

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA PURSUANT  
TO 18 U.S.C. 3512 FOR 2703(d) ORDER FOR  
ONE E-MAIL ACCOUNT SERVICED BY  
GOOGLE LLC

No. 1:18-mj-00137 (RMM)

Filed Under Seal

**ORDER**

The United States has submitted a Motion in the above case to unseal its Applications for 2703(d) Orders and the Court's Orders granting those Applications. In its submission, the Government has provided copies of these documents, including proposed redactions. The Government's Application, like this Court's Order, is a judicial record subject to the common law presumption of public access. *See In re Leopold to Unseal Certain Elec. Surveillance Applications and Orders*, 964 F.3d 1121, 1127–29 (D.C. Cir. 2020). The Government has shown good cause for the proposed redactions to remain under seal. The Court, therefore, "is satisfied that the government has now taken the appropriate *initial* measure to provide public access to this matter." *In re USA*, No. 20-SC-3355, 2021 WL 2935101, at \*1-2 (D.D.C. July 13, 2021).

Thus, it is hereby

**ORDERED** that the Government's Motion is **GRANTED**; and it is further

**ORDERED** that the redacted documents attached to this Order shall be unsealed and published publicly.

Date: January 7, 2022



Zia M.  
Faruqui

The Honorable Zia M. Faruqui  
United States Magistrate Judge

RECEIVED

MAR 09 2018

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**IN RE APPLICATION OF USA PURSUANT  
TO 18 U.S.C. 3512 FOR 2703(d) ORDER FOR  
ONE E-MAIL ACCOUNT SERVICED BY  
GOOGLE LLC**

**Case: 1:18-mj-00137**

**Assigned To : Meriweather, Robin M.**

**Assign. Date : 3/9/2018**

**Description: Misc.**

**Filed Under Seal**

**Reference: DOJ Ref. # [REDACTED] Subject Account: [REDACTED]@gmail.com**

**APPLICATION OF THE UNITED STATES  
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703(d)**

The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this *ex parte* application for an Order, pursuant to 18 U.S.C. §§ 2703(d) and 3512(a), and the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Assistance in Criminal Matters, U.S.-Isr., Jan 26, 1998, S. TREATY DOC. NO. 105-40 (1998) (hereinafter, the "Treaty"), to execute a request from Israel. The proposed Order would require Google LLC ("Google"), an online service provider located in Mountain View, California, to disclose subscriber and transactional records pertaining to the e-mail account [REDACTED]@gmail.com, as identified in Part I of Attachment A to this application and the proposed Order, within ten days of receipt of the Order. The records and other information to be disclosed are described in Part II of Attachment A to this application and the proposed Order. In support of this application, the United States asserts:

**LEGAL BACKGROUND**

1. This Court has jurisdiction to issue the proposed Order because it is "a court of competent jurisdiction," as defined in 18 U.S.C. § 2711. *See* 18 U.S.C. § 2703(d) (2012).

Specifically, the Court “is acting on a request for foreign assistance pursuant to [18 U.S.C.] section 3512.” 18 U.S.C. § 2711(3)(A)(iii) (2012); *see also* 18 U.S.C. § 3512(a)(2)(B) (2012) (court may issue “a warrant or order for contents of stored wire or electronic communications or for records related thereto, as provided under section 2703”); 18 U.S.C. § 3512(c)(3) (2012) (“application for execution of a request from a foreign authority under this section may be filed . . . in the District of Columbia”).

2. Section 3512 provides:

Upon application, duly authorized by an appropriate official of the Department of Justice, of an attorney for the Government, a Federal judge may issue such orders as may be necessary to execute a request from a foreign authority for assistance in the investigation or prosecution of criminal offenses, or in proceedings related to the prosecution of criminal offenses, including proceedings regarding forfeiture, sentencing, and restitution.

