

EXHIBIT N

(Docket Entry No. 15)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
[REDACTED] AND
[REDACTED] WHICH ARE
STORED AT PREMISES CONTROLLED BY
GOOGLE

FILED *EX PARTE*

FILED UNDER SEAL

NO. 1:17-MJ-00619 GMH (BAH)

GOVERNMENT'S STATUS REPORT REGARDING FURTHER UNSEALING

On May 20, 2019, the Court ordered the government to file a status report advising whether the Court's Memorandum Opinion dated November 9, 2017, in the above-entitled matter ("Memorandum Opinion"), which was previously unsealed in redacted format, may be further unsealed at this time. Pursuant to the Court's Order, the government files this status report and respectfully requests that the Court maintain under seal the redacted portions of the Memorandum Opinion, and allow the government to file another status report by the earlier of May 20, 2021, or when any public disclosure obviates the need for continued sealing. The government also requests that this status report and any related order be placed under seal for all purposes.

On November 7, 2017, the government filed an *ex parte*, sealed motion requesting authorization to review communications between George Higginbotham, who is an attorney, and Prakazrel Michel and his agents. The motion argued that this review was permissible notwithstanding Higginbotham's possible attorney-client relationship with Michel under the crime-fraud exception to the attorney-client privilege.

On November 9, 2017, this Court granted the motion and issued an Order and Memorandum Opinion stating that communications between Higginbotham and Michel (and their agents) "pertaining to the alleged schemes and crimes described in the government's motion are not privileged and, therefore, may be reviewed by the investigative team and used to confront the

subjects and targets of this investigation.” The Court also granted the government’s request to seal the crime-fraud motion and order.

On January 24, 2018, the Court granted a motion by the government to unseal the Court’s November 9, 2017, Order for the limited purpose of allowing the government to provide a copy of the Order to counsel for Higginbotham.

Since that time, Higginbotham pleaded guilty to one count of conspiracy to make false statements to a bank in violation of Title 18, United States Code, Section 371, on November 30, 2018, in the United States District Court for the District of Columbia. His plea agreement and factual basis were filed publicly (18-cr-343 (CKK)). On the same date, the government publicly filed a civil forfeiture complaint in the United States District Court for the District of Columbia seeking to forfeit millions of dollars the government previously seized during the course of its investigation of this matter (18-cv-2795). Given the public release of the information in those two cases, the government believed it was appropriate to unseal redacted versions of the Court’s Order and Memorandum Opinion, which contain the same or substantially similar information to that made public in Higginbotham’s plea agreement and the civil forfeiture complaint. The government moved for the unsealing of the redacted Order and Memorandum Opinion, which this Court granted on May 20, 2019.

The Court’s Memorandum Opinion, however, also contains information that has not yet been made public in other proceedings, and that remains under investigation by the grand jury. As a result, the government believes that it is appropriate for that information to remain under seal consistent with the general rule of secrecy applicable to grand jury matters. *Cf. In re Sealed Case No. 98-3077*, 151 F.3d 1059, 1075 (D.C. Cir. 1998) (observing that “courts often use *in camera*, *ex parte* proceedings to determine the propriety of a grand jury subpoena or the existence of a

crime-fraud exception to the attorney-client privilege when such proceedings are necessary to ensure the secrecy of ongoing grand jury proceedings”). The government will file another status report by the earlier of May 20, 2021, or when any public disclosure obviates the need for continued sealing.

Dated: May 18, 2020

COREY R. AMUNDSON
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