

**EXHIBIT A**

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

15 CR 867 (RMB)

6 REZA ZARRAB,

7 Defendant.  
8 -----x

9  
10 New York, N.Y.  
11 May 11, 2017  
12 2:00 p.m.

13 Before:

14 HON. RICHARD M. BERMAN,

15 District Judge

16 APPEARANCES

17 JOON H. KIM  
18 Acting United States Attorney for the  
19 Southern District of New York

20 SIDHARDHA KAMARAJU

21 DAVID DENTON

22 DEAN C. SOVOLOS

23 Assistant United States Attorneys

24 BRAFMAN & ASSOCIATES P.C.  
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-and-

FERRARI & ASSOCIATES, P.C.

Attorneys for Defendant Zarrab

ERICH C. FERRARI

24  
25 ALSO PRESENT: Seyhan Sirtalan and Asiye Kay, Turkish language  
interpreters

SOUTHERN DISTRICT REPORTERS, P.C.  
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1  
2                   THE COURT: As you know, this is the resumption of the  
3 Curcio hearing that we had started last session, May 2.

4                   I have a preliminary matter that goes to the heart of  
5 the Curcio concern, and I think it needs to be further resolved  
6 before we can go much further. And you all may have some  
7 questions of your own that you want to raise, but let me raise  
8 this one at the outset because it's of concern to me.

9                   You will remember that as it relates to that order of  
10 May 1st that I handed out which I want to come back to -- first  
11 let me make sure that Mr. Zarrab is able to understand with the  
12 help of the Turkish interpreter.

13                   MR. BRAFMAN: He tells me his headset is not  
14 operating.

15                   THE COURT: Oh.

16                   MR. BRAFMAN: Thank you, sir.

17                   THE COURT: Is it working now, Mr. Zarrab?

18                   THE DEFENDANT: Yes.

19                   THE COURT: If you recall in the May 1 order, I posed  
20 a series of additional Curcio and Curcio-related topics or  
21 questions. They are in the form of questions. And in  
22 particular, I want to refer now to questions three, four, and  
23 five, which we did discuss, but I still think we need to have  
24 more discussion.

25                   So, three asks whether Greenberg Traurig's

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1 representation of both Mr. Zarrab and the Republic of Turkey is  
2 an actual conflict. And I further asked in that order is it  
3 waivable and cite relevant case authorities and rules. We  
4 never got to that and we didn't get any followup authorities,  
5 cases, etc. But that's a legal question.

6 Four is related to three, and it asks who is Greenberg  
7 Traurig's client when Mr. Giuliani meets with Turkish or United  
8 States officials to discuss Mr. Zarrab's case, Turkey or  
9 Mr. Zarrab. Then I ask can such discussions ever be  
10 privileged, or is any privilege waived.

11 And then five asks may Messrs. Giuliani or Mukasey  
12 participate in or take positions adverse to Mr. Zarrab in  
13 negotiations between United States and Turkey.

14 So it's around these questions that I'm personally not  
15 satisfied that I yet understand these matters fully in terms of  
16 conflicts, waivable, not waivable, etc., what the implications  
17 are, and notwithstanding that we had some oral presentations at  
18 the last session on May 2, 2017, I asked at the beginning did  
19 people want to respond in writing. I think the preference was  
20 to do it orally, but it still leaves some gaps in my opinion.

21 So I reviewed the transcript, and I'm going to go over  
22 some of it with you now. And I believe that there are still  
23 some divergent or conflicting responses in the record.

24 So, number one, at page 10, this is a small point but  
25 that's where I had asked for case authorities to respond to

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1 that question, and we haven't done that yet. But on page 12, I  
2 ask the following. So I ask the question, this is the question  
3 I just mentioned a minute ago, whether Messrs. Giuliani or  
4 Mukasey may participate or take positions adverse to Mr. Zarrab  
5 in negotiations between the United States and Turkey. Any  
6 negotiations. Okay.

7 And the government responded as follows right after  
8 that: "Certainly the government believes that they cannot do  
9 that, that is to say Messrs. Giuliani and Mukasey cannot take  
10 positions adverse to Mr. Zarrab." And the government goes on  
11 to say "They have ethical obligations that would preclude them  
12 from negotiating to Mr. Zarrab's detriment, whether with the  
13 United States or with Turkey."

