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FILED UNDER SEAL

February 17, 2016

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

VIA E-MAIL

Re: *United States v. Sheldon Silver*, No. 15 Cr. 093 (VEC)

Dear Judge Caproni:

As you know, we represent Sheldon Silver in the above-captioned case. We write in response to the Court's directives during the February 11, 2016 hearing to (1) advise whether we contest the Government's good faith basis for the allegations in its October 12, 2015 motion; and (2) propose redactions to the documents currently under seal, as supplemented by the additional documents identified in Ms. Vogel's email of February 12, 2016.

First, we have now reviewed the information proffered by the Government to us and do not challenge the Government's good faith basis for filing its October 12 motion – recognizing that “good faith” is a standard far short of the burden of proof required to establish that the facts alleged are actually true. This submission should not be construed as conceding either the accuracy or merits of the specific allegations made in the Government's motion or the inferences of official wrongdoing that the Government has drawn from them. Indeed, we maintain our position that the Government's allegations are unproven and reiterate our request that the government's motion and the related materials remain under seal.

With that said, we enclose our proposed redactions to the documents identified in Ms. Vogel's email of February 12, 2016. We propose these redactions subject to, and without waiver of, our previous objections to any disclosure of the materials currently under seal.

Counsel for Mr. Silver reiterates that, as submitted in its correspondence dated January 22, 2016 and orally during the hearing held February 11, 2016, any redactions fail to meaningfully protect Mr. Silver's fair trial rights and the myriad privacy interests endangered by public disclosure. Most notably, even with the redactions proposed by the Government, the materials still disclose the salacious nature of the Government's (unproven) allegations against Mr. Silver, and offer the very real chance that the identities of the two individuals referred to in

the Government's motion will be (promptly) discovered. We submit that the redactions proposed herein are necessary to protect the privacy interests of not just these individuals, but of Mr. Silver and his immediate family, as well as Mr. Silver's fair trial rights.

Should the Court determine that the redactions proposed herein strip the sealed materials of sufficient information to be meaningful for the public or the press, Mr. Silver submits that this only underscores the need to seal the Government's motion and related materials in their entirety. *See United States v. Amodeo*, 71 F.3d 1044, 1048 (2d Cir. 1995) (sealing entire record where the heavy redactions needed "would provide little meaningful information to the public because the redactions are so extensive or might, if responded to, cause the confidential sources to be identified"). Accordingly, and notwithstanding the proposed redactions enclosed herein, Mr. Silver maintains that the materials relating to the Government's October 12, 2015 motion should remain sealed in their entirety.

Respectfully submitted,

/s/ Justin V. Shur

Steven F. Molo
Justin V. Shur

CC: All counsel of record (via e-mail)