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February 15, 2022

VIA ECF

The Honorable Margo K. Brodie  
Chief United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Ng Chong Hwa a.k.a Roger Ng, 18 Cr. 538 (MKB)

Dear Chief Judge Brodie:

At 11:30 pm – less than two hours ago – the government notified us that it was disclosing to the defense 121,668 pages of discovery, much of which was “recently” released by the privilege team. Given the volume of materials, the defense will not be able to review these documents until Tuesday night or Wednesday morning.<sup>1</sup> Tonight’s production includes eight email accounts related to Tim Leissner and Judy Chan Leissner. Among the materials produced to the defense in the last two hours are 5,212 pages of materials from a personal device of Tim Leissner, “some of which may contain statements of the defendant.” (Gov’t Feb. 14, 2022 Letter at 2 (emphasis added).)

On December 20, 2021, we wrote a letter to the Court that the government’s filter team was reviewing records of Tim Leissner, Judy Chan Leissner (Tim Leissner’s ex-wife) and others. See Dkt. 120 at 1. In a meet and confer with the government and the privilege team on December

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<sup>1</sup> This is the third voluminous discovery production in the past week and second since the parties began picking a jury.

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23, 2021, the government represented in December that they would produce non-privileged records to the trial team “next week,” which would have been the week of December 27, 2021.

In our December 20<sup>th</sup> letter, we specifically advised the government yet again of our defense: that the monies paid to Mr. Ng’s wife and her family were related to a pre-existing debt. Therefore, the communications between Leissner and his ex-wife were “material to preparing a defense” under Rule 16(a)(1)(E)(i). Most importantly, and as reflected in our letter to the government dated January 19, 2022 (Exhibit 1), the government represented to the defense during a phone call on December 23, 2021 that the filter team had concluded its review of the Chan and Leissner devices and accounts. We relied on that representation in agreeing to commence the trial.

Pending our ability to review the more than 120,000 pages that have just been disclosed, we ask for two things: First, we ask the Court to direct the government to provide all discoverable materials immediately. Second, we ask the Court to inquire of the government as to why this massive volume of materials, “some of which may contain statements of the defendant,” was provided to the defense after opening statements have been delivered.

Thank you for your consideration.

Respectfully submitted,



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Teny R. Geragos, Esq.  
Jacob Kaplan, Esq.

cc: Counsel for the Government (via ECF)