14 And then I turn to Mr. Brafman, I said "Mr. Brafman,  
15 do you agree with that?" And he said, "Your Honor, far be it  
16 for me to teach either former Chief Judge Mukasey or former  
17 United States Attorney Rudy Giuliani what their ethical  
18 obligations are."

19 And we get that. These are people who are quite  
20 sophisticated in these matters, but nevertheless, we went on in  
21 the Curcio question-and-answer period, and at page 44 and 45 of  
22 the transcript, this is a question proposed jointly by the  
23 government and by the defense, the question to Mr. Zarrab is,  
24 "Do you understand that your attorneys from Greenberg Traurig,  
25 including Mr. Giuliani, cannot negotiate on your behalf in a

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1 manner that would be adverse to the interests of the government  
2 of Turkey?" And Mr. Zarrab answered "Yes."

3 But therein, I think, lies the dilemma. There seems  
4 to be a conflict between the questions on page 12 and the one I  
5 just read to you, 44 and 45. And the issue is who is,  
6 colloquially, I might say, 100 percent looking out for  
7 Mr. Zarrab's interests at these negotiations? That's the  
8 conflict that I perceive.

9 I don't think, at least to my knowledge, Mr. Brafman,  
10 you're not present at those negotiations historically or in the  
11 future. And so that is my question. And that is not resolved,  
12 in my opinion. I mean, I need to be better educated to get  
13 over that hurdle. Who is looking out for Mr. Zarrab at any  
14 negotiations that Mr. Giuliani and Mr. Mukasey might be engaged  
15 in with Turkey or the United States, which will, of course, one  
16 way or the other, affect Mr. Zarrab.

17 MR. BRAFMAN: Your Honor, it is my understanding, both  
18 from what was said publicly and from the affidavits that were  
19 submitted under seal, that neither Mr. Mukasey -- certainly not  
20 him, has any responsibility or relationship with the government  
21 of Turkey and does not serve as an agent of Turkey and never  
22 has.

23 THE COURT: Right.

24 MR. BRAFMAN: With respect to Mr. Mukasey, it is easy.  
25 With respect to Mr. Giuliani, it is my understanding

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1 that while the firm Greenberg Traurig has been engaged on  
2 behalf of the government of Turkey, Mr. Giuliani himself has  
3 never represented the government of Turkey personally in any  
4 matter, anywhere. At least that's the representation that's  
5 been made to me.

6 It is also my understanding that the exclusive reason  
7 for both of these gentlemen being retained, and on this  
8 discussion I was present, was to assist Mr. Zarrab in, as we  
9 have said publicly, attempting to determine whether there is a  
10 resolution through diplomatic channels, if you will, that could  
11 help resolve the matter. Then we could come to the Southern  
12 District and Court.

13 THE COURT: To help resolve this matter.

14 MR. BRAFMAN: This matter, yes, sir.

15 THE COURT: But the way it was I think described in  
16 the affidavits that were submitted was to help to come to some  
17 arrangement or some deal that was beneficial to the United  
18 States and Turkey.

19 MR. BRAFMAN: That's correct.

20 THE COURT: And would, by the way, work to  
21 Mr. Zarrab's benefit.

22 MR. BRAFMAN: Yes.

23 THE COURT: That's the question I have.

24 MR. BRAFMAN: Your Honor, what I understand to be the  
25 case is that the reason there is no conflict is that in the

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1 event that they could come to an understanding that was  
2 beneficial to the government of Turkey and the government of  
3 the United States, it would be for the purpose also of helping  
4 resolve Mr. Zarrab's case. Not simply to benefit the national  
5 security interests of both countries.

6 And that the reason they were engaged is not to act as  
7 surrogate State Department officials just going out trying to  
8 settle a crisis across the globe, but as a representative of  
9 Mr. Zarrab with the hope of convincing both of the governments  
10 involved that there might be as a resolution that helps both  
11 Turkey and the United States, with the added benefit of helping  
12 Mr. Zarrab. So, I really don't see the conflict.