18 U.S.C. § 3512(a)(1) (2012). This application to execute Israel’s request has been duly authorized by an appropriate official of the Department of Justice, through the Office of International Affairs,<sup>1</sup> which has authorized execution of the request and has delegated the undersigned to file this application. The undersigned has reviewed the request and has confirmed that it was submitted by authorities in Israel in connection with a criminal investigation and/or prosecution.

3. Google is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Accordingly, the United States may use a court order issued under § 2703(d) to require Google

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<sup>1</sup> The Attorney General, through regulations and Department of Justice directives, has delegated to the Office of International Affairs the authority to serve as the “Central Authority” under treaties and executive agreements between the United States and other countries pertaining to mutual assistance in criminal matters. See 28 C.F.R. §§ 0.64-1, 0.64-4, and Appendix to Subpart K, Directive Nos. 81A and 81B (2015).

to disclose the items described in Part II of Attachment A. *See* 18 U.S.C. § 2703(c)(2) (2012) (Part II.A of Attachment A); 18 U.S.C. § 2703(c)(1) (2012) (Part II.B of Attachment A).

4. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that . . . the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d) (2012). Accordingly, the next section of this application sets forth specific and articulable facts that establish that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

#### RELEVANT FACTS

5. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] A copy

of the applicable law(s) is appended to this application. The United States, through the Department of Justice, Criminal Division, Office of International Affairs, received a request from Israel to provide the requested records to assist in the criminal investigation. Under the Treaty, the United States is obligated to render assistance in response to the request.

6. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED] an individual named Lori Shem Tov ("Tov"), who subsequently published the sealed document on January 13, 2016, on mishpatsheker.com—a website believed to be operated by Tov.<sup>2</sup>

7. Specifically, in an intercepted telephone conversation that occurred between Tov [REDACTED] on January 13, 2016 (*i.e.*, the same date on which the indictment was published online), Tov stated that [REDACTED] had e-mailed her an indictment. Tov [REDACTED] then proceeded to discuss the fact that page 8 of the indictment was missing. Israeli authorities have advised that page 8 of the indictment that was published on mishpatsheker.com on January 13, 2016, also was missing. When questioned by Israeli authorities, Tov indicated [REDACTED] and that Tov corresponded with [REDACTED] via e-mail. Based on the foregoing, Israeli authorities believe that Tov's above-mentioned reference to [REDACTED] was a reference to [REDACTED] and that [REDACTED] would have e-mailed the sealed indictment to Tov at some time between August 16, 2015 (the date on which the indictment was filed under seal), and January 13, 2016 (the date on which the indictment was published online).

8. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

---

<sup>2</sup> During the course of the investigation, Israeli authorities determined that the website mishpatsheker.com is associated with the e-mail account ilanastav100@gmail.com, which e-mail account Google subsequently advised Israeli authorities is linked to one of Tov's known e-mail accounts, lorish69@gmail.com.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] to send the sealed indictment to Tov.

REQUEST FOR ORDER

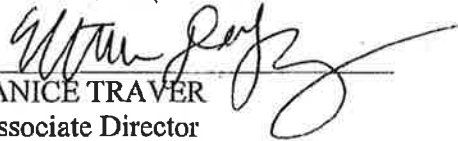
9. The facts set forth in the previous section establish that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, the records and other information will help authorities in Israel determine the nature and scope of [REDACTED] activities in connection with the events described above. Accordingly, the United States requests that Google be directed to produce all items described in Part II of Attachment A to this application and the proposed Order within ten days of receipt of the Order.

