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November 14, 2021

BY EMAIL

Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: In re Search Warrant dated November 5, 2021, 21 MAG 10685

Dear Judge Torres:

The purpose of this letter is to clarify an inadvertent misstatement we made in our November 10, 2021 letter to the Court, which came to our attention upon review of Your Honor's Order dated Friday November 12, 2021.

As reflected in Exhibits 1 and 2 attached to this letter, at all times the government *refused* our request to *voluntarily* pause extraction of materials from the phones it seized from Mr. O'Keefe.

Accordingly, footnote 1 in our pleading remains accurate. Footnote 1 states: "The government represented to the undersigned that it would 'pause substantive review – *but not technical extraction*' of the materials contained on Mr. O'Keefe's phones, upon filing of our motion."

The following language, at the top of page three of our November 10, 2021, pleading was inadvertently erroneous, because as reflected in **Exhibits 1 and 2**, the government always refused our request to voluntarily pause extraction: "In a November 8, 2021, meet and confer phone call, the government stated that it would only stop its extraction and potential review of Mr. O'Keefe's phone after the filing of this Motion."

We believe that the government continued extraction *after* we filed our motion, because it had declined to voluntarily pause extraction. It was only *after* the Court *ordered* the government to pause extraction, that the government informed us that it paused extraction.

We apologize to the Court for having provided an inadvertent misstatement in our November 10, 2021 letter, as set forth above.

Sincerely,

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