13 And if your Honor requires further -- it isn't a  
14 question of providing with you authority, because this is  
15 certainly unique to my experience and I'm not certain I am  
16 going to find --

17 THE COURT: Mine as well.

18 MR. BRAFMAN: I read the cases, and none of them  
19 really address this issue, and many of them are  
20 distinguishable. So, that's why I haven't provided you with  
21 authority, for example, from the last conflict Curcio hearing  
22 where it was just law firms and banks involved.

23 If your Honor requires further clarification by way of  
24 additional sealed affidavits, that's the best I think I can  
25 offer.

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1                   MR. KAMARAJU: Well, your Honor, first of all, all the  
2 information the government has about whatever discussions are  
3 going on has come to us from the defense counsel, so we're not  
4 aware of who is participating in these discussions. To the  
5 extent Mr. Giuliani --

6                   THE COURT: Do you see an issue here? Am I the only  
7 one?

8                   MR. KAMARAJU: No. As I understand the point your  
9 Honor is making is, is there a question as to whether at the  
10 negotiation table between the United States and Turkey, there  
11 is conflict-free counsel representing Mr. Zarrab.

12                  THE COURT: That's my point.

13                  MR. KAMARAJU: Right. Which is an issue that we  
14 litigated extensively, for example, with Kirkland & Ellis where  
15 Mr. Brafman was the conflict-free counsel before this Court.

16                  THE COURT: Right.

17                  MR. KAMARAJU: So --

18                  THE COURT: And by the way, I think if I remember, not  
19 that it's dispositive because it's the Court's duty to resolve  
20 the question, but Mr. Gillers, who had submitted a letter,  
21 Professor Gillers said that the key of it was that there was  
22 conflict counsel available 24/7 so to speak in the form of  
23 Mr. Brafman.

24                  MR. KAMARAJU: Correct.

25                  THE COURT: So that's what saved -- I don't know if

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1 that's the right way to describe it. But that is what enabled  
2 him to also have conflicted counsel.

3 MR. KAMARAJU: I believe your Honor is right. That is  
4 one of the sort of basic principles in the Gillers opinion.

5 There was some contrary case law that we had cited to  
6 your Honor, U.S. v. Rahman, in which the Court sort of rejected  
7 the concept of having sort of a shadow counsel for purposes of  
8 just cross-examining one witness, for example.

9 But, at the heart of it I think the presence of  
10 conflict-free counsel in the form of Mr. Brafman was a key part  
11 to the Court's determination certainly, but also to Professor  
12 Gillers' opinion.

13 In terms of what's going on perhaps in these  
14 negotiations, the fact that Mr. Giuliani personally has not  
15 done any work for the Republic of Turkey, if that's the  
16 representation that's been made, I don't believe that actually  
17 makes it conflict free because I think the law is pretty clear,  
18 certainly the ethical rules are pretty clear, that a conflict  
19 for a law firm is imputed to the lawyers in that firm.

20 If Mr. Mukasey is also involved in all of those  
21 negotiations, then I suppose he, for purposes of sort of the  
22 Turkey conflict, represents conflict-free counsel for  
23 Mr. Zarrab. But that is commissioned on the fact he would be  
24 involved in all of those negotiations. In other words, if  
25 Mr. Giuliani is only sitting across the table, you don't have

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1 that protection.

2 We don't have any information about how those  
3 negotiations are being conducted or who is making phone calls  
4 or sitting down, but given the facts we know, that's the way we  
5 see it playing out. We do think your Honor has a point.

6 THE COURT: Actual or potential? Or you raise the  
7 issue we discussed last time about privilege. Are those  
8 negotiations privileged or are they public or --

9 MR. KAMARAJU: So, I don't think they've been made  
10 public.

11 THE COURT: No.

12 MR. KAMARAJU: But I don't think they can be  
13 privileged at all. First of all, Greenberg's relationship with  
14 the nation of Turkey is not an attorney-client relationship.  
15 In other words, well, let me clarify that. They are foreign  
16 registered agents of the nation of Turkey.

17 But based at least on the materials provided to the  
18 Court as part of the affidavits, the services that they appear  
19 to be rendering are not legal in nature. In other words, they  
20 are not -- the communications are not seeking legal advice  
21 between the two, which is a prerequisite for the privilege.