10. The United States further requests that the Court order that this application and any resulting Order be sealed for two years from the date of the Court's Order. As explained above, these documents discuss a foreign, ongoing, criminal investigation, and the prosecutor and/or investigator in Israel will need time to review the information provided and pursue any investigative leads prior to disclosure of the specific assistance sought by Israeli authorities to the general public. In addition, the two-year time period for sealing is reasonable. Foreign investigations are often lengthy, and the United States does not have ready access to the status of such investigations. During the two-year time period, the United States will need to serve the production Order on Google, obtain Google's responsive documents, resolve any issues or

questions regarding the production, and send the documents to the Central Authority for mutual legal assistance requests in Israel. Israel's Central Authority then will have to provide the documents to the prosecutor and/or investigator assigned to the particular matter, who will need time to review the information provided and pursue any investigative leads, prior to disclosure of the specific assistance sought by Israeli authorities to the general public.<sup>3</sup> For the foregoing reasons, the two-year time period is reasonable with respect to the government's request that this application and any resulting Order be sealed.<sup>4</sup>

Respectfully submitted,

VAUGHN A. ARY  
DIRECTOR  
OFFICE OF INTERNATIONAL AFFAIRS  
OK Bar Number 12199


By:   
for JANICE TRAVER  
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3 With many foreign counterparts, the correspondence also may need to be translated into the recipient's language.

4 When enacting Section 3512, Congress anticipated that improved U.S. handling of foreign requests would insure reciprocity in response to U.S. requests for assistance in its criminal investigations. *See, e.g.*, 155 CONG. REC. H10,093 (2009) (statement of Rep. Schiff). Section 3512, which codified past practice in relation to the execution of foreign requests for evidence, naturally encompasses the past practice of sealing foreign requests. *See, e.g., In re Letter of Request from the Government of France*, 139 F.R.D. 588, 592 (S.D.N.Y. 1991) (secrecy in executing foreign request is "essential to protect the French Court's criminal investigation").

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By:

  
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## **Relevant Provisions of Israel's Penal Law**

### **Section 267(b)**

(b) If a public servant, who is charged with handling or keeping a document, delivers it unlawfully to another person and the document is removed from the custody as said in subsection (a), then he is liable to five years imprisonment.

### **Section 284**

If a public servant in the performance of his functions committed fraud or a breach of trust that injures the public, even if the act would not have constituted an offense if committed against an individual, then he is liable to three years imprisonment.

## **ATTACHMENT A**

### **I. The Account**

The Order applies to certain records and information relating to the e-mail account

██████████@gmail.com and any preservation numbers associated therewith.

### **II. Records and Other Information to Be Disclosed**

Google is required to disclose to the United States the following records and other information relating to the e-mail account identified in Part I of this Attachment ("Account") for the time period from August 15, 2015 to and including January 13, 2016:

#### **A. The following information about the customers or subscribers of the Account:**

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including media access control ("MAC") addresses);
7. Other subscriber numbers or identities (including the registration IP address); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

#### **B. All records and other information (not including the contents of communications) relating to the Account, including:**

1. Records of user activity for each connection made to or from the Account, including log files; messaging logs; the date, time, length, and method of connections; data transfer volume; user names; and source and destination IP addresses; and
2. Information about each communication sent or received by the Account, including the date and time of the communication, the method of communication, and the source and destination of the communication

• (such as source and destination e-mail addresses, IP addresses, and telephone numbers).

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MAR 09 2018

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**IN RE APPLICATION OF USA PURSUANT  
TO 18 U.S.C. 3512 FOR 2703(d) ORDER FOR  
ONE E-MAIL ACCOUNT SERVICED BY  
GOOGLE LLC**

Case: 1:18-mj-00137  
Assigned To : Meriweather, Robin M.  
Assign. Date : 3/9/2018  
Description: Misc.

**Filed Under Seal**

**ORDER**

The United States has submitted an application pursuant to 18 U.S.C. §§ 2703(d) and 3512(a), and the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Assistance in Criminal Matters, U.S.-Isr., Jan 26, 1998, S. TREATY DOC. NO. 105-40 (1998), requesting that the Court issue an Order requiring Google LLC ("Google"), an electronic communication service provider and/or a remote computing service located Mountain View, California, to disclose the records and other information described in Attachment A to this Order.

The Court finds that the United States has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2703(d), that Google shall, within ten days of receipt of this Order, disclose to the United States the records and other information described in Attachment A to this Order.

