



CALLI LAW, LLC
One Flagler Building, Suite 1100
14 Northeast 1st Avenue
Miami, Florida 33132
T. 786.504.0911
F. 786.504.0912
www.calli-law.com

November 12, 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:

We believe the parties should comply with the briefing already schedule set by the Court. The urgency in seeking relief in this matter arises from the government's choice to seize the cell phones of a prominent journalist. The government represents it did so in compliance with the Privacy Protection Act, 28 CFR § 50.10, and the Justice Manual guidance on same. This means that the government obtained approval from the highest levels of the Department of Justice – that is what obtaining a search warrant to seize a journalist's cell phone requires. This necessarily means that the search warrant issued as to James O'Keefe's home in connection with the government's diary investigation was the subject of much advance planning by the government.

Moreover, the timing of the undersigned's Motion was dictated by the government's refusal to stop its extraction of data from Mr. O'Keefe's phones, and its refusal to state that it would not examine the contents of Mr. O'Keefe's phone, until the undersigned filed a Motion to seek judicial review. The government declined to refrain from its examination even for 24 hours when the undersigned informed the government that this motion was forthcoming.

The undersigned prefer to work with the schedules of other lawyers whenever possible. However, having created the urgency that imperils a large amount of attorney-client privileged material, First Amendment-protected material, as well as confidential donor information, the government should be held to the timelines established by the Court.

[Signature Block Follows on Next Page]

By: /s/ Paul A. Calli

Paul A. Calli
Florida Bar No. 994121
Chas Short
Florida Bar No. 70633
CALLI LAW, LLC
14 NE 1st Ave, Suite 1100
Miami, FL 33132
Telephone: (786) 504-0911
Facsimile (786) 504-0912
PCalli@Calli-Law.com
CShort@Calli-Law.com

Pro Hac Vice Motion to Be Filed

By: s/ Harlan Protass

Harlan Protass
PROTASS LAW PLLC
260 Madison Avenue, 22nd Floor
New York, NY 10016
Telephone: 212-455-0335
hprotass@protasslaw.com