

LAW OFFICES

WILLIAMS & CONNOLLY LLP

725 TWELFTH STREET, N.W.

WASHINGTON, D. C. 20005-5901

(202) 434-5000

FAX (202) 434-5029

EDWARD BENNETT WILLIAMS (1920-1988)
PAUL R. CONNOLLY (1922-1978)

ROBERT M. CARY
(202) 434-5175
rcary@wc.com

November 2, 2020

Via ECF

Hon. Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Türkiye Halk Bankasi A.Ş.*, S6 15 Cr. 867 (RMB)

Dear Judge Berman:

We submit this letter regarding the government's recent request for a conference pursuant to Section 2 of the Classified Information Procedures Act. *See* ECF No. 687. Although not mentioned in government's letter, the parties met and conferred the previous day, including about the timing of the government's CIPA submission. The government represented that it did not know when it intended to file a CIPA motion because, at a minimum, Treasury had not completed its discovery review. When the defense explicitly asked about the timing of such a motion, the government responded that the defense "shouldn't expect a CIPA filing next week." Despite these representations (and without mentioning the parties meet and confer), the government filed its request for a CIPA conference and *ex parte* supplement the very next day.

In order to assist the Court's CIPA review, the defense intends to file a submission outlining why it believes various categories of classified information are not only material to its defense, but exculpatory. The defense intends to submit its position by November 13, 2020 and respectfully requests that the Court not conduct any conference before having a chance to consider the defense's position.¹

¹ This submission does not withdraw nor waive any argument related to Halkbank's petition for mandamus on recusal or Halkbank's position that this case should be stayed pending resolution of Halkbank's sovereign immunity appeal. Halkbank continues to object to this case proceeding until the recusal and sovereign immunity issues have been fully and finally decided.

WILLIAMS & CONNOLLY LLP

November 2, 2020

Page 2

Respectfully,

/S/ Robert M. Cary

Robert M. Cary

cc: Counsel of record