IT IS FURTHER ORDERED that the application of the United States and this Order are sealed for two years from the date of this Order and the Clerk's office shall not make any entry on the public docket of the application and this Order unless otherwise ordered by the Court,

IT IS FURTHER ORDERED that two years from the date of this Order, the application and this Order shall be unsealed unless otherwise ordered by the Court.

Date \_\_\_\_\_

## **ATTACHMENT A**

### **I. The Account**

The Order applies to certain records and information relating to the e-mail account [REDACTED]@gmail.com and any preservation numbers associated therewith.

### **II. Records and Other Information to Be Disclosed**

Google is required to disclose to the United States the following records and other information relating to the e-mail account identified in Part I of this Attachment ("Account") for the time period from August 15, 2015 to and including January 13, 2016:

#### **A. The following information about the customers or subscribers of the Account:**

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including media access control ("MAC") addresses);
7. Other subscriber numbers or identities (including the registration IP address); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

#### **B. All records and other information (not including the contents of communications) relating to the Account, including:**

1. Records of user activity for each connection made to or from the Account, including log files; messaging logs; the date, time, length, and method of connections; data transfer volume; user names; and source and destination IP addresses; and
2. Information about each communication sent or received by the Account, including the date and time of the communication, the method of communication, and the source and destination of the communication

(such as source and destination e-mail addresses, IP addresses, and telephone numbers).

**FILED**

**MAR 12 2018**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

**IN RE APPLICATION OF USA PURSUANT  
TO 18 U.S.C. 3512 FOR 2703(d) ORDER FOR  
ONE E-MAIL ACCOUNT SERVICED BY  
GOOGLE LLC**

Case: 1:18-mj-00137  
Assigned To : Meriweather, Robin M.  
Assign. Date : 3/9/2018  
Description: Misc.

**Filed Under Seal**

**ORDER**

The United States has submitted an application pursuant to 18 U.S.C. §§ 2703(d) and 3512(a), and the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Assistance in Criminal Matters, U.S.-Isr., Jan 26, 1998, S. TREATY DOC. NO. 105-40 (1998), requesting that the Court issue an Order requiring Google LLC ("Google"), an electronic communication service provider and/or a remote computing service located Mountain View, California, to disclose the records and other information described in Attachment A to this Order.

The Court finds that the United States has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2703(d), that Google shall, within ten days of receipt of this Order, disclose to the United States the records and other information described in Attachment A to this Order.

IT IS FURTHER ORDERED that the application of the United States and this Order are sealed for two years from the date of this Order and the Clerk's office shall not make any entry on the public docket of the application and this Order unless otherwise ordered by the Court,



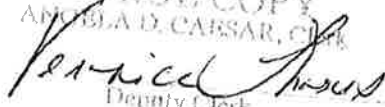
except that the United States may disclose the existence and/or contents of the application and this Order to appropriate foreign and domestic law enforcement authorities.

IT IS FURTHER ORDERED that two years from the date of this Order, the application and this Order shall be unsealed unless otherwise ordered by the Court.

  
United States Magistrate Judge

Robin M. Meriweather  
U.S. Magistrate Judge

3/9/18  
Date

U.S. District and Bankruptcy Courts  
for the District of Columbia  
A TRUE COPY  
ANGELA D. CAESAR, Clerk  
By   
Deputy Clerk

## **ATTACHMENT A**

### **I. The Account**

The Order applies to certain records and information relating to the e-mail account

██████████@gmail.com and any preservation numbers associated therewith.

