

From: Gary Bloxsome <[REDACTED]>
To: "[REDACTED]" <[REDACTED]>
Cc: Daniel Cundy <[REDACTED]>, Jennifer Richardson
<[REDACTED]>, "[REDACTED]" <[REDACTED]>
<[REDACTED]>, "[REDACTED]" <[REDACTED]>

Subject: Re: Sensitive correspondence

Date: Thu, 16 Jul 2020 16:45:00 +0000

Inline-Images: image841628.jpg; image877270.jpg

Dear [REDACTED]

Thank you for your email and the constructive approach contained therein.

I will revert back to you.

Regards.

Gary

Gary Bloxsome | Partner



Coronavirus – COVID-19 – A message to our clients and fellow professionals

All of the partners of the firm are still working and their contact details can be found on our website at www.blackfords.com. In addition we have a team of key workers supporting us across all offices. We continue to take instructions from existing and new clients.

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On 14 Jul 2020, at 15:59, [REDACTED] wrote:

External email: is it safe to open attachments and links?

Gary,

In response to your July 13 email, we are prepared to enter into a limited period of confidential negotiations regarding a voluntary interview of your client, subject to the following conditions:

1. The confidential negotiation period shall last no more than two weeks, starting today, and ending at the end of the day on July 28, 2020 (the "Negotiation Period");
2. Both sides agree that the fact of the Negotiation Period, as well as any communications made during the Negotiation Period, shall be treated as confidential, and shall not be the subject of any public comments;
3. If, as the result of negotiations conducted during the Negotiation Period, your client completes a voluntary interview with U.S. authorities, either side may publicly confirm that your client met with United States law enforcement authorities and answered questions about matters under investigation. Neither party, or their representatives, shall comment further on the circumstances or substance of the interview.
4. Alternatively, if, at the end of the Negotiation Period, no agreement is reached, the parties will jointly inform the appropriate authorities in the UK and US that the parties are not able to reach agreement on a voluntary interview and accordingly a voluntary interview will not occur.

We believe these conditions directly address your stated concerns while allowing us to satisfy ourselves that all sides are endeavoring in good faith to either expeditiously reach agreement on a voluntary interview or reach agreement that no such interview will occur.

Please inform us as soon as possible if you are amenable to this proposal. If so, we are prepared to schedule a call at your earliest convenience to discuss arrangements for the interview.

Regards,

[REDACTED]

From: Gary Bloxsome

Sent: Monday, July 13, 2020 11:49

To: [REDACTED]

Cc: Daniel Cundy ; Jennifer Richardson ; [REDACTED] ; [REDACTED]

Subject: Re: Sensitive correspondence

Dear [REDACTED]

Geoffrey Berman and Audrey Strauss have persistently commented about the prospects and purpose of interviewing the Duke of York, prompting widespread media coverage. We regard that commentary as improper. Your offer to refrain from publicly commenting on the substance of any witness interview and general assurances about your standard practice are clearly insufficient to prevent the DoJ and the SDNY from encouraging a media circus around the process of arranging for and the Duke attending any interview. All we are asking for at this stage is an undertaking of confidentiality in relation to the discussion of dates, concerns and arrangements in relation to any interview. This is no more than would be good practice in the UK and we invite you provide an assurance in this regard.

Regards

Gary

Gary Bloxsome | Partner

[REDACTED]
[REDACTED]
[REDACTED]

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On 10 Jul 2020, at 00:51, [REDACTED] <[REDACTED]> wrote:

External email: is it safe to open attachments and links?

Gary,

EFTA00023793

While we do not think it would be productive to rehash the history of our communications, we have always been and remain open to a voluntary interview in lieu of one compelled under U.K. law. However, your client has neither offered nor agreed to sit for a voluntary interview. That has left us no choice but to pursue a compelled interview. You have asked about the confidentiality of any witness interview. We have previously told you, by email dated February 4, 2020, and reiterate here, that it is our standard practice to refrain from publicly commenting on the substance of any witness interview, and we intend to abide by that practice in this case. It is also our standard practice to disclose information provided during a witness interview only in connection with an ongoing criminal investigation or proceeding, any related civil or forfeiture proceeding initiated by this Office, or as otherwise authorized under U.S. law. We do not voluntarily share information with the press or civil litigants or members of the public, and it is entirely unclear why you believe we might do so here.

Give us a commitment that your client will sit for a voluntary interview with us, give us a date or dates that work for you and your client, and we will be happy to schedule a call to discuss any additional arrangements or particular concerns you may have. But until we have a commitment from your client to sit for a voluntary interview – and to do so on a timeline that reflects the urgency of our ongoing investigation – we will continue to pursue a compelled interview through all available legal channels.

