

U.S. District Court
Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:20-cr-00412-AT All Defendants

Case title: USA v. Kolfage

Date Filed: 08/17/2020

Assigned to: Judge Analisa Torres

Appeals court case number: 20-4274 USCA
2nd Circuit

Defendant (1)

Brian Kolfage
also known as
Sealed Defendant

represented by **Harvey A Steinberg**
Springer and Steinberg, P.C.
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ATTORNEY TO BE NOTICED

Pending Counts

18:1349.F ATTEMPT AND CONSPIRACY
TO COMMIT WIRE FRAUD

(1)

18:1956-4999.F CONSPIRACY TO
COMMIT MONEY LAUNDERING -

(2)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Disposition

Disposition

Assigned to: Judge Analisa Torres

Defendant (2)

Stephen Bannon
also known as
Sealed Defendant 2

represented by **William Anthony Burck**
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TERMINATED: 12/17/2020
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Designation: Retained

William Anthony Burck
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ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1349.F ATTEMPT AND CONSPIRACY
TO COMMIT WIRE FRAUD

(1)

18:1956-4999.F CONSPIRACY TO
COMMIT MONEY LAUNDERING -

(2)

Highest Offense Level (Opening).

Felony

Terminated Counts

None

Disposition

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Analisa Torres

Defendant (3)

Andrew Badolato

also known as

Sealed Defendant 3

represented by **Daniel Lawrence Stein**
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Pending Counts

18:1349.F ATTEMPT AND CONSPIRACY
TO COMMIT WIRE FRAUD

(1)

18:1956-4999.F CONSPIRACY TO
COMMIT MONEY LAUNDERING -

(2)

Highest Offense Level (Opening)

Felony

Disposition

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Assigned to: Judge Analisa Torres

Defendant (4)

Timothy Shea

also known as

Sealed Defendant 4

represented by **John C. Meringolo**
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Pending Counts

18:1349.F ATTEMPT AND CONSPIRACY
TO COMMIT WIRE FRAUD

(1)

18:1956-4999.F CONSPIRACY TO
COMMIT MONEY LAUNDERING -

(2)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Interested Party

We Build the Wall, Inc.

represented by **Justin S. Weddle**
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LEAD ATTORNEY
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Interested Party

Kris Kobach

represented by **Justin S. Weddle**
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LEAD ATTORNEY
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Designation: Retained

Plaintiff

USA

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Date Filed	#	Docket Text
12/04/2020	<u>59</u>	LETTER by Kris Kobach, We Build the Wall, Inc. as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea addressed to Judge Analisa Torres from Justin S. Weddle dated December 4, 2020 re: Possible Video appearance if motion to be discussed at conference Document filed by Kris Kobach, We Build the Wall, Inc.. (Weddle, Justin) (Entered: 12/04/2020)