### **II. Records and Other Information to Be Disclosed**

Google is required to disclose to the United States the following records and other information relating to the e-mail account identified in Part I of this Attachment

("Account") for the time period from August 15, 2015 to and including January 13, 2016:

#### **A. The following information about the customers or subscribers of the Account:**

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
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7. Other subscriber numbers or identities (including the registration IP address); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

#### **B. All records and other information (not including the contents of communications) relating to the Account, including:**

1. Records of user activity for each connection made to or from the Account, including log files; messaging logs; the date, time, length, and method of connections; data transfer volume; user names; and source and destination IP addresses; and
2. Information about each communication sent or received by the Account, including the date and time of the communication, the method of communication, and the source and destination of the communication

(such as source and destination e-mail addresses, IP addresses, and telephone numbers).

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RECEIVED

MAR 26 2018

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

IN RE APPLICATION OF USA PURSUANT  
TO 18 U.S.C. 3512 FOR 2703(d) ORDER FOR  
ONE E-MAIL ACCOUNT SERVICED BY  
GOOGLE LLC

Misc. No. 1:18-mj-00137

Filed Under Seal

Reference: DOJ Ref. # [REDACTED] Subject Account: [REDACTED]@gmail.com

**AMENDED APPLICATION OF THE UNITED STATES  
FOR AN ORDER PURSUANT TO 18 U.S.C. § 2703(d)**

The United States of America, moving by and through its undersigned counsel, respectfully submits under seal this *ex parte* amended application for an Amended Order, pursuant to 18 U.S.C. §§ 2703(d) and 3512(a), and the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Assistance in Criminal Matters, U.S.-Isr., Jan 26, 1998, S. TREATY DOC. NO. 105-40 (1998) (hereinafter, the "Treaty"), to execute a request from Israel.<sup>1</sup> The proposed Amended Order would require Google LLC ("Google"), an online service provider located in Mountain View, California, to disclose subscriber and transactional records pertaining to the e-mail account [REDACTED]@gmail.com, as identified in Part I of Attachment A to this amended application and the proposed Amended Order, within ten days of receipt of the Amended Order. The records and other information to be disclosed are described in Part II of Attachment A to this amended

<sup>1</sup> By an Order filed on March 12, 2018, this Court granted the government's original application in the above-captioned matter for the e-mail account [REDACTED]@gmail.com. The government subsequently has determined that the e-mail account listed in the original application incorrectly included [REDACTED]. The government apologizes for this oversight and hereby files this amended application regarding the corrected account identified as [REDACTED]@gmail.com.

application and the proposed Amended Order. In support of this amended application, the United States asserts:

#### LEGAL BACKGROUND

1. This Court has jurisdiction to issue the proposed Amended Order because it is “a court of competent jurisdiction,” as defined in 18 U.S.C. § 2711. *See* 18 U.S.C. § 2703(d) (2012). Specifically, the Court “is acting on a request for foreign assistance pursuant to [18 U.S.C.] section 3512.” 18 U.S.C. § 2711(3)(A)(iii) (2012); *see also* 18 U.S.C. § 3512(a)(2)(B) (2012) (court may issue “a warrant or order for contents of stored wire or electronic communications or for records related thereto, as provided under section 2703”); 18 U.S.C. § 3512(c)(3) (2012) (“application for execution of a request from a foreign authority under this section may be filed . . . in the District of Columbia”).

2. Section 3512 provides:

Upon application, duly authorized by an appropriate official of the Department of Justice, of an attorney for the Government, a Federal judge may issue such orders as may be necessary to execute a request from a foreign authority for assistance in the investigation or prosecution of criminal offenses, or in proceedings related to the prosecution of criminal offenses, including proceedings regarding forfeiture, sentencing, and restitution.

18 U.S.C. § 3512(a)(1) (2012). This amended application to execute Israel’s request has been duly authorized by an appropriate official of the Department of Justice, through the Office of International Affairs,<sup>2</sup> which has authorized execution of the request and has delegated the

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<sup>2</sup> The Attorney General, through regulations and Department of Justice directives, has delegated to the Office of International Affairs the authority to serve as the “Central Authority” under treaties and executive agreements between the United States and other countries pertaining to mutual assistance in criminal matters. *See* 28 C.F.R. §§ 0.64-1, 0.64-4, and Appendix to Subpart K, Directive Nos. 81A and 81B (2015).

undersigned to file this amended application. The undersigned has reviewed the request and has confirmed that it was submitted by authorities in Israel in connection with a criminal investigation and/or prosecution.

