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March 26, 2018

BY ECF

Honorable Richard M. Berman
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Courtroom 17B
New York, NY 10007-1312

Re: United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)

Dear Judge Berman:

We write in response to the Court's Order dated January 18, 2018, by which the Court directed counsel for Mr. Atilla to include in our written submissions in connection with his sentencing "a description of all non attorney client privileged contacts (i.e., meetings, calls, texts, emails etc.) by all counsel, including Turkish counsel, with any officials of the United States and/or Turkish governments and relating to the prosecution and/or disposition of this case." *See* Order dated Jan. 18, 2018 (Dkt. # 442).

First, counsel for Mr. Atilla have had no contacts with U.S. government officials in connection with this case other than members of the prosecution team and those officials with whom it was necessary to communicate with regard to our *Touhy* requests and trial subpoenas.

Mr. Atilla's counsel's contacts with Turkish government officials in connection with this case are detailed in the two charts attached to this letter as Exhibits A and B. Exhibit A details interactions of Mr. Atilla's attorneys at the firm of Herrick, Feinstein LLP ("Herrick") with Turkish government officials. None of Mr. Atilla's U.S. attorneys at firms other than Herrick have had any contacts with Turkish government officials in connection with Mr. Atilla's case.

As shown in Exhibit A, the Herrick attorneys' interactions with Turkish government officials have been limited to representatives of the Turkish Consulate in New York. In nearly all instances, these contacts have related to administrative and logistical matters. On a couple of occasions, counsel has responded to requests from consulate representatives for assistance in understanding aspects of Mr. Atilla's case and the American justice system. On another occasion, on September 28, 2017, as noted in Exhibit A, counsel at Herrick inquired of the Turkish Consul General in New York as to whether the Republic of Turkey would consider making an official request with the U.S. Department of State that Mr. Atilla be afforded common law immunity as a foreign official given the acts alleged in the indictment (S4) and his employment by a state-owned bank. Ultimately, the Turkish Embassy in Washington, DC sent a



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diplomatic note regarding Mr. Atilla to the U.S. Department of State. While the Turkish diplomatic note related to Mr. Atilla's prosecution, it did not include a formal request that Mr. Atilla be afforded common law immunity as a foreign official.

Mr. Atilla's Turkish attorney's contacts with Turkish government officials are detailed in Exhibit B. These contacts, similar to those of the Herrick attorneys, primarily relate to administrative, ministerial matters involving representatives of the Turkish Consulate in New York. Mr. Atilla's Turkish attorney has also met on one occasion each, and at their request, both with the Turkish Justice Minister and the Turkish Ambassador to the U.S. He also met once with a representative of the Turkish Ministry of Justice regarding the facilitation of Rule 15 depositions of potential witnesses to be conducted in Turkey on behalf of the defense. The Rule 15 depositions that were contemplated never took place.

Respectfully submitted,

HERRICK, FEINSTEIN LLP

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EXHIBIT A

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Herrick Feinstein LLP's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
4/5/2017	Email	B. Karaahmet	V. Rocco T. Thornhill G. Emel (cc:)	Communicating requests and questions from H. Atilla to consulate representative
4/5/2017	Email	T. Thornhill	B. Karaahmet V. Rocco G. Emel (cc:)	Responding to questions from consulate representative re: MCC
4/5/2017	Email	G. Emel	B. Karaahmet V. Rocco T. Thornhill	Thanking counsel for the response and requesting that counsel also communicate response to questions to H. Atilla
4/5/2017	Email	B. Karaahmet	V. Rocco T. Thornhill G. Emel	Advising consulate representative of counsel's planned visit to H. Atilla at MCC
4/5/2017	Email	G. Emel	B. Karaahmet V. Rocco T. Thornhill	Advising counsel that consulate representative would not visit H. Atilla the following day.
4/5/2017	Email	B. Karaahmet	G. Emel T. Thornhill V. Rocco	Advising consulate representative of travel plans and availability if necessary.
4/6/2017	Email	G. Emel	B. Karaahmet T. Thornhill V. Rocco	Wishing counsel a safe journey.
4/7/2017	Email	T. Thornhill	G. Emel	Sending Indictment S3 to consulate representative.
4/10/2017	Email	G. Emel	T. Thornhill	Requesting from counsel an explanation of superseding indictment S3.
4/10/2017	Email	T. Thornhill	G. Emel	Responding to request of consulate representative for explanation of superseding indictment.
4/12/2017	Email	G. Emel	T. Thornhill	Advising counsel of plan to visit H. Atilla at MCC.
4/12/2017	Email	T. Thornhill	G. Emel	Advising consulate representative of time of arraignment.
4/12/2017	Email	G. Emel	T. Thornhill	Asking counsel about meaning of arraignment.
4/12/2017	Email	T. Thornhill	G. Emel	Explaining to consulate representative the meaning of the arraignment.
4/12/2017	Email	G. Emel	T. Thornhill	Asking counsel re: location of arraignment.