22 If that's not the case, if there are legal advice  
23 being sought, it is conceivable that Greenberg's communications  
24 with the Republic of Turkey may be privileged to the extent  
25 they are actually seeking legal advice.

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1           But their communications with third parties, outside  
2 parties, could never be privileged. So, negotiations across  
3 the table with whatever officials in the United States, those  
4 can't be privileged because they are outside of whatever  
5 privilege relationship would be claimed.

6           As to whether it is an actual or potential conflict,  
7 we addressed this a little bit at the last conference. From  
8 the government's perspective, I don't think we have enough  
9 information to say conclusively it is an actual conflict or a  
10 potential conflict, because for an actual conflict, and we're  
11 happy to submit some authorities to your Honor in writing to  
12 this effect. But the Second Circuit has said that an actual  
13 conflict requires a divergence in the interests of the client  
14 and the attorney that is so significant that there is no way to  
15 sort of reconcile those two.

16           There is still another layer I think whether a  
17 conflict is waivable. And the Second Circuit has said even  
18 that is a higher standard, because a unwaivable conflict is a  
19 conflict that no rational defendant would ever waive.

20           So, I think from the government's perspective it is a  
21 thorny conflict issue that may be actual or may be potential.  
22 It is certainly potential at this time. There is no doubt  
23 about that. It may crystalize into being an actual conflict.

24           But ultimately, if Mr. Zarbab is properly allocuted  
25 and agrees to waive, a number of the issues is waivable.

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1                   MR. BRAFMAN: Your Honor, first I just want to  
2 indicate that I'm glad that I was the conflict-free counsel  
3 that saved the first go-around. I'm not involved in these  
4 negotiations and prefer not to be. It's way above my pay  
5 grade, to be perfectly candid.

6                   To the extent that former Judge Mukasey has never  
7 represented Turkey, and if he is involved in these  
8 negotiations, as I believe he is, then he certainly would be  
9 conflict-free counsel.

10                  I also believe that this is waivable, whether it's  
11 potential or actual. And I think if you do the extensive voir  
12 dire of Mr. Zarrab that has already been undertaken and will  
13 continue today, then I think this issue is removed from the  
14 case.

15                  We have certainly alerted him over a period of months  
16 during the Kirkland Ellis hearing as to the nature of the  
17 Curcio inquiry, so I believe he is not completely unfamiliar  
18 with the process.

19                  I also find it hard to imagine that if he has retained  
20 Messrs. Giuliani and Mukasey for the specific purpose of trying  
21 to negotiate on his behalf and has now heard from your Honor  
22 and through the submissions that Mr. Giuliani's firm also  
23 represents Turkey in some matters, knowing all of that, if he  
24 makes an intelligent waiver, I think the issue is removed and  
25 he would be hard pressed to raise it as an issue if convicted,

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1 because he's the one who created the relationships that we're  
2 all discussing.

3 THE COURT: So how do we reconcile the questions and  
4 answers, one of which says that Giuliani cannot take a position  
5 adverse to Turkey, and the other on page 44, 45, that they  
6 cannot -- that's the question to which Mr. Zarrab acceded. And  
7 yet, as his counsel, as the government indicated at page 12 the  
8 last time, they must take positions in Mr. Zarrab's best  
9 interests.

10 I'm having trouble getting beyond that.

11 MR. BRAFMAN: I think their obligation to Mr. Zarrab,  
12 for want of a better word, trumps their marginal relationship  
13 to the Turkey because as the government just indicated, they  
14 really are not in an attorney-client relationship with Turkey.  
15 The firm has registered as an agent of the Republic of Turkey.  
16 And I think if we were to question Mr. Gillers, and I really  
17 don't want to further burden the record, I think when you have  
18 an actual client who you are representing as an officer of the  
19 court, in a pending criminal matter, and your firm has a  
20 relationship with a country, and you don't have anything to do  
21 with that, I'm not certain that you have a conflict in whose  
22 best interests you must always act. Because you've been  
23 personally retained by a defendant in a criminal case to act on  
24 his behalf. And I think that's your ethical obligation.  
25 That's as good as I can do.