3. Google is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Accordingly, the United States may use a court order issued under § 2703(d) to require Google to disclose the items described in Part II of Attachment A. *See* 18 U.S.C. § 2703(c)(2) (2012) (Part II.A of Attachment A); 18 U.S.C. § 2703(c)(1) (2012) (Part II.B of Attachment A).

4. A court order under § 2703(d) “shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that . . . the records or other information sought, are relevant and material to an ongoing criminal investigation.” 18 U.S.C. § 2703(d) (2012). Accordingly, the next section of this amended application sets forth specific and articulable facts that establish that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation.

#### RELEVANT FACTS

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A copy of the applicable law(s) is appended to this amended application. The United States, through the Department of Justice, Criminal Division, Office of International Affairs, received a request

from Israel to provide the requested records to assist in the criminal investigation. Under the Treaty, the United States is obligated to render assistance in response to the request.

6. [REDACTED]

[REDACTED] to an individual named Lori Shem Tov ("Tov"), who subsequently published the sealed document on January 13, 2016, on mishpatsheker.com—a website believed to be operated by Tov.<sup>3</sup>

7. Specifically, in an intercepted telephone conversation that occurred between Tov [REDACTED] on January 13, 2016 (*i.e.*, the same date on which the indictment was published online), Tov stated that [REDACTED] had e-mailed her an indictment. Tov [REDACTED] then proceeded to discuss the fact that page 8 of the indictment was missing. Israeli authorities have advised that page 8 of the indictment that was published on mishpatsheker.com on January 13, 2016, also was missing. When questioned by Israeli authorities, Tov indicated [REDACTED] and that Tov corresponded with [REDACTED] via e-mail. Based on the foregoing, Israeli authorities believe that Tov's above-mentioned reference to [REDACTED] was a reference to [REDACTED] and that [REDACTED] would have e-mailed the sealed indictment to Tov at some time between August 16, 2015 (the date on which the indictment was filed under

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<sup>3</sup> During the course of the investigation, Israeli authorities determined that the website mishpatsheker.com is associated with the e-mail account ilanastav100@gmail.com, which e-mail account Google subsequently advised Israeli authorities is linked to one of Tov's known e-mail accounts, lorish69@gmail.com.

[illegible]

9. The facts set forth in the previous section establish that there are reasonable grounds to believe that the records and other information described in Part II of Attachment A are relevant and material to an ongoing criminal investigation. Specifically, the records and other information will help authorities in Israel determine the nature and scope of [REDACTED] activities in connection with the events described above. Accordingly, the United States requests that Google be directed to produce all items described in Part II of Attachment A to this amended application and the proposed Amended Order within ten days of receipt of the Amended Order.

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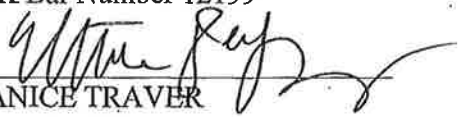


Court's Amended Order. These documents discuss a foreign, ongoing, criminal investigation, and the prosecutor and/or investigator in Israel will need time to review the information provided and pursue any investigative leads prior to disclosure of the specific assistance sought by Israeli authorities to the general public. For these reasons, the two-year time period also is reasonable with respect to the government's request that this amended application and any resulting Amended Order be sealed. *See, e.g., In re Letter of Request from the Government of France*, 139 F.R.D. at 592.


Respectfully submitted,

VAUGHN A. ARY  
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OFFICE OF INTERNATIONAL AFFAIRS  
OK Bar Number 12199

for By:

  
JANICE TRAVER  
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NY Bar Number 2800357  
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By:

  
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Trial Attorney  
VA Bar Number 76530  
Office of International Affairs  
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## **Relevant Provisions of Israel's Penal Law**

### **Section 267(b)**

(b) If a public servant, who is charged with handling or keeping a document, delivers it unlawfully to another person and the document is removed from the custody as said in subsection (a), then he is liable to five years imprisonment.