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Herrick Feinstein LLP's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
4/12/2017	Email	T. Thornhill	G. Emel	Responding to consulate representative's question re: location of arraignment.
4/13/2017	Email	G. Emel	B. Karaahmet	Forwarding documentation from consulate necessary for foreign attorney to enter MCC.
4/13/2017	Email	G. Emel	T. Thornhill	Requesting to speak with counsel.
4/13/2017	Email	T. Thornhill	G. Emel	Requesting consulate representative's cell phone number.
4/13/2017	Email	G. Emel	T. Thornhill	Providing consulate representative's cell phone number.
4/13/2017	Meeting			Providing overview of criminal prosecution process to consulate representatives Participants: V. Rocco; T. Thornhill; B. Karaahmet; G. Emel; S. Ozkan
4/13/2017	Email	T. Thornhill	G. Emel B. Karaahmet (cc:) V. Rocco (cc:)	Providing consulate representative response to questions regarding American judicial process.
4/14/2017	Email	T. Thornhill	G. Emel	Requesting status of consulate's certification of document needed for foreign attorney to apply to enter MCC.
4/14/2017	Email	T. Thornhill	G. Emel	Forwarding transcript of arraignment proceedings to consulate representative.
4/14/2017	Email	T. Thornhill	G. Emel	Advising consulate representative of availability for telephone call if necessary.
4/14/2017	Email	G. Emel	T. Thornhill	Advising counsel that documentation re: foreign attorney has been prepared.
4/14/2017	Email	T. Thornhill	G. Emel	Asking consulate representative question re: delivery of documentation for foreign attorney.
4/14/2017	Email	G. Emel	T. Thornhill	Responding to counsel's question re: delivery of documentation for foreign attorney.
4/14/2017	Email	T. Thornhill	G. Emel	Asking consulate representative question re: location of office.
4/21/2017	Email	G. Emel	T. Thornhill	Advising counsel of plans to visit H. Atilla.
4/21/2017	Email	T. Thornhill	G. Emel	Forwarding documents filed with court to consulate representative.
4/24/2017	Email	G. Emel	T. Thornhill	Asking counsel question re: location of courtroom.

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Herrick Feinstein LLP's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
4/24/2017	Email	T. Thornhill	G. Emel	Responding to consulate representative's question re: location of courtroom.
4/24/2017	Email	G. Emel	T. Thornhill	Requesting telephone number of Turkish attorney.
4/24/2017	Email	T. Thornhill	G. Emel	Advising consulate representative that H. Atilla had been moved to MDC and advising that foreign attorney would call consulate representative.
4/26/2017	Email	T. Thornhill	G. Emel	Asking question of consulate representative re: options for obtaining Turkish visa.
4/26/2017	Email	G. Emel	T. Thornhill	Sending counsel website links in response to question re: options for obtaining Turkish visa.
4/26/2017	Email	T. Thornhill	G. Emel	Thanking consulate representative for response to question re: options for obtaining Turkish visa.
5/25/2017	Email	G. Emel	T. Thornhill	Asking counsel if there had been any developments in H. Atilla's case
5/30/2017	Meeting			N/A (Unplanned meeting of counsel and consulate representative at MDC while visiting H. Atilla) Participants: T. Thornhill, G. Emel
6/22/2017	Email	G. Emel	T. Thornhill	Asking counsel re: transfer of H. Atilla back to MCC
6/22/2017	Email	T. Thornhill	G. Emel	Confirming that H. Atilla had been transferred back to MCC
9/26/2017	Phone	H. Uzun D. Rosenfield	G. Emel	Discussing questions re: MLAT between US and Turkey
9/28/2017	Phone	V. Rocco	E. Yalcin	Discussing with Turkish Consul General issues related to the possible application of principles of common law immunity of foreign officials from prosecution in the U.S. and inquiring as to the possibility of Turkey making a formal request to the U.S. Department of State that H. Atilla be accorded such immunity from prosecution based on his position as an employee of a state-owned bank.

