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ADMITTED IN N.Y. AND N.J.

March 31, 2017

VIA ECF

Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10007

**RE: UNITED STATES V. REZA ZARRAB, ET AL.,
S1 15 CR. 867 (RMB)**

Dear Judge Berman:

This letter is submitted as a brief response to the Government's letter of March 31, 2017.

Simply put, the Government is not entitled to know what Messrs. Giuliani and Mukasey are attempting to do in their efforts to assist the defendant. That information quite frankly is none of the Government's business and in any event is covered by the attorney-client privilege and/or constitutes privileged attorney work product. Indeed, by notifying Preet Bharara, and the United States Attorney General that they were going to Turkey "before" they went to meet with President Erdogan and by my broadly outlining their roles after their return, we did more than was required.

To be clear, regardless of what the Government suggests in their letters, this issue has been put into the public sector NOT to protect the defendant's Sixth Amendment right to conflict free counsel, but rather to attract media attention in the hope of undermining the efforts of counsel to structure a resolution to this case without the direct involvement of the Southern District at this time. Indeed, it should be clear to the Government that after their efforts to disqualify Kirkland and Ellis, LLP was denied by Your Honor, despite their intimate and hands on involvement in these proceedings, there is no hope of their prevailing in an effort to disqualify Messrs. Giuliani and Mukasey when their involvement is very limited and where they will play no role whatsoever in a trial of this case.

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We believe that all that may be required is an inquiry of Mr. Zarrab by Your Honor as to whether he understands their roles, understands that they represent banks that may be victims of the alleged Bank Fraud charged in the Indictment, and also understands that Mr. Giuliani's firm is a registered Agent of Turkey. If after Your Honor's inquiry of Mr. Zarrab confirms that he is aware of their roles and also understands the potential conflict(s) that may arise and is knowingly waiving any such conflicts, the inquiry ends. Neither the Government nor even the Court most respectfully has the right to know precisely what their role(s) are or may be in the future. That information is privileged other than the fact that they have both been retained by Mr. Zarrab which we have already confirmed.

If the Government has the temerity to even intimate that Messrs. Giuliani or Mukasey are engaging in any inappropriate conduct then let them come out and say it. I note of course that if that were the case, why would Mr. Giuliani personally inform the United States Attorney of the planned meeting and why would former Chief Judge Mukasey have informed Attorney General Sessions of their efforts.

If the purpose of this inquiry is to determine that Mr. Zarrab understands the potential conflict and voluntarily waives any conflict, no further inquiry is required. To assist your Honor in quickly resolving this issue, counsel is prepared to consent to a limited Curcio hearing on that issue and we can then put this issue behind us on our next appearance on April 4, 2017.

Respectfully submitted,



Benjamin Brafman

cc: All counsel of record (by ECF)