

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	MC No. 23-32
	)	Washington, D.C.
vs.	)	May 11, 2023
	)	1:00 p.m.
PRAKAZREL MICHEL,	)	
	)	
Defendant.	)	
_____	)	

TRANSCRIPT OF STATUS CONFERENCE VIA ZOOM PROCEEDINGS  
BEFORE THE HONORABLE AMIT P. MEHTA  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription

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P R O C E E D I N G S

COURTROOM DEPUTY: Good afternoon, Your Honor.

This is Miscellaneous Case No. 23-32, United States of America versus Prakazrel Michel.

Elizabeth Aloi and Jonathan Hooks for the government.

Alon Israely, David Kenner, and Charles Haskell for the defendant.

THE COURT: All right, Counsel, good afternoon. Thank you for being here this afternoon.

The purpose for this hearing is to figure out where we are going and what to do.

Let me just sort of set the stage here.

I received, as a miscellaneous matter, a motion from the United States that I understand was originally filed in the criminal case against Mr. Michel in 19-CR-148. The motion asked for Order to Show Cause why defense counsel should not be held in contempt for an alleged violation of the protective order that was predicated on the sharing of information that's subject to a protective order with members of the media.

As I understand it in the proceedings before Judge Kollar-Kotelly, there was an opposition -- I shouldn't say opposition -- a response filed at ECF 205, which I have read, and that nothing more came of it other than I think

1 she advised the parties that she didn't think she was the  
2 appropriate judge to consider the matter, and, therefore,  
3 that motion was then docketed as this motion for an Order to  
4 Show Cause in this miscellaneous matter, 23-MC-32, back on  
5 April the 3rd.

6 I did not do anything with this motion purposely  
7 while the trial was ongoing, perhaps for obvious reasons.

8 And then once the verdicts were returned against  
9 Mr. Michel, I want the record to reflect that I did reach  
10 out to government counsel to get some understanding about  
11 what they were precisely asking me to do.

12 And specifically I had essentially one main  
13 question, and that was, well, who do you want me to issue an  
14 Order to Show Cause against? And, you know, we'll talk  
15 about that in a moment.

16 And I also asked the government what other  
17 additional evidence they might have to support the issuance  
18 of an Order to Show Cause, in addition to what's been  
19 presented in the motion itself. So those are the two things  
20 I approached the government about.

21 I am of the view, and I'm happy to hear from  
22 counsel, that what is being asked from me is to, in essence,  
23 initiate a criminal contempt proceeding against one or more  
24 individuals for violating the protective order and doing so  
25 pursuant to Rule 42.

1           And, you know, that rule requires me to provide  
2 notice through this Order to Show Cause and set a trial date  
3 and explain what the charges are or at least the nature --  
4 the allegations of contempt are to allow anybody who's named  
5 adequate notice to defend themselves.

6           So this is not a small matter, it's not something  
7 I thought simply required me or would be appropriate simply  
8 just to issue an Order to Show Cause and set a trial date  
9 for similar reasons I've already discussed, and so I thought  
10 it best to gather counsel for that purpose.

11           Just one more observation and then I'll turn to  
12 the parties, and that is: As I said, I have read what the  
13 defense counsel's response was to the motion for the Order  
14 to Show Cause at 205.

15           I find the response a little unclear and confusing  
16 in two respects: One is, it's not clear to me that defense  
17 counsel have acknowledged to actually sharing the material,  
18 and, if so, which defense counsel acknowledged doing so.

19           The response is signed by two of the lawyers,  
20 Mr. Kenner and Mr. Haskell. I understand that there were  
21 three lawyers who entered an appearance on behalf of  
22 Mr. Michel, and it's not signed by a third lawyer.

23           And before we continue, I think I just want to  
24 make it clear, given the current posture of the case, and  
25 perhaps counsel already appreciates this, that anything that

1 is said here can obviously be used against you. And you are  
2 entitled to counsel to represent you in connection with this  
3 matter and are not obviously under any -- well, it will be  
4 up to you whether you respond to any inquiries I have  
5 substantively, because you do have rights obviously.

6 So with all of that as wind-up, let me turn to the  
7 government and ask for your thoughts about where we go from  
8 here and any additional insights you have.