Regards,

[REDACTED]

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

From: Gary Bloxsome <[REDACTED]>

Sent: Monday, July 06, 2020 09:15

To: [REDACTED] <[REDACTED]>

Cc: Daniel Cundy <[REDACTED]>; Jennifer Richardson <[REDACTED]>;

[REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>

Subject: Re: Sensitive correspondence

Dear [REDACTED],

Thank you for your email of 2 July 2020, sent late in the evening UK time.

It appears that there may be cultural differences between UK and US legal practice that are causing problems in our communications. Normally in UK practice, any written communication is acknowledged promptly and any differences between the parties are identified in that correspondence. Following our emails of 3 and 8 June 2020, I had expected the DOJ to at least acknowledge our email of 8 June 2020. I did not expect to have to chase for an acknowledgment, let alone a response, on 1 July 2020.

I remain very keen to discuss a path for the Duke's voluntary cooperation, without necessity for compelled process under the MLAT. I believe that through a cooperative agreement which could be reached, the Duke would be able to provide answers to any relevant questions you may have.

I am disappointed that your email response of 2 July 2020 seems to suggest that the DOJ has no interest in discussing the practical arrangements that obviously need to be made to allow us to advise the Duke of York that he should agree a process under which he provides witness evidence to you. For that discussion to take place I would invite you to indicate what protections might be available to ensure that this process is fair and does not turn into a media circus.

Insofar as you complain about our public statement on 8 June 2020, this solitary public comment was made in response to what I believe have been highly unusual public statements and persistent and deliberate leaks to the press by the DOJ, including the latest leak of the fact that there had been a mutual legal assistance request. However, I acknowledge that both sides appear to have quite different views as to how we have reached this position and who is in the right. May I therefore suggest that we start afresh, and both make a good faith attempt to reach an agreement which will allow the Duke of York to provide the potential evidence you seek.

I do not believe that this agreement can be achieved by the DOJ unilaterally insisting that the Duke must commit to a voluntary cooperation without any guarantee that he would have even the limited protection that he would be given in the context of a request for mutual legal assistance. In the mutual legal assistance process in the UK, for example, he could only be required to answer questions and provide evidence that are demonstrably relevant to a US criminal trial. Whatever evidence he provides may only be used for the US

criminal proceedings and cannot be given to the press or deployed by civil claimants' lawyers. The overall confidentiality of the evidence taking process is supervised by a judge.

In those circumstances I do urge you to agree that we should at least attempt to iron out the cultural differences and practical issues between us by speaking on a call in the very near future.

I look forward to hearing from you regarding a time you might be available to speak by telephone.

Kind regards

Gary

Gary Bloxsome | Partner

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On 2 Jul 2020, at 22:07, [REDACTED] <[REDACTED]> wrote:

External email: is it safe to open attachments and links?

Gary,

There is nothing under active consideration because you have not proposed anything for consideration. To the contrary, in your email of June 8, you stated: "we cannot commit to a particular form of cooperation until we are properly informed and assured as to what protections, including as to confidentiality and use, are to pertain." We note that notwithstanding your professed interest in confidentiality, that email was followed almost immediately by a

public release issued in your name that contained any number of false and misleading characterizations of your dealings with our Office and your client's purported interest in cooperation.

If and when you are prepared to arrange a date for your client to sit for an interview with our Office, we assume you will let us know, and we will be happy to discuss the particulars of such an interview. Until such an interview is arranged, we will continue to report to the authorities in the UK, through the appropriate channels, that there has been no offer of a voluntary interview, nor any likelihood of one being scheduled, and that we will therefore have no alternative but to pursue a compelled interview via formal request.

Regards,

[REDACTED]

[REDACTED]

Assistant U.S. Attorney
Southern District of New York

[REDACTED]

From: Gary Bloxsome <[REDACTED]>

Sent: Wednesday, July 01, 2020 12:28

To: [REDACTED] <[REDACTED]>; [REDACTED]

<[REDACTED]>; [REDACTED] <[REDACTED]>

Cc: Daniel Cundy <[REDACTED]>; Jennifer Richardson <[REDACTED]>

Subject: Sensitive correspondence

Dear [REDACTED]

I refer to our email dated 8th June 2020. We have not received any response from you. We assume it is still under active consideration by your department. If it would assist we would welcome a telephone conference to discuss the matter further.

Kind regards

Gary

Gary Bloxsome|Partner

[REDACTED]

[REDACTED]

[REDACTED]

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