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Herrick Feinstein LLP's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
9/28/2017	Email	V. Rocco	E. Yalcin	Following up on discussion with Turkish Consul General regarding the possible application of principles of common law immunity of foreign officials from prosecution in the U.S. and inquiring as to the possibility of Turkey making a formal request to the U.S. Department of State that H. Atilla be accorded such immunity from prosecution based on his position as an employee of a state-owned bank. Outcome: Turkish Embassy sent diplomatic note to U.S. Department of State, but the note did not request that H. Atilla be accorded immunity from prosecution.
10/3/2017	Email	G. Emel	T. Thornhill	Informing counsel of plans to visit H. Atilla on 10/5/2017.
10/3/2017	Email	T. Thornhill	G. Emel	Thanking consulate representative for informing re: plans to visit H. Atilla.
10/5/2017	Phone	V. Rocco	E. Yalcin	Following up with Turkish Consul General regarding the discussion of the possible application of principles of common law immunity from prosecution for H. Atilla.
10/27/2017	Phone	E. Yalcin	V. Rocco	Advising counsel that Turkish Embassy had sent official diplomatic note to United States Department of State regarding H. Atilla.
10/27/2017	Email	E. Yalcin	V. Rocco	Forwarding to counsel a copy of an official diplomatic note from the Turkish Embassy in Washington, D.C. to the United States Department of State.
10/27/2017	Email	V. Rocco	E. Yalcin	Thanking the Turkish Consul General for forwarding the official note from the Turkish Embassy.
11/14/2017	Email	G. Emel	T. Thornhill	Informing counsel of plans to visit H. Atilla.
11/14/2017	Email	T. Thornhill	G. Emel	Thanking consulate representative for informing re: plans to visit H. Atilla, and advising re: pre-trial conference.
11/15/2017	Email	V. Rocco	E. Yalcin	Forwarding to Turkish Consul General a link to the Bureau of Prisons inmate locator.
11/17/2017	Email	G. Emel	T. Thornhill	Informing counsel of plans to visit H. Atilla.
11/17/2017	Email	T. Thornhill	G. Emel	Advising consulate representative that her plans to meet with H. Atilla would not interfere with counsel's plans.

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Herrick Feinstein LLP's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
11/30/2017	Email	G. Emel	T. Thornhill	Requesting from counsel a list of names of law firms representing H. Atilla.
11/30/2017	Email	T. Thornhill	G. Emel	Providing consulate representative a list of names of law firms representing H. Atilla.
11/30/2017	Email	G. Emel	T. Thornhill	Requesting from counsel the names of lawyers from a firm representing H. Atilla.
11/30/2017	Email	T. Thornhill	G. Emel	Providing consulate representative requested names of lawyers from firm representing H. Atilla.
12/3/2017	Text & Email	E. Yalcin	V. Rocco	Requesting that counsel meet with a representative of Halkbank
12/3/2017	Meeting			Meeting between counsel and representative of Halkbank, at request of Consul General who also attended. The representative of Halkbank discussed media reaction to trial in Turkey and offered bank's support. Participants: V. Rocco; T. Thornhill; E. Yalcin; S. Ozkan; H. Camuz
1/12/2017	Email	G. Emel	T. Thornhill	Informing counsel of plans to visit H. Atilla.
1/12/2017	Email	T. Thornhill	G. Emel	Advising consulate representative that her plans to visit H. Atilla do not interfere with counsel's plans.

EXHIBIT B

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Turkish Counsel's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
4/12/2017	Email	G. Emel	H. Uzun	Communicating information regarding documentation from consulate for foreign attorney to apply to enter MCC.
4/12/2017	Email	G. Emel	H. Uzun	Sending power of attorney to H. Atilla's Turkish attorney
4/12/2017	Email	H. Uzun	G. Emel	Sending questions to consulate representative re: foreign attorney access to MCC
4/12/2017	Email	G. Emel	H. Uzun	Responding to questions from H. Atilla's Turkish attorney re: foreign attorney access to MCC
4/13/2017	Email	G. Emel	H. Uzun	Communicating information regarding documentation from consulate for foreign attorney to apply to enter MCC.
4/14/2017	Email	G. Emel	H. Uzun	Communicating with H. Atilla's Turkish attorney re attorney's certification of good standing
4/24/2017	Email	H. Uzun	G. Emel	Requesting that consulate representative visit H. Atilla
4/24/2017	Meeting			Providing overview of <i>Curcio</i> hearing to consulate representative Participants: G. Emel; H. Uzun
4/27/2017	Email	G. Emel	H. Uzun	Inquiring as to which facility H. Atilla had been transferred
4/27/2017	Text	H. Uzun	G. Emel	Sending to consulate representative the address of MDC and H. Atilla's BOP registration number
4/28/2017	Text	H. Uzun	G. Emel	Requesting from consulate representative a power of attorney on behalf of Mrs. Atilla
5/1/2017	Text	H. Uzun	G. Emel	Scheduling time for preparation of power of attorney
5/2/2017	Text	H. Uzun	G. Emel	Asking to pick up the power of attorney
5/3/2017	Meeting			Picking up power of attorney for Mrs. Atilla from consulate and paying required documentation fees Participants: Sehide LNU; H. Uzun
5/6/2017	Phone	S. Kilic	H. Uzun	Requesting that H. Atilla's Turkish lawyer meet with Turkey's Justice Minister to brief him on the charges in the superseding indictment
5/7/2017	Meeting			Providing overview of criminal prosecution process and the indictment regarding H. Atilla to Turkish Minister of Justice Participants: B. Bozdog; H. Uzun
6/7/2017	Text	H. Uzun	G. Emel	Asking consulate representative to visit H. Atilla

