

EXHIBIT Q

(Docket Entry No. 18)

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 November 25, 2020, 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 unseal the Memorandum Opinion in its entirety.

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.

On November 30, 2018, 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 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. On May 18, 2020, per the Court's Order, the government filed a status report requesting that the Court maintain redacted and under seal the sealed portions of the Memorandum Opinion and Order.

Subsequent to the Court's Order, two additional defendants pleaded guilty to criminal conduct referenced in the Court's Memorandum Opinion. On August 31, 2020, Nickie Mali Lum Davis pleaded guilty in the United States District Court for the District of Hawaii to a one-count Information charging aiding and abetting a violation of the Foreign Agents Registration Act in violation of Title 22, United States Code, Section 612 ("FARA"). On October 20, 2020, Elliott Broidy pleaded guilty in the United States District Court for the District of Columbia to a one-

count Information charging conspiracy to violate FARA. The government filed a status report requesting additional unsealing of the redacted Order and Memorandum Opinion, which this Court granted on November 25, 2020.

On June 10, 2021, the government returned a superseding indictment against Prakazrel Michel and Low Taek Jho in *United States v. Prakazrel Michel, et al.*, 1:19-cr-148 (D.D.C.). The indictment encompasses the conduct referenced in the Memorandum Opinion that had not yet been unsealed. Given that the Memorandum Opinion no longer contains information that has not been made public in other proceedings, the government requests that the Memorandum Opinion be unsealed in its entirety. *See In re Grand Jury Subpoena, Judith Miller*, 438 F.3d 1138, 1140 (D.C. Cir. 2006) (“Our case law, moreover, reflects the common-sense proposition that secrecy is no longer ‘necessary’ when the contents of grand jury matters have become public.”).

Dated: November 22, 2021

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