

**From:** "██████████)" <██████████>  
**To:** Jeff Pagliuca <jpagliuca@hmflaw.com>  
**Cc:** "██████████)" <██████████>, Nicole Simmons <nsimmons@hmflaw.com>, "██████████)" <██████████>, "CEverdell@CohenGresser.com" <CEverdell@cohengresser.com>, "mcohen@CohenGresser.com" <mcohen@cohengresser.com>, Laura Menninger <lmenninger@hmflaw.com>

**Subject:** RE: Letter regarding discovery attached.

**Date:** Wed, 12 Aug 2020 20:51:58 +0000

**Attachments:** 2020-08-12 letter to GM counsel re discovery.pdf

Jeff,

Attached please find the Government's response to your August 9, 2020 letter.

Best,

Assistant United States Attorney  
Southern District of New York  
1 St. Andrew's Plaza  
New York, NY 10007

**From:** Jeff Pagliuca <jpagliuca@hmflaw.com>  
**Sent:** Tuesday, August 11, 2020 11:45 PM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>; Nicole Simmons <nsimmons@hmflaw.com>; [REDACTED] <[REDACTED]>; CEverdell@CohenGresser.com; mcohen@CohenGresser.com; Laura Menninger <lmenninger@hmflaw.com>  
**Subject:** Re: Letter regarding discovery attached.

I'm not sure I can wait for a decision until Thursday. I will discuss with my colleagues and attempt to confer with the Government by phone tomorrow. Absent any additional information from the government you are not leaving me with any realistic options and I will probably need to simply advise Judge Nathan that the government's position is forthcoming but because we learned about the information on Friday and the Circuit's tight schedule we could not wait any longer.

A phone call tomorrow would be appreciated.

Jeff

On Aug 11, 2020, at 9:07 PM, [REDACTED] <[REDACTED]> wrote:

Jeff,

We are still considering your request, and we will reach out when we are prepared to provide you with our response, which will be no later than Thursday, August 13<sup>th</sup>.

Best,

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**From:** Jeff Pagliuca <[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)>  
**Sent:** Tuesday, August 11, 2020 7:28 PM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** [REDACTED] <[REDACTED]>; Nicole Simmons <[nsimmons@hmflaw.com](mailto:nsimmons@hmflaw.com)>; [REDACTED] <[REDACTED]>; [CEverdell@CohenGresser.com](mailto:CEverdell@CohenGresser.com); [mcohen@CohenGresser.com](mailto:mcohen@CohenGresser.com); Laura Menninger <[lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)>  
**Subject:** Re: Letter regarding discovery attached.

Looks like our email is back up. As indicated in the gmail email I would like to discuss your position by phone tomorrow. I am available any time.

Jeff

On Aug 11, 2020, at 12:19 PM, [REDACTED] <[REDACTED]> wrote:

Good afternoon,

We will provide you with our response by this Thursday, August 13<sup>th</sup>. We will, of course, send the response sooner if we are able.

Best,

[REDACTED]  
Assistant United States Attorney  
Southern District of New York  
1 St. Andrew's Plaza  
New York, NY 10007  
[REDACTED]  
[REDACTED]

---

**From:** [REDACTED] <[REDACTED]>  
**Sent:** Monday, August 10, 2020 5:28 PM  
**To:** Nicole Simmons <[nsimmons@hmflaw.com](mailto:nsimmons@hmflaw.com)>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [CEverdell@CohenGresser.com](mailto:CEverdell@CohenGresser.com); [mcohen@CohenGresser.com](mailto:mcohen@CohenGresser.com)

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**Cc:** Laura Menninger <[lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)>; Jeff Pagliuca <[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)>  
**Subject:** RE: Letter regarding discovery attached.

Good afternoon,

We are in receipt of the email and letter. We will respond as soon as we are able.

Regards,  
Alex.

[REDACTED]  
Assistant U.S. Attorney  
Southern District of New York  
212.637.2415

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**From:** Nicole Simmons <[nsimmons@hmflaw.com](mailto:nsimmons@hmflaw.com)>  
**Sent:** Monday, August 10, 2020 16:18  
**To:** [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [CEverdell@CohenGresser.com](mailto:CEverdell@CohenGresser.com); [mcohen@CohenGresser.com](mailto:mcohen@CohenGresser.com)  
**Cc:** Laura Menninger <[lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)>; Jeff Pagliuca <[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)>  
**Subject:** FW: Letter regarding discovery attached.

Dear Counsel,

At the request of Jeffrey Pagliuca please see the attached letter. Our firm is currently experiencing technical issues with our email system. If you would please kindly confirm receipt of this email and the attachment it would be greatly appreciated.

Thank you,

Nicole

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**From:** Jeff Pagliuca <[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)>  
**Sent:** Sunday, August 09, 2020 4:56 PM  
**To:** [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>  
**Cc:** Laura Menninger <[lmenninger@hmflaw.com](mailto:lmenninger@hmflaw.com)>; Christian Everdell <[CEverdell@CohenGresser.com](mailto:CEverdell@CohenGresser.com)>; Mark S. Cohen <[mcohen@CohenGresser.com](mailto:mcohen@CohenGresser.com)>; Nicole Simmons <[nsimmons@hmflaw.com](mailto:nsimmons@hmflaw.com)>  
**Subject:** Letter regarding discovery attached.

Dear Counsel,

Please see attached conferral letter.

Jeff

Jeffrey S. Pagliuca  
Haddon, Morgan and Foreman, P.C.  
150 East 10th Avenue  
Denver, Colorado 80203  
Main 303.831.7364 FX 303.832.2628  
[jpagliuca@hmflaw.com](mailto:jpagliuca@hmflaw.com)  
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