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1                   THE COURT: I understand. I understand. I would like  
2 you all to commit it to paper.

3                   MR. BRAFMAN: Excuse me?

4                   THE COURT: I said I would like you all to commit it  
5 to paper, because I think it's really the issue. We've talked  
6 about a lot of other things, the banks, we've gotten beyond the  
7 banks with Kirkland & Ellis. We haven't had quite a situation,  
8 I've never experienced one like this one. So I wouldn't mind,  
9 and if you agree, that would be terrific. If you want to meet  
10 and confer and find out from Mr. Brafman as much as he's able  
11 to tell you, maybe that can inform. Or if you want to just  
12 submit two separate letters, but I do want authorities to  
13 resolve those issues.

14                  MR. BRAFMAN: In lieu --

15                  THE COURT: The privilege thing is big. To me,  
16 anyway.

17                  MR. BRAFMAN: Let me address that if I may.

18                  THE COURT: If in fact the nature of those  
19 conversations is not privileged, so that's a big right that a  
20 defendant normally has, or any client, forget defendant, any  
21 client has, is attorney-client privilege. So, this is sort of  
22 a hypothetical. But, if there are conversations that are going  
23 on there that, which I imagine there would be, concern  
24 Mr. Zarrab, those are not subject to the attorney-client  
25 privilege.

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1                   MR. BRAFMAN: But they may be subject to the attorney  
2 work product.

3                   THE COURT: Maybe, maybe.

4                   MR. BRAFMAN: If I interview a witness on behalf of my  
5 client, and that witness is not my client so that the  
6 conversation is not privileged, I think I would be within my  
7 rights as a lawyer to reject the government's request, unless  
8 it became Jencks material, to request my notes of my  
9 conversation because it's work product.

10                  MR. KAMARAJU: That analogy may be correct, but I  
11 don't think that's the point that the Court is addressing,  
12 which is communications with a government official.

13                  THE COURT: Right.

14                  MR. KAMARAJU: Sitting across the table would not be  
15 protected by attorney work product.

16                  THE COURT: Right. Automatically you're giving up a  
17 fundamental client right.

18                  MR. KAMARAJU: I think to the extent privileged  
19 attorney-client communications between Mr. Zarrab and either  
20 Mr. Giuliani or Mr. Mukasey are being interjected into  
21 discussions with anybody outside of the relationship, be it  
22 Turkish officials, be it U.S. officials, anyone, I think that  
23 does run the risk of waiver of the attorney-client privilege  
24 between Mr. Zarrab and Mr. Giuliani or Mr. Mukasey, which is  
25 the point your Honor is making. But that is a significant

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1 right held by a criminal defendant, or frankly, any client of  
2 an attorney.

3 And so, if that is occurring -- and again, the  
4 government has no information one way or the other as to  
5 that -- I think that has to be done with Mr. Zarrab's knowledge  
6 and his explicit authorization. Because otherwise, I think as  
7 your Honor is rightly pointing, that does present a significant  
8 conflict and issue. And I would imagine a troubling ethical  
9 situation for the attorneys involved.

10 MR. BRAFMAN: Well --

11 MR. KAMARAJU: So I think there is value in sort of  
12 exploring that, and the government is happy to provide it.

13 THE COURT: I don't mean to make homework, but in the  
14 exploration, I do think there need to be additional Curcio  
15 questions. Perhaps that is a way to get through some of these  
16 issues. That assumes that everything is waivable, and I don't  
17 know whether that's true. But if you both conclude that it is,  
18 then there probably has to be some further questions to get us  
19 through.

20 MR. BRAFMAN: I think perhaps -- excuse me. I think  
21 perhaps, Judge, I think we should note that if it's work  
22 product, it doesn't turn on who you're speaking to, whether  
23 it's a witness or the president of the United States or the  
24 president of Turkey. If you're doing it as an attorney doing  
25 your work for your client, it still would be work product, even

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1 if not technically privileged.

2                   And I would say that what I think might resolve this  
3 issue better than another memorandum, although I welcome the  
4 additional questions so that the record is complete, I think  
5 perhaps an additional affidavit submitted under seal in which  
6 Mr. Giuliani expressly states, if he can, that in these  
7 meetings he is representing Mr. Zarrab and that he does not  
8 believe for the following reasons that he has an ethical  
9 quandary, and let them try and convince you. Because that's  
10 the people who are having these conversations.

