

February 17, 2016

SENT UNDER SEAL / CONFIDENTIAL

BY EMAIL

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
CaproniNYSDChambers@nysd.uscourts.gov

Re: *U.S. v. Silver*, 15-cr-00093-VEC (S.D.N.Y.)

Dear Judge Caproni:

We represent an individual who is the subject of a motion currently under seal by Your Honor. We understand that Court has asked the parties to submit proposed redactions to the additional documents listed under seal; proposed redactions to the February 11 sealed oral argument and to any other documents on said list; and any additional proposed redactions to the Government's Motion *in Limine*, Defendant's Opposition and the October 16, 2015 sealed oral argument transcript.

I. GOVERNMENT'S MOTION IN *LIMINE*

In regards to the Government's Motion in *Limine*, the interested third party, whom I represent, would respectfully suggest the following additional redactions, in addition to those suggested by the Government:

- a) [REDACTED]
- b) [REDACTED]; and

**THE LAW OFFICES OF
MANUEL ORTEGA, ESQ.**

c) [REDACTED]

II. OCTOBER 16, 2015 SEALED ORAL ARGUMENT COURT TRANSCRIPT

In regards to the October 16, 2015, sealed oral argument transcript, it is respectfully requested that the following additional redactions, in addition to those suggested by the Government be made:

a) [REDACTED]
b) [REDACTED]
c) [REDACTED] and
d) [REDACTED]

III. JANUARY 22, 2016 LETTER BRIEF SUBMITTED BY COUNSEL

In regards to Counsel's letter brief dated January 22, 2016, it is respectfully submitted that the following redactions be made:

a) [REDACTED]
b) [REDACTED]
c) [REDACTED]
d) [REDACTED] and [REDACTED]
[REDACTED]

IV. FEBRUARY 11, 2016 SEALED ORAL ARGUMENT COURT TRANSCRIPT

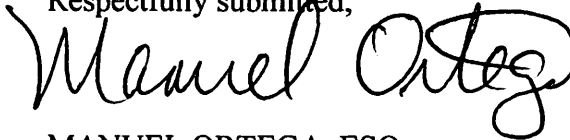
In regards to the February 11, 2016 sealed oral argument transcript, it is respectfully submitted that the following redactions be made:

[REDACTED]

The above proposed redactions are being made, in light of, what I strongly believe to be little to no actual evidence in support of the Government's extramarital affair allegations as to between Mr. Silver and my client. Counsel has not received any communication from the Government as to what the evidence actually is that supports the allegation except for statements that [REDACTED]

"[T]he privacy interests of innocent third parties . . . that may be harmed by disclosure . . . should weigh heavily in a Court's balancing equation in determining what portions of motion papers should remain sealed or should be redacted." *Matter of N.Y. Times Co.*, 828 F.2d 110, 116 (2d Cir. 1987). Such privacy interests are the kind of compelling interest that may justify sealing or further redactions than those proposed by the Government.

Thank you for your consideration.

Respectfully submitted,

MANUEL ORTEGA, ESQ.

THE LAW OFFICES OF

MANUEL ORTEGA, ESQ.

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