12/07/2020	<u>60</u>	ORDER as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea: The conference scheduled for December 16, 2020, is hereby ADJOURNED to December 17, 2020, at 1:00 p.m., and will proceed using the Court's videoconferencing software. See In re Coronavirus/Covid-19 Pandemic, 20 Misc. 176, ECF No. 2 (S.D.N.Y. Sept. 16, 2020) (" [C]onditions, which are unlikely to be alleviated in the near future, make it impossible for the judges in this District to conduct all criminal proceedings in person in the courthouses," including "[a]rraignments under Rule 10 of the Federal Rules of Criminal Procedure."). Chambers will provide the parties with instructions on how to appear via video. To optimize the quality of the video feed, only the Court, Defendants, defense counsel, and counsel for the Government will appear by video for the proceeding. Co-counsel, members of the press, and the public may access the audio feed of the conference by calling (888) 398-2342 or (215) 861-0674 and entering access code 5598827. All of those accessing the conference whether in listen-only mode or otherwise are reminded that recording or rebroadcasting of the proceeding is prohibited by law. SO ORDERED. (Status Conference set for 12/17/2020 at 01:00 PM before Judge Analisa Torres) (Signed by Judge Analisa Torres on 12/7/2020) (Inl) (Entered: 12/07/2020)
12/07/2020	<u>61</u>	LETTER MOTION addressed to Judge Analisa Torres from Harvey A. Steinberg dated December 4, 2020 re: Disclosure of Non-Parties' Motion to Modify Restraining Order . Document filed by Brian Kolfage. (Steinberg, Harvey) (Entered: 12/07/2020)
12/11/2020	<u>62</u>	NOTICE OF ATTORNEY APPEARANCE: Robert Joseph Costello appearing for Stephen Bannon. Appearance Type: Retained. (Costello, Robert) (Entered: 12/11/2020)
12/14/2020	<u>63</u>	ORDER as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea: Shea's motion to transfer is DENIED. We Build the Wall and Kobach's motion to intervene and to unseal the Restraining Order Application and the Pittenger Affidavit is DENIED. The Restraining Order shall be UNSEALED. The Clerk of Court is directed to unseal: (1) the Restraining Order and (2) We Build the Wall's motion, ECF No. 38. The Clerk of Court is further directed to terminate the motions at ECF Nos. 38 and 44. (Signed by Judge Analisa Torres on 12/14/2020) (ap) (Entered: 12/14/2020)
12/14/2020		Transmission to Sealed Records Clerk: as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea. Transmitted re: <u>63</u> Order to the Sealed Records Clerk for the sealing or unsealing of document or case. (ap) (Entered: 12/14/2020)
12/14/2020	<u>64</u>	POST-INDICTMENT RESTRAINING ORDER as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea: upon a finding of probable cause, that the Subject Property, defined below, are subject to restraint and forfeiture as proceeds of a conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1343, and/or property involved in money laundering, in violation of Title 18, United States Code, § 1956. (Filed under seal on 8/24/20) (Signed by Judge Analisa Torres on 8/24/20)(jm) (Entered: 12/15/2020)
12/15/2020	<u>65</u>	ENDORSED LETTER as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea addressed to Judge Analisa Torres from Wedale, PLLC dated 10/13/2020 re: Party writes for permission to file certain documents under seal.ENDORSEMENT: Granted. Non-parties Krish Kobach and We build the Wall, Inc. shall file their proposed motion to modify the order and supporting documents under seal. (Signed by Judge Analisa Torres on 10/13/2020) (Previously filed under seal) (ap) (Entered: 12/15/2020)
12/15/2020	<u>66</u>	DECLARATION of JUSTIN S. WEDDLE IN SUPPORT OF MOTION TO MODIFY OR FOR DISCLOSURE AND A HEARING as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea re: <u>61</u> LETTER MOTION addressed to Judge Analisa Torres from Harvey A. Steinberg dated December 4, 2020 re: Disclosure of Non-Parties' Motion to Modify Restraining Order. (Previously filed under seal) (ap) Modified on 12/15/2020 (ap). (Entered: 12/15/2020)

