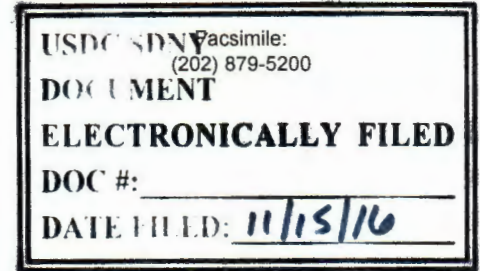


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November 9, 2016

Via ECF

The Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 12D
New York, NY 10007

MEMO ENDORSED

P2

Re: United States v. Reza Zarrab, et al.,
SI 15 Cr. 867 (RMB)

Dear Judge Berman:

We write on behalf of Defendant Reza Zarrab related to his Motion to Suppress Emails. The application for the 2014 warrant that authorized the search of Mr. Zarrab's emails relied almost exclusively on a widely discredited document that purported to be an official Turkish law enforcement report. The "report" was discovered on a website, www.candundar.com.tr. The affiant in this case who relied on this unsigned "report" to obtain the warrant told the Southern District of New York Magistrate Judge that the document "appears to be consistent in format and content with genuine Turkish law enforcement reports."

The Ministry of Justice of the Republic of Turkey is in the unique position of being able to verify or deny the authenticity of the "report" and its allegations against Mr. Zarrab. Accordingly, counsel to Mr. Zarrab requires the Turkish Ministry of Justice to share its views regarding both the format of the purported "report" and the accuracy of various allegations in the document. To accomplish this task, the Turkish Ministry of Justice needs to review a copy of the warrant application to understand what parts of the "report" were cited by the U.S. government and how the U.S. government used the document to obtain a warrant in 2014. The Ministry of Justice's views will be crucial in establishing that the U.S. government willfully or recklessly omitted critical information about the "report" when it sought the warrant to search Mr. Zarrab's emails.

Thus, pursuant to the Protective Order the Court entered on June 1, 2016, defense counsel seeks the Court's authorization to provide a copy of the 2014 Warrant Application to the Office of the Ministry of Justice of the Republic of Turkey. Defense counsel has notified the prosecution of this request, and the prosecution has stated that it opposes the request.

KIRKLAND & ELLIS LLP

Hon. Richard M. Berman
November 9, 2016
Page 2

Respectfully submitted,

BRAFMAN & ASSOCIATES, P.C.

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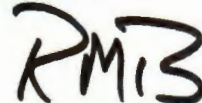
Attorneys for Defendant Reza Zarrab

cc: All counsel of record (by ECF)

The Protective Order, dated June 1, 2016, was developed - - and agreed to - - by experienced and sophisticated counsel for the defense and for the government, prior to submission to the Court to be "so ordered". Based upon the record herein, the Court perceives no basis to depart from the parties' Protective Order agreement and to determine that access to the September 2014 Affidavit is necessary for the purpose of preparing the defense of this case. The defense application herein is respectfully denied.

Dated: New York, New York
November 15, 2016

SO ORDERED:



Hon. Richard M. Berman, U.S.D.J.