



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG:TH
F. #2017R01840

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 23, 2021

By ECF

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Keith Raniere, et al.
Criminal Docket No. 18-204 (S-2) (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter to request (i) that the defendant Keith Raniere's response to the government's restitution submission (ECF Docket Entry No. 1018 (the "Raniere Filing")) remain under seal and (ii) that the Court remind counsel for Raniere of their continuing obligations to exercise great care to ensure that future filings containing sensitive victim information are appropriately filed under seal and impose sanctions in the event of any future violations.

As the Court is aware, the Raniere Filing was filed publicly after midnight today, March 23, 2021. The Raniere Filing contains the full names of victims and sensitive victim information, including medical records, in contravention of the Court's orders in the above-captioned case. (See Protective Order, ECF Docket Entry No. 1001; Order Designating Victim Discovery Material, ECF Docket Entry No. 838.) This morning, the undersigned contacted Steven A. Metcalf II, Esq., counsel for Raniere, who stated that counsel had intended to file the Raniere Filing under seal and that the public filing was a technical error. The government acknowledges that the first page of the Raniere Filing notes that it was to be filed under seal and credits counsel's statement that the violation of the protective order entered by the Court was inadvertent. The government also expresses its grateful appreciation to the Court for ordering the prompt removal of the Raniere Filing from the public docket.

Nonetheless, the government remains troubled by the violation of the protective order. The violation is particularly concerning in light of Raniere's prior opposition to the designation of victim identities and declarations of loss as "Victim Discovery Material" within the scope of the protective order entered by the Court. (See Letter Filed by Paul DerOhannesian II, Esq., ECF Docket Entry No. 836.) In addition, as noted in the Raniere Filing, on February 26, 2021, another lawyer for Raniere attempted to mail Exhibit A of the government's restitution submission to the defendant, in violation of the Court's protective order, given that Exhibit A contained Victim Discovery Material. Upon learning of that violation from legal counsel at the jail facility in which Raniere is housed, the undersigned immediately sent an email to all counsel of record for the defendant reminding counsel that Exhibit A contained protected victim discovery material. Counsel for Raniere assured the government that the attempt was in error and would not recur.¹

In light of the egregious nature of the violation—resulting in the public filing of victim names and sensitive medical information—the government respectfully requests that any future violation of the protective order result in sanctions.

Respectfully submitted,

MARK J. LESKO
Acting United States Attorney

By: /s/
Tanya Hajjar
Assistant U.S. Attorney
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cc: Counsel of Record (by ECF and email)
United States Probation Officer Jennifer G. Fisher (by email)

¹ The Raniere Filing states that "none of Mr. Raniere's current counsel was involved in sending these documents." Raniere Filing at 31. The government notes, however, that the apparent sender, Mr. DerOhanessian, Esq., remains counsel of record for Raniere.