11                   MR. KAMARAJU: I think there's a couple of points just  
12 quickly to address. I don't mean to belabor the point. First  
13 of all, I think the fundamental issue with the work product  
14 doctrine being exercised here, aside from the fact that they  
15 were talking to government officials, rather than witnesses, is  
16 Mr. Giuliani and Mr. Mukasey have expressly disclaimed that  
17 they will participate in this litigation before the Court.  
18 They have limited their representation for the Court, and  
19 typically work product is in connection. But we can address  
20 that in further detail if it's relevant.

21                   THE COURT: That's what I would like.

22                   MR. BRAFMAN: On that point, I don't think he's right  
23 at all. I think --

24                   THE COURT: I didn't say he was. I don't know.

25                   MR. BRAFMAN: I just want you, sir, to understand, if

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I am the lawyer who is representing Mr. Zarrab in court, and I confer with another lawyer as co-counsel who has no intention of filing a notice of appearance or coming here and making any argument, my conferring with that person can still be work product. It could still be joint defense privilege. We are not talking about it. We're talking about if I'm talking to a third party who is not a lawyer, but I'm doing it on behalf of my client, I still think it's work product, even though he's not representing him in this matter. Because you don't have to have representation as to a specific matter to have an attorney-client relationship with someone.

Mr. DeVita has been appointed as special counsel, has an attorney-client relationship with Mr. Zarrab on this specific matter. That doesn't mean he could be subpoenaed to answer any questions that would come up concerning other matters that he discovered during this relationship, because it would be work product by Mr. DeVita.

MR. KAMARAJU: We obviously have a disagreement I think over whether the work product doctrine would cover, and we're happy to supply the Court with authorities on that.

THE COURT: Okay.

MR. KAMARAJU: I do think one of the tricky things here --

THE COURT: By the way, I think it's valuable to have these cleared up for everybody. For the integrity of the

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1 proceeding, for defense counsel, for the government counsel, so  
2 I think it's only helpful to everybody.

3 MR. KAMARAJU: And the point I was going to make, your  
4 Honor, is actually one of the things that the Gillers opinion  
5 also stressed, and the ethical opinions upon which it was based  
6 stressed, is that whatever limitations are being placed on a  
7 representation by an attorney in order to avoid a conflict or  
8 deal with a conflict situation, should be explicitly laid out,  
9 usually in writing, and should be made clear to the defendant,  
10 so that he is aware of exactly what his attorneys can and  
11 cannot do on his behalf.

12 And I think the conflict that your Honor noted between  
13 the questions in the Curcio and the question from the May 1st  
14 order, may very well mean that Mr. Giuliani, at least, is  
15 cabined to a very thin and narrow land in which he can  
16 negotiate, one in which the only positions he can take are ones  
17 that are not adverse to Mr. Zarbab or not adverse to the nation  
18 of Turkey.

19 And if that is the case, then that is something that  
20 Mr. Zarbab should know about explicitly and should agree to  
21 waive if the Court determines that it is waivable.

22 The government's view at this point with the  
23 information we know is these are waivable conflicts. If that  
24 changes from the information we receive, we'll let the Court  
25 know. I think without that knowledge, we are not satisfying

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1 some of the basic principles that we elucidated during the  
2 Kirkland proceedings.

3 THE COURT: Yes. So, where that leaves me on these  
4 issues is I would like supplement submission either jointly or  
5 each of you. It doesn't have to be lengthy. You know the  
6 questions that are on my mind. And now if you want to discuss  
7 in there work product versus privilege, I'm happy to get some  
8 help on that, too.

9 MR. BRAFMAN: If I may suggest, your Honor, if the  
10 government can put its position in writing, because I am going  
11 to need to discuss their position with Messrs. Mukasey and  
12 Giuliani. Having my position in writing in advance doesn't  
13 make any sense.

14 THE COURT: You're right. I think that's fair. Is  
15 that okay with you? Except that he's going to probably want to  
16 ask you, to the extent you can help him out as to what's  
17 happening so to speak, to the extent you can share that with  
18 him.