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Turkish Counsel's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
6/7/2017	Meeting			Providing overview to consulate representative re: <i>Curcio</i> hearing Participants: G. Emel; H. Uzun
6/12/2017	Text	G. Emel	H. Uzun	Asking questions re: <i>Curcio</i> hearing
6/13/2017	Text	H. Uzun	G. Emel	Responding to consulate representative's questions re: <i>Curcio</i> hearing
6/22/2017	Text	G. Emel	H. Uzun	Communicating information re: transfer of H. Atilla to MCC
7/21/2017	Text	H. Uzun	G. Emel	Asking consulate representative questions re Turkish visa requirement for US citizens
7/24/2017	Phone	H. Uzun	G. Emel	Asking consulate representative questions re Turkish visa requirement for US citizens
9/8/2017	Text	G. Emel	H. Uzun	Requesting from counsel an explanation of Superseding Indictment S4
9/8/2017	Text	H. Uzun	G. Emel	Sending Superseding Indictment S4 to consulate representative
9/15/2017	Text	G. Emel	H. Uzun	Requesting from counsel an explanation of Superseding Indictment S4
9/15/2017	Text	H. Uzun	G. Emel	Responding to request of consulate representative for explanation of Superseding Indictment S4
9/26/2017	Phone	H. Uzun D. Rosenfield	G. Emel	Discussing questions re: MLAT between US and Turkey
10/24/2017	Meeting			Obtaining information about MLAT from Directorate General for International Law and Foreign relations. Participants: H. Mert, F. Kara, H. Uzun, L. Nihat-Gulec
11/10/2017	Phone	H. Mert	H. Uzun	Arranging meeting between Turkish attorney and representatives of the Turkish Ministry of Justice
11/10/2017	Meeting			Providing overview of trial process to representatives of Turkish Ministry of Justice Participants: H. Mert; U. Karabiyik; H. Uzun
11/15/2017	Phone	H. Uzun	G. Emel	Requesting meeting with consulate representative
11/15/2017	Meeting			Providing overview of trial process to consulate representative. Participants: G. Emel; H. Uzun
12/3/2017	Phone	E. Yalcin	H. Uzun	Requesting cell phone number of H. Atilla's lead attorney
1/3/2018	Phone	H. Uzun	G. Emel	Requesting meeting with consulate representative
1/4/2018	Meeting			Visiting with Mrs. Atilla and consulate representatives Participants: E. Yalcin; G. Emel; B. Atilla; H. Uzun

*United States v. Mehmet Hakan Atilla, S4 15 Cr. 867 (RMB)***Turkish Counsel's Response to Court Order Dated January 18, 2018 (Dkt # 442)**

Date	Type	From	To	Purpose
1/12/2018	Text	G. Emel	H. Uzun	Communicating re: visiting H. Atilla at MCC
1/19/2018	Text	G. Emel	H. Uzun	Communicating re: visiting H. Atilla at MCC
1/23/2018	Email	G. Emel	H. Uzun	Communicating re: visiting H. Atilla at MCC
2/23/2018	Meeting			N/A (Unplanned encounter involving Turkish attorney and Turkish Ambassador and Consul General while visiting H. Atilla at MCC) Participants: S. Kilic, E. Yalcin, H. Uzun, H. Atilla

Note: In addition to the contacts detailed above, Mr. Atilla's Turkish counsel had several informal encounters at the courthouse with a representative of the Turkish Consulate while both were attending Mr. Atilla's trial.