

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	S3 22 Cr. 673 (LAK)
v.	:	
	:	
SAMUEL BANKMAN-FRIED,	:	[PROPOSED] ORDER
a/k/a "SBF,"	:	
	:	
Defendant.	:	
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WHEREAS the Defendant is presently subject to bail conditions that were set on December 22, 2022, and modified on January 3, 2023, January 20, 2023, February 1, 2023, and February 14, 2023;

WHEREAS the parties in this case have reached an agreement on a set of proposed additions and modifications to the Defendant’s existing bail conditions to address certain issues raised by the Government and the Court;

WHEREAS the Defendant was previously ordered to live with his parents, who use in their home two laptop computers, one desktop computer, and two cellphones (the “Parents’ Devices”);

WHEREAS the Defendant’s parents have agreed to not allow the Defendant to use the Parents’ Devices, to password protect the Parents’ Devices, to safeguard the passwords from the Defendant, to not allow the Defendant to have the passwords to the Parents’ Devices in any form, and to install monitoring software on the Parents’ Devices, as set forth in Appendix 1, that will photograph the device’s user every five minutes;

WHEREAS the Defendant’s parents have agreed to sign sworn affidavits representing that they will not bring Prohibited Electronic Devices (as defined below) into the home, nor will

they share the passwords for the Parents' Devices with the Defendant or otherwise permit the Defendant to access the Parents' Devices;

WHEREAS the Defendant's parents have agreed to provide the Government with the serial numbers, MAC addresses, and any other identifying information the Government requests for the Parents' Devices, and to provide Pretrial Services with access to the photographs taken by the monitoring software whenever requested by Pretrial Services;

WHEREAS the Government has stated that it separately intends to seek court authorization for the installation of pen registers on the Defendant's phone number, email account, and home IP address, and the Defendant has represented that he will not object to the installation of such pen registers;

WHEREAS the Court has determined that these conditions, which are set forth below, are "the least restrictive ... combination of conditions" that "will reasonably assure the appearance of the person as required and the safety of any other person and the community," 18 U.S.C. § 3142(c)(1)(B);

IT IS HEREBY ORDERED that the Defendant's bail conditions will be modified as follows:

General Conditions

1. The Defendant shall not contact or communicate with current or former employees of FTX or Alameda¹ (other than immediate family members), except in the presence of counsel, unless the Government or Court exempts an individual from this rule in writing.

¹ For the purposes of this Order, "FTX" is defined to include FTX Trading Ltd., FTX.com, FTX U.S., FTX Digital Markets Ltd., and all affiliated parent, subsidiary, and successor entities; and "Alameda" defined to include Alameda Research LLC and any affiliated parent, subsidiary, and successor entities.

2. The Defendant shall not use any encrypted or ephemeral call or messaging application, including but not limited to “Signal.”
3. The Defendant shall not use a Virtual Private Network (“VPN”), except as explicitly authorized in his bail conditions, as described below and in Appendix 1.

The Defendant’s Devices

4. The Defendant is permitted to use two electronic devices – the laptop and the phone described below (respectively, the “New Laptop” and the “New Phone”) – and is otherwise prohibited from using any other cellphones, tablets, computers, video games (including video game platforms and hardware) that permit chat or voice communication, or “smart” devices with Internet access (collectively, “Prohibited Electronic Devices”), except that the Defendant is permitted to use electronic devices owned and controlled by defense counsel when supervised by defense counsel or their employees or agents.

The New Laptop

5. As set forth in Appendix 1, the New Laptop will be configured to allow access only to the following pre-approved websites, which are necessary for the preparation of the defense or are for personal use and do not pose a risk of danger to the community:

Defense Preparation

- a. Amazon Web Services website hosting the FTX transactional database (“AWS Database”)
- b. Cohen & Gresser Relativity website
- c. Cohen & Gresser Sharefile website
- d. Cohen & Gresser Zoom room
- e. Wikipedia.org
- f. All .gov websites (*.gov)
- g. Ftx.com, ftx.us, ftxpolicy.com, and all other FTX related sites available at <https://restructuring.ra.krroll.com/FTX/>
- h. Youtube.com
- i. Docusign.net; Docusign.com

- j. Archive.org
- k. Courtnlistener.com
- l. The following read-only blockchain explorers:
 - i. Etherscan.io
 - ii. Solscan.io
 - iii. tronscan.org
 - iv. bscscan.com
 - v. omniexplorer.info
- m. The following read-only websites showing crypto asset prices:
 - i. Coingecko.com
 - ii. Coinmarketcap.com

Personal Use

- a. Nytimes.com
 - b. Nypost.com
 - c. Ft.com
 - d. Bloomberg.com; bloomberglaw.com
 - e. Forbes.com
 - f. WSJ.com
 - g. Businessinsider.com
 - h. Opensecrets.org
 - i. Prnewswire.com
 - j. Puck.news
 - k. Reuters.com
 - l. Coindesk.com
 - m. Cointelegraph.com
 - n. Theblock.co
 - o. Decrypt.co
 - p. Beincrypto.com
 - q. Netflix.com
 - r. Open.spotify.com
 - s. Doordash.com
 - t. Ubereats.com
 - u. Amazon.com
 - v. MLB.com
 - w. NFL.com
6. The Defendant must access the AWS Database through a secure VPN connection, using a single VPN account that permits access only to the AWS Database and no other websites, as set forth in Appendix 1.
7. The Defendant may use Gmail and other Google applications (e.g., docs.google.com) only through a single email address which defense counsel shall provide to the

Government. The Defendant is prohibited from creating or logging into any other email accounts, including but not limited to other Google accounts. This provision shall not prohibit email forwarding to the Defendant's single email account, provided the Defendant does not send emails from any forwarding email address.

8. The Defendant's use of Zoom will be limited to the Cohen & Gresser Zoom room, as set forth in Appendix 1, and will be limited to communications with defense counsel and defense counsel's employees and agents, potential defense witnesses and their counsel, or others covered by attorney-client or common interest privilege.
9. The Defendant shall provide the Government with the web addresses for the AWS Database, the Cohen & Gresser Relativity website, the Cohen & Gresser Sharefile website, and the Cohen