

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

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UNITED STATES OF AMERICA,

Appellee,

- against -

GHISLAINE MAXWELL,

Defendant-Appellant.

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Docket No.: 22-1426

**AFFIRMATION IN SUPPORT OF
DEFENDANT-APPELLANT'S
MOTION TO FILE
AN OVERSIZED BRIEF**

JOHN M. LEVENTHAL, an attorney duly admitted to practice law in the State of New York and a partner of the law firm of **AIDALA, BERTUNA & KAMINS PC.**, attorneys for Defendant-Appellant, **GHISLAINE MAXWELL**, hereby affirms the following statements, under penalties of perjury:

1. That I am a partner at the law firm of AIDALA, BERTUNA & KAMINS P.C., attorneys for Defendant-Appellant, Ghislaine Maxwell (hereinafter "Appellant"), and as such, am fully familiar with the facts and circumstances of this action.

2. On July 15, 2022, I filed a Notice of Appearance in this matter.

3. On July 28, 2022, I filed a scheduling request asking that Appellant's brief be due on January 30, 2023, based on the size of the record.

4. On January 12, 2023, I filed a motion to extend time to file Appellant's brief from January 30, 2023, to February 28, 2023, to which Appellee United States Attorney's Office for the Southern District of New York had no objection.

5. On January 16, 2023, the motion to extend time was still pending.

6. Because a motion to file an oversized brief must be made no less than 14 days before the brief is due (Local Rule 27.1(e)3), pursuant to Local Rule 27.1(e)(2), I filed a

motion to file an oversized brief in which we estimated that we would need permission to file a brief of no more than 20,000 words to fully brief the issues for appeal.

7. On January 17, 2023, the Court granted our motion for an enlargement of time to file Appellant's brief.

8. On January 18, 2023, the Court granted our request to file a brief of no more than 20,000 words.

9. We have completed a draft of our brief and are now in a more definite position to request from the Court an additional 15,000 words so that we be permitted to file a brief of no more than 35,000 words.

10. Our brief contains five points. These points raise issues pertaining to statute of limitations; a non-prosecution agreement; juror misconduct and a post-verdict hearing; and sentence. Some of these issues involve detailed analysis of case law, statutory interpretation and legislative history, while others involve an explication of the evidence and procedural posture relevant to the issues raised. In an effort to shorten our brief, we have already omitted what was a lengthy summary of the evidence at trial in favor of marshalling only the evidence essential to an analysis of the issues being raised.

11. We have notified Appellee United States Attorney's Office for the Southern District of New York today, by email to Assistant United States Attorneys Andrew Rohrbach, Lara Pomerantz, Alison Moe, and Maureen Comey, that we are making this motion and have asked their position and if they intend to file a response. We have not received a reply as of the time of filing.

12. For the reasons stated, we respectfully request that the Court permit us to file a principal brief of no more than 35,000 words and would consent to Appellee filing a brief of

the same length.

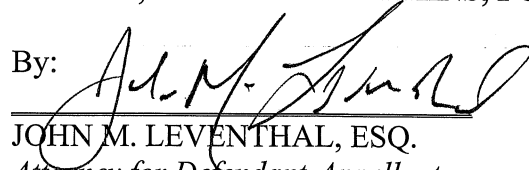
WHEREFORE, it is respectfully requested that this Court issue an Order granting Appellant's motion in its entirety, and for such other and further relief as this Court deems just and proper.

Dated: February 14, 2023
New York, New York

Respectfully Submitted,

AIDALA, BERTUNA & KAMINS, PC

By:


JOHN M. LEVENTHAL, ESQ.
Attorney for Defendant-Appellant
546 5th Avenue, 6th Floor
New York, New York 10036

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 22-1426

Caption [use short title]

Motion for: Oversized Brief

Set forth below precise, complete statement of relief sought:
Appellant requests that the court grant her permission to file an oversized brief. Specifically, Appellant requests permission to file a brief containing no more than 20,000 words. Appellant makes this request so that her attorneys can fully brief the issues they intend to raise on appeal.

U.S.A. v. Ghislaine Maxwell

MOVING PARTY: Ghislaine Maxwell

OPPOSING PARTY: United States of America

- Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: John M. Leventhal

OPPOSING ATTORNEY: Lara Pomerantz

[name of attorney, with firm, address, phone number and e-mail]

Aidala, Bertuna & Kamins, P.C.
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212-486-0011 judgeleventhal@aidalalaw.com

United States Attorney's Office for the Southern District of NY
One St. Andrews Plaza
212-637-2343 Lara.Pomerantz@usdoj.gov

Court- Judge/ Agency appealed from:

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
Yes No (explain):

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?
Has this relief been previously sought in this court?

Opposing counsel's position on motion:
Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
Yes No Don't Know

Requested return date and explanation of emergency:
As soon as possible.

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney:

[Handwritten signature]

Date: 2/14/23

Service by: CM/ECF Other [Attach proof of service]