9 MS. ALOI: Thank you, Your Honor.

10 The government asks if we might be able to have a  
11 short sealed ex parte colloquy with the Court to provide  
12 some additional information. And it may be then appropriate  
13 to put that information on the record, but before doing so,  
14 we wanted to confer with you first and explain our thinking.

15 THE COURT: Okay.

16 All right. I'm happy to do that and then I'll  
17 determine whether it's appropriate to put that on the record  
18 and bring counsel in on this.

19 I should say and make clear for the record that  
20 representing the government in this case, Ms. Aloi, is not  
21 one of the prosecutors that was on the team against  
22 Mr. Michel. Mr. Michel's prosecution, as I understand it,  
23 was through the Public Integrity Section of the Department  
24 of Justice.

25 Rule 42 does require me, if I do issue an Order to

1 Show Cause, also to attempt to appoint a prosecutor. And so  
2 one of the other reasons I had reached out to the government  
3 was to determine who that might be and to ensure that it  
4 wouldn't be somebody in the Public Integrity Section.

5 And so I think the government was sensitive to  
6 that and had already determined that someone from the  
7 U.S. Attorney's Office, which is where Ms. Alois is assigned,  
8 would be appropriate to serve as a prosecutor in the case.

9 MR. KENNER: Your Honor, may I just be heard for  
10 one moment?

11 I am in the process of seeking counsel to  
12 represent me in this matter. I don't know how that impacts  
13 how the Court wants to proceed this morning but I did want  
14 to make you aware of that.

15 THE COURT: So thank you, Mr. Kenner, I appreciate  
16 that. That's an important data point.

17 Mr. Haskell, you're on as well. Are you in the  
18 process of seeking counsel or --

19 MR. KENNER: I believe, Your Honor, Mr. Israely  
20 will be represented by the same counsel that I will be  
21 represented by.

22 I'm not really sure why Mr. Haskell is involved in  
23 this proceeding but...

24 THE COURT: Well, let me back up.

25 And if you all could just fill me in on a few

1 factual matters.

2 And I'm not going to get to the heart of the  
3 allegations. But, you know, the Order to Show Cause was  
4 issued against defense counsel.

5 And would you just confirm me with me, Mr. Kenner,  
6 you were the lead counsel in the case but I also understand  
7 Mr. Haskell entered an appearance. And then is Mr. Israely  
8 the third lawyer who entered an appearance in that case?

9 MR. KENNER: Yes, Mr. Israely was involved, he is  
10 an attorney.

11 His involvement was primarily to a company he then  
12 owned called BIA, which is an electronic discovery company  
13 that was retained for the purpose of receiving 2,700,000  
14 pages of discovery that was sent out by the government under  
15 Relativity specifications.

16 Mr. Haskell was local counsel with regard to the  
17 matter. He did sit through the trial as is required.

18 Other than that, pretrial, my recollection is that  
19 Mr. Haskell did nothing more than receive motions that  
20 needed to be filed and processed them for filing.

21 MR. HASKELL: That's correct, I was just local  
22 counsel in the case and did filings and reviewed. That's  
23 basically the extent.

24 THE COURT: Okay.

25 Let me -- go ahead, Ms. Alois.

1 MS. ALOI: Your Honor, this would be --  
2 Your Honor, we have some information that might help clarify  
3 the relationship.

4 THE COURT: Right.

5 I was just about to say, let's go ahead and go  
6 into the ex-parte session with government counsel, and then  
7 we'll come back -- I'll hear those representations and then  
8 we will come back on the record.

9 COURTROOM DEPUTY: Just one moment, Your Honor.

10 (Sealed ex parte proceedings held)

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(Open court)

THE COURT: All right. Do we have everyone?

Okay.

So we're back on the public record.

I have received some additional representations from the government about its investigation of this matter. I don't think it's appropriate to put those on the record at this point. But I will ask the government, in light of what it has advised, how it wishes to proceed today or how -- what is recommended in terms of next steps in the process.

MS. ALOI: Thank you, Your Honor.

I think the government would recommend that the Court continue this hearing to a date in the future; 30 to 60 days would probably be sufficient.

THE COURT: Okay.



