday work for you all?

Thanks,

Kate

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**From:** [REDACTED]

**Sent:** Friday, September 18, 2020 11:15 AM

**To:** Kathleen E. Cassidy [REDACTED]

**Cc:** Samidh Guha [REDACTED]; Susan Necheles [REDACTED]; [REDACTED] (USANYS)

**Subject:** Re: Section 1512

Hi Kate,

Thanks very much. We are free for a call on Wednesday at 3 p.m. or later. Would that work for you?

Thanks,

Sent from my iPhone

On Sep 18, 2020, at 9:54 AM, Kathleen E. Cassidy [REDACTED] wrote:

Hi [REDACTED]

Yes, thank you for your email. Can we schedule a call for mid-week next week? What works for you guys?

Thanks,

Kate

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**From:** [REDACTED]

**Sent:** Thursday, September 17, 2020 12:49 PM

**To:** Samidh Guha [REDACTED]; Kathleen E. Cassidy <[REDACTED]>; Susan Necheles

**Subject:** RE: Section 1512

Hi all,

I'm following up on my email below to confirm that you've received it. If you have any questions, please let us know. We are available for a call next week if you're ready to discuss further.

Thanks,

EFTA00019123

**From:** [REDACTED]  
**Sent:** Friday, September 11, 2020 12:21 PM  
**To:** 'Samidh Guha' [REDACTED]; 'Kathleen E. Cassidy' [REDACTED]; 'Susan Necheles' [REDACTED]  
**Subject:** RE: Section 1512

All,

Following up on your questions about 18 U.S.C. § 1510, we wanted to let you know that it is our understanding that Section 1510 requires proof that the defendant knew the relevant law enforcement official was in fact a federal law enforcement official. *See United States v. Escalera*, 957 F.3d 122, 131 n.11 (2d Cir. 2020) (citing *United States v. Grande*, 620 F.2d 1026, 1036-37 (4th Cir. 1980) ("We read this legislative history to articulate a congressional intention that one may be found to have violated § 1510 only upon proof beyond a reasonable doubt, *inter alia*, that the person who was intimidated, threatened, or harmed was about to communicate information to another known by the accused to be a federal criminal investigator.")). By contrast, as we have discussed, Section 1512(b)(3) has no such requirement. If you have a different view of that issue or if there are any authorities you would like us to review, we'd be happy to look more closely at the issue.

Please let us know if you have any questions, or if a call would be useful to discuss.

Thanks,

**From:** [REDACTED]  
**Sent:** Thursday, September 3, 2020 12:46 PM  
**To:** Samidh Guha <[REDACTED]>; Kathleen E. Cassidy <[REDACTED]>; Susan Necheles <[REDACTED]>  
**Subject:** Section 1512

Hi all,

Following up on our conversation last week, we wanted to send you two cases that we believe bear directly on the question you raised regarding Section 1512(b)(3). We're happy to discuss further when we speak tomorrow, but we wanted to send these to you in advance in case that's useful.

Thanks,

EFTA00019124