### **Section 284**

If a public servant in the performance of his functions committed fraud or a breach of trust that injures the public, even if the act would not have constituted an offense if committed against an individual, then he is liable to three years imprisonment.

## **ATTACHMENT A**

### **I. The Account**

The Amended Order applies to certain records and information relating to the e-mail account [REDACTED]@gmail.com and any preservation numbers associated therewith.

### **II. Records and Other Information to Be Disclosed**

Google is required to disclose to the United States the following records and other information relating to the e-mail account identified in Part I of this Attachment ("Account") for the time period from August 15, 2015 to and including January 13, 2016:

#### **A. The following information about the customers or subscribers of the Account:**

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions;
5. Length of service (including start date) and types of service utilized;
6. Telephone or instrument numbers (including media access control ("MAC") addresses);
7. Other subscriber numbers or identities (including the registration IP address); and
8. Means and source of payment for such service (including any credit card or bank account number) and billing records.

#### **B. All records and other information (not including the contents of communications) relating to the Account, including:**

1. Records of user activity for each connection made to or from the Account, including log files; messaging logs; the date, time, length, and method of connections; data transfer volume; user names; and source and destination IP addresses; and
2. Information about each communication sent or received by the Account, including the date and time of the communication, the method of communication, and the source and destination of the communication

(such as source and destination e-mail addresses, IP addresses, and telephone numbers).

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**IN RE AMENDED APPLICATION OF USA  
PURSUANT TO 18 U.S.C. 3512 FOR 2703(d)  
ORDER FOR ONE E-MAIL ACCOUNT  
SERVICED BY GOOGLE LLC**

Misc. No. Misc. No. 1:18-ml-00137

**Filed Under Seal**

**AMENDED ORDER**

The United States has submitted an amended application pursuant to 18 U.S.C. §§ 2703(d) and 3512(a), and the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Assistance in Criminal Matters, U.S.-Isr., Jan 26, 1998, S. TREATY DOC. NO. 105-40 (1998), requesting that the Court issue an Amended Order requiring Google LLC ("Google"), an electronic communication service provider and/or a remote computing service located Mountain View, California, to disclose the records and other information described in Attachment A to this Amended Order.

The Court finds that the United States has offered specific and articulable facts showing that there are reasonable grounds to believe that the records or other information sought are relevant and material to an ongoing criminal investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2703(d), that Google shall, within ten days of receipt of this Amended Order, disclose to the United States the records and other information described in Attachment A to this Amended Order.

IT IS FURTHER ORDERED that the amended application of the United States and this Amended Order are sealed for two years from the date of this Amended Order and the Clerk's office shall not make any entry on the public docket of the amended application and this

IT IS FURTHER ORDERED that two years from the date of this Amended Order, the amended application and this Amended Order shall be unsealed unless otherwise ordered by the Court.

Date \_\_\_\_\_

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 27 2018

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

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PURSUANT TO 18 U.S.C. 3512 FOR 2703(d)  
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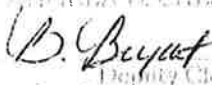
Amended Order unless otherwise ordered by the Court, except that the United States may disclose the existence and/or contents of the amended application and this Amended Order to appropriate foreign and domestic law enforcement authorities.

IT IS FURTHER ORDERED that two years from the date of this Amended Order, the amended application and this Amended Order shall be unsealed unless otherwise ordered by the Court.

  
United States Magistrate Judge

Robin M. Meriweather  
U.S. Magistrate Judge

3/27/18  
Date

U.S. District Court and County of Columbia  
for the District of Columbia  
A TRUE COPY  
ANGELA D. CARRAS, Clerk  
By   
Deputy Clerk

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