12/15/2020	<u>67</u>	NON-PARTIES' MOTION TO MODIFY SEALED POST-INDICTMENT RESTRAINING ORDER, OR FOR DISCLOSURE AND A HEARING. Document filed by Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea. (Previously filed under seal) (ap) (Entered: 12/15/2020)
12/17/2020		Minute Entry for proceedings held before Judge Analisa Torres: Status Conference as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea held on 12/17/2020. Status Conference held for Defendants via videoconference. AUSA Robert Sobelman present for the the Government via video. Defense counsel Harvey Steinberg present with Defendant Brian Kolfage; defense counsel William Burck present with Defendant Stephen Bannon; defense counsel Daniel Stein present with Defendant Andrew Badolato; CJA attorney John Meringolo present with Defendant Timothy Shea all via video. Counsel Robert Costello present via video. Court reporter present via audio. William Burck and Daniel Koffmanns motion to withdraw as counsel for Defendant Bannon, ECF No. 55, is GRANTED for the reasons stated on the record. William Burck is relieved as counsel of record for Defendant Bannon, and Robert Costello is substituted as counsel of record. Status conference set for February 22, 2021, at 1:00 p.m., at which time Defendants shall indicate if they plan to file any motions. Time continues to be excluded under the Speedy Trial Act until May 24, 2021, for the reasons stated on the record. (Status Conference set for 2/22/2021 at 01:00 PM before Judge Analisa Torres) (ap) (Entered: 12/17/2020)
12/17/2020	<u>68</u>	ORDER as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea: This Order is entered, pursuant to Federal Rule of Criminal Procedure 5(f) and the Due Process Protections Act, Pub. L. No 116182, 134 Stat. 894 (Oct. 21, 2020), to confirm the Government's disclosure obligations under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligations (Signed by Judge Analisa Torres on 12/17/2020) (See ORDER set forth) (ap) (Entered: 12/17/2020)
12/17/2020	<u>69</u>	CONSENT TO PROCEED BY VIDEOCONFERENCE as to Andrew Badolato. (Signed by Judge Analisa Torres on 12/17/2020) (ap) (Entered: 12/17/2020)
12/17/2020	<u>70</u>	CONSENT TO PROCEED BY VIDEOCONFERENCE as to Brian Kolfage. (Signed by Judge Analisa Torres on 12/17/2020) (ap) (Entered: 12/17/2020)
12/17/2020	<u>71</u>	CONSENT TO PROCEED BY VIDEOCONFERENCE as to Stephen Bannon. (Signed by Judge Analisa Torres on 12/17/2020) (ap) (Entered: 12/17/2020)
12/18/2020	<u>72</u>	CONSENT TO PROCEED BY VIDEOCONFERENCE as to Timothy Shea. This proceeding was conducted by reliable videoconferencing technology. (Signed by Judge Analisa Torres on 12/18/2020)(bw) (Entered: 12/18/2020)
12/27/2020	<u>73</u>	NOTICE OF APPEAL by Kris Kobach, We Build the Wall, Inc. from <u>63</u> Order. (nd) (Entered: 12/28/2020)
12/27/2020		Appeal Remark as to We Build the Wall, Inc., and Kris Kobach, nonpartymovants re: <u>73</u> Notice of Appeal. \$505.00 APPEAL FILING FEE DUE. (nd) (Entered: 12/28/2020)
12/28/2020		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>73</u> Notice of Appeal by Kris Kobach, We Build the Wall, Inc.. (nd) (Entered: 12/28/2020)
12/28/2020		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files as to <u>73</u> Notice of Appeal by Kris Kobach, We Build the Wall, Inc. were transmitted to the U.S. Court of Appeals. (nd) (Entered: 12/28/2020)
12/28/2020	<u>74</u>	INTERNET CITATION NOTE as to Brian Kolfage: Material from decision with Internet citation re: <u>63</u> Order, Terminate Motions. (sjo) (Entered: 12/28/2020)

01/07/2021		USCA Appeal Fees received \$ 505.00, receipt number 465401271433 as to Brian Kolfage re: <u>73</u> Notice of Appeal - Final Judgment, filed by Kris Kobach, We Build the Wall, Inc. (tp) (Entered: 01/07/2021)
01/08/2021		USCA Case Number 20-4274 from the USCA 2nd Circuit as to Brian Kolfage, assigned to <u>73</u> Notice of Appeal - Final Judgment filed by Kris Kobach, We Build the Wall, Inc. (tp) (Entered: 01/08/2021)
01/08/2021	<u>75</u>	TRANSCRIPT of Proceedings as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea re: Conference held on 12/17/20 before Judge Analisa Torres. Court Reporter/Transcriber: Rebecca Forman, (212) 805-0300, Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/29/2021. Redacted Transcript Deadline set for 2/8/2021. Release of Transcript Restriction set for 4/8/2021. (McGuirk, Kelly) (Entered: 01/08/2021)
01/08/2021	<u>76</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT as to Brian Kolfage, Stephen Bannon, Andrew Badolato, Timothy Shea. Notice is hereby given that an official transcript of a Conference proceeding held on 12/17/20 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days.... (McGuirk, Kelly) (Entered: 01/08/2021)

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Description:	Docket Report	Search Criteria:	1:20-cr-00412-AT Start date: 12/1/2020 End date: 1/21/2021
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