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(Open court)

COURTROOM DEPUTY: Your Honor, we're back on the public --

THE COURT: Okay.

So we're now back on the public record.

So with defense counsel present, I've heard a little bit from Mr. Haskell already, I don't need you to say any more, frankly, I don't need any counsel to say anything more substantively. I'm not asking for you to do so, and you obviously have a right not to speak to the substance of

1 the matter.

2 But other than the substance, is there anything  
3 anybody would like to add before we simply set down a next  
4 date to see where we are in this matter?

5 MR. KENNER: No, Your Honor.

6 THE COURT: Okay.

7 All right. Well, hearing nothing further then,  
8 let's go ahead and set a next date.

9 Why don't we just set this out 60 days.

10 Mr. Kenner, are you on the West Coast?

11 MR. KENNER: Yes, Your Honor.

12 THE COURT: Okay.

13 So how about 5:00 p.m. Eastern -- or 5:15 Eastern  
14 on July the 11th?

15 MR. KENNER: That works for me, Your Honor.

16 MR. HASKELL: I'm sorry, Your Honor, I can't do  
17 Tuesdays, at least not that late, I have a childcare  
18 conflict.

19 THE COURT: Okay.

20 MR. HASKELL: I could do Wednesday that late.

21 THE COURT: All right. How about Wednesday,  
22 July 12th at 5:15?

23 MS. ALOI: That works for the government.

24 MR. KENNER: That works for me, Your Honor.

25 THE COURT: Okay.

1           All right. So that is what we will do next.  
2 We'll carry this over for 60 days and we'll all reconvene on  
3 the 12th and we will go from there. Thank you, all, very  
4 much.

5           MR. KENNER: Thank you, Your Honor.

6           Have a good day, everyone.

7           (Proceedings concluded at 1:29 p.m.)

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C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Date: May 15, 2023