19 MR. BRAFMAN: I'm happy to do that.

20 MR. KAMARAJU: We're happy to sort of put in the first  
21 submission on the legal questions. But I think we are going to  
22 need additional facts from Mr. Brafman. So if you'll allow us  
23 a period of time to consult with him, then we can put in a  
24 submission that addresses the legal questions.

25 THE COURT: Thank you. And also include any

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1 additional questions that have to be posed to Mr. Zarrab or  
2 perhaps something in advance that Mr. Zarrab should be asked to  
3 look at and see if this is going to be acceptable to him.

4 MR. KAMARAJU: Yes, your Honor.

5 THE COURT: So I think you should get all the  
6 mechanisms that will help everybody out, so to speak.

7 MR. BRAFMAN: Can I ask your Honor, I submitted a  
8 letter on this, filed it on ECF. I just want the record to  
9 reflect that we have withdrawn our request for a suppression  
10 hearing previously scheduled for May 18, and I assume that the  
11 government doesn't take any opposition to that. And I'd ask  
12 the Court to cancel that hearing. This was done --

13 THE COURT: I thought that was understood. I planned  
14 to do that.

15 MR. KAMARAJU: Yes, that's our understanding, your  
16 Honor.

17 THE COURT: You don't want an ex parte suppression  
18 hearing?

19 MR. KAMARAJU: You know what? I prefer not to in the  
20 end.

21 MR. BRAFMAN: It's good practice.

22 THE COURT: So that also, by the way, frees up time on  
23 that date if we need it. So how long would it take you to put  
24 something together?

25 MR. KAMARAJU: I think we can move pretty quickly

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1 after receiving information from Mr. Brafman. So maybe the  
2 operative question is how much time does Mr. Brafman need to  
3 consult with Mr. Mukasey and Giuliani in the first instance.

4 THE COURT: He's going to say it becomes a what you  
5 need to know.

6 MR. BRAFMAN: Also, Judge, I don't control these  
7 gentlemen's calendars. I have no idea where they are as we  
8 speak. They could be in Turkey.

9 That was facetious.

10 THE COURT: I know.

11 MR. KAMARAJU: So, is it your Honor's plan then to  
12 hopefully address these issues on May 18?

13 THE COURT: Well, I would like to get this in the  
14 record with authorities before we go further. We don't have  
15 that much left to do. But if there is more, there is no point  
16 if he agrees to everything and then "oh, by the way."

17 MR. KAMARAJU: Would a week be sufficient?

18 THE COURT: Yes.

19 MR. DeVITA: I'm going to be out of town next week.

20 MR. BRAFMAN: Judge --

21 THE COURT: Why don't we go off the record and maybe  
22 the three of you could speak and see what works.

23 MR. BRAFMAN: Your Honor, could we do this? I need to  
24 find out the availability of both Messrs. Giuliani and Mukasey  
25 to meet with me. I could e-mail the government tomorrow and

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1 tell them how much time I think I need. They could then tell  
2 me how much time they'd like, and we can check with your very  
3 efficient first-rate courtroom deputy who never misses a beat  
4 and she could schedule something at your Honor's convenience.

5 THE COURT: Okay. You mean schedule for the  
6 submissions?

7 MR. BRAFMAN: Yes.

8 THE COURT: Or you could propose a schedule.

9 MR. KAMARAJU: We'll put a letter proposing a date for  
10 submissions.

11 MR. BRAFMAN: We'll put in a letter proposing the date  
12 for the submissions, and then at your Honor's convenience also  
13 a date for the continuing of the Curcio.

14 THE COURT: Do you anticipate you might want to  
15 respond to whatever he submits?

16 MR. BRAFMAN: I anticipate that I will.

17 THE COURT: Okay. Keep that 18th date in mind because  
18 it's available, and maybe we'll use it for that purpose, but it  
19 could be another date too if you're ready before then.

20 MR. BRAFMAN: Yes, sir.

21 THE COURT: All right. That's it for me on this.  
22 Anybody else have any issues they want to raise?

23 MR. BRAFMAN: No, your Honor.

24 MR. KAMARAJU: Nothing from the government, your  
25 Honor.