

Inner City Press

January 3, 2022

By ECF

Hon. Lewis A. Kaplan, United States District Judge
Southern District of New York, 500 Pearl Street, New York, NY 10007

Re: Press Application to unseal sureties' names and information in US v.
Bankman-Fried, et al., 22-cr-673 (LAK) and/or to intervene, if deemed necessary

Dear Judge Kaplan:

Inner City Press has been covering the above captioned criminal case and earlier today covered the proceeding in which the defendant's request to redact the names of the co-signers / suretors on his \$250 million bond was granted without prejudice to anticipated opposition from the news media. This is such opposition. The request for secrecy should not be granted.

This defendant seeks to be treated different than other defendants in this District. In the SDNY Magistrates' Court, for example, suretor information is routinely made public, including their annual incomes, and even addresses. As a reporter who covers the Magistrate Court frequently, including judges publicly inquiring into the identities and incomes of proposed sureties, this defendant's request, hours before today's proceeding and two days before the deadline for sureties, is problematic.

Relatedly, Inner City Press by letters similar to this has twice gotten defendants' CJA-23 financial affidavits unsealed. The public has a right to know on what basis judges grant such requests, as they do on the approval of suretors. This is particularly true here, where funds are missing and elected officials and campaigns received campaign contributions.

"Representatives of the press must be given an opportunity to be heard on the question of their exclusion from a court proceeding, and we have recognized a similar right of news media to intervene in this Court to seek unsealing of documents filed in a court proceeding." *Trump v. Deutsche Bank AG*, 940 F.2d 146, 150 (2d Cir. 2019).

Inner City Press: In-house SDNY: Room 480, 500 Pearl Street, NY NY 10007
E-mail: Matthew.Lee@innercitypress.com - Tel: 718-716-3540
Regular Mail: Dag Hammarskjold Center, Box 20047, New York, NY 10017

"The common law right of public access to judicial documents is firmly rooted in our nation's history." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006).

These are judicial documents, see e.g. this Court's decision in *United States v. Gatto*, No. 17-cr-686 (LAK), 2019 WL 4194569, at *3 (S.D.N.Y. Sept. 3, 2019)

This is an application for this court to grant or if necessary schedule a hearing on this challenge to the proposed withholding of suretor information, as SDNY Judges Hellerstein, Castel, Furman and others have done. See, e.g., <https://storage.courtlistener.com/recap/gov.uscourts.nysd.516151/gov.uscourts.nysd.516151.85.0.pdf> and *US v. Weigand*, 20-cr-188 (JSR), see Dkt. No. 250.

Because of the impending January 5, 2023 deadline in the conditions of release, cited and re-affirmed in the defendant's letter earlier today, leave is sought to make this application by letter filed on ECF.

If appropriate, PLEASE TAKE NOTICE that Inner City Press and its undersigned reporter, in personal capacity, will move this Court before Honorable Lewis A. Kaplan, U.S. District Judge for the Southern District of New York, at a date and time directed by the Court, for entry of an order granting permission to be heard on sealing or unsealing of the suretor and other information in *US v. Bankman-Fried, et al.*, 22-cr-673 (LAK).

Thank you.

Respectfully submitted,

/s/

Matthew Russell Lee
Inner City Press

cc: counsel via ECF