William P. Zaremba, RMR, CRR

<p><b>COURTROOM</b>  <b>DEPUTY: [7]</b> 3/2 9/9  9/11 15/7 15/10 16/19  17/17  <b>MR. HASKELL: [3]</b>  8/21 18/16 18/20  <b>MR. HOOKS: [3]</b> 13/6  13/10 15/3  <b>MR. KENNER: [10]</b>  7/9 7/19 8/9 16/6 17/11  18/5 18/11 18/15 18/24  19/5  <b>MS. ALOI: [12]</b> 6/9 9/1  9/19 11/6 12/23 12/25  13/14 14/4 14/10 15/2  15/21 18/23  <b>THE COURT: [28]</b></p>	<p><b>8</b>  <b>818 [1]</b> 2/5  <b>888-2728 [1]</b> 2/10</p> <p><b>9</b>  <b>91436 [1]</b> 2/5  <b>995-1195 [1]</b> 2/5</p> <p><b>A</b>  <b>able [1]</b> 6/10  <b>about [9]</b> 4/10 4/15  4/20 6/7 9/5 15/16 16/4  18/13 18/21  <b>above [1]</b> 20/4  <b>above-titled [1]</b> 20/4  <b>acknowledged [2]</b>  5/17 5/18  <b>actually [1]</b> 5/17  <b>add [1]</b> 18/3  <b>addition [1]</b> 4/18  <b>additional [4]</b> 4/17 6/8  6/12 15/15  <b>adequate [1]</b> 5/5  <b>advised [2]</b> 4/1 15/19  <b>afternoon [3]</b> 3/2 3/9  3/10  <b>again [1]</b> 16/15  <b>against [7]</b> 3/16 4/8  4/14 4/23 6/1 6/21 8/4  <b>ahead [3]</b> 8/25 9/5 18/8  <b>ai [1]</b> 2/6  <b>aided [1]</b> 2/17  <b>all [10]</b> 3/9 6/6 6/16  7/25 15/12 18/7 18/21  19/1 19/2 19/3  <b>All right [1]</b> 3/9  <b>allegations [2]</b> 5/4 8/3  <b>alleged [1]</b> 3/18  <b>allow [1]</b> 5/4  <b>Aloi [5]</b> 1/13 3/5 6/20  7/7 8/25  <b>Alon [2]</b> 2/2 3/7  <b>already [4]</b> 5/9 5/25 7/6  17/22  <b>also [3]</b> 4/16 7/1 8/6  <b>am [2]</b> 4/21 7/11  <b>AMERICA [2]</b> 1/3 3/4  <b>AMIT [1]</b> 1/10  <b>Ann [1]</b> 1/13  <b>any [5]</b> 6/3 6/4 6/8  17/23 17/23  <b>anybody [2]</b> 5/4 18/3  <b>anything [4]</b> 4/6 5/25  17/23 18/2  <b>appearance [3]</b> 5/21  8/7 8/8  <b>APPEARANCES [2]</b>  1/12 1/18  <b>appoint [1]</b> 7/1  <b>appreciate [1]</b> 7/15  <b>appreciates [1]</b> 5/25  <b>approached [1]</b> 4/20  <b>appropriate [6]</b> 4/2 5/7  6/12 6/17 7/8 15/17  <b>April [1]</b> 4/5  <b>are [10]</b> 3/12 4/19 5/3  5/4 6/1 6/3 7/17 16/2  18/4 18/10</p>	<p>5/12 6/6 6/22 7/8 7/17  8/17  <b>ask [5]</b> 6/7 15/18 16/1  16/13 16/15  <b>asked [3]</b> 3/17 4/16  4/22  <b>asking [2]</b> 4/11 17/24  <b>asks [1]</b> 6/10  <b>assigned [1]</b> 7/7  <b>attempt [1]</b> 7/1  <b>attorney [1]</b> 8/10  <b>ATTORNEY'S [2]</b> 1/14  7/7  <b>Ave [1]</b> 2/9  <b>Avenue [1]</b> 2/14  <b>aware [1]</b> 7/14</p>	<p><b>company [2]</b> 3/2 18/2  <b>computer [1]</b> 2/17  <b>computer-aided [1]</b>  2/17  <b>concluded [1]</b> 19/7  <b>confer [1]</b> 6/14  <b>CONFERENCE [1]</b> 1/9  <b>confirm [1]</b> 8/5  <b>conflict [1]</b> 18/18  <b>confusing [1]</b> 5/15  <b>connection [1]</b> 6/2  <b>consider [1]</b> 4/2  <b>Constitution [1]</b> 2/14  <b>contempt [3]</b> 3/18 4/23  5/4  <b>continue [2]</b> 5/23  15/23  <b>CONTINUED [1]</b> 2/1  <b>conversation [1]</b> 16/10  <b>CORP [1]</b> 2/3  <b>correct [2]</b> 8/21 20/3  <b>could [2]</b> 7/25 18/20  <b>counsel [23]</b>  <b>counsel's [1]</b> 5/13  <b>court [8]</b> 1/1 2/12 2/13  6/11 7/13 15/11 15/23  17/16  <b>CR [1]</b> 3/16  <b>criminal [2]</b> 3/16 4/23  <b>CRR [2]</b> 20/2 20/8  <b>current [1]</b> 5/24  <b>cut [1]</b> 16/4</p>	<p>7/22 17/23 18/9  <b>Douyon [1]</b> 16/15  <b>down [1]</b> 18/3</p> <p><b>E</b>  <b>Eastern [2]</b> 18/13  18/13  <b>ECF [1]</b> 3/24  <b>electronic [1]</b> 8/12  <b>Elizabeth [2]</b> 1/13 3/5  <b>elizabeth.aloi [1]</b> 1/17  <b>Elliot [1]</b> 2/2  <b>Email [5]</b> 1/16 1/17 2/6  2/6 2/10  <b>Encino [1]</b> 2/5  <b>ensure [1]</b> 7/3  <b>entered [3]</b> 5/21 8/7  8/8  <b>entitled [1]</b> 6/2  <b>essence [1]</b> 4/22  <b>essentially [1]</b> 4/12  <b>everyone [2]</b> 15/12  19/6  <b>evidence [1]</b> 4/17  <b>ex [6]</b> 6/11 9/6 9/10  16/10 16/14 16/18  <b>ex-parte [1]</b> 9/6  <b>explain [2]</b> 5/3 6/14  <b>extent [1]</b> 8/23</p>
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