

4/29/2021 Government Letter, Filed Under Seal, in *In re Search Warrant dated April 21, 2021*, 21 Mag. 4335 and *In re Search Warrant dated April 28, 2021*, 21 Mag. 4591.

On May 7, the parties conferred by conference call regarding potential new disclosure obligations triggered by the Government's recent searches and seizures, including how the Government intended to appropriately review the contents of the seized materials then-known by us to exist, and to produce responsive, discoverable material far enough in advance of any hearings and trial to give the defendants sufficient time to properly review and investigate. We anticipated that there existed significant amounts of undisclosed Rule 16 material, additional *Brady/Giglio* material related to certain counts in the Superseding Indictment, and information directly relevant to the defendants' pending motions to dismiss.

In response, by letter dated May 14, 2021, the Government advised defense counsel for the very first time that, beginning in early [REDACTED], it had applied for and obtained [REDACTED] other search warrants and the returns on these warrants, which were yet to be produced in any form and all related to [REDACTED]. See 5/14/2021 Government Letter to All Defense Counsel (Exhibit A). We learned that the disclosure of materials seized pursuant to these warrants was delayed by Order of this Court on November 8, 2019, and then again on multiple occasions, including most recently on March 26, 2021, when the Court extended the Order to June 30, 2021. *Id.*

In a chart, the Government identified that it had sought and seized a variety of undisclosed materials from [REDACTED] the iCloud and e-mail accounts of Rudolph Giuliani [REDACTED] the iCloud account of Victoria Toensing [REDACTED] the e-mail account of Victoria Toensing [REDACTED] electronic devices of Rudolph Giuliani and Giuliani Partners LLC [REDACTED] and the iPhone of Victoria Toensing.

The Government asserted that none of the warrants authorized the search or seizure of evidence of the campaign finance allegations charged in the superseding indictment, and noted that its prosecution team was not yet in possession of the records from the warrants executed on the devices in April 2021, since no records have been released by the filter team, special master, or the Court. The Government assured defense counsel that, should it uncover *Brady* or *Giglio* "for the charged case" (Exhibit A at p. 3), the Government would produce these materials. Although it did not intend to produce the search warrant affidavits or materials seized pursuant to the warrants, the Government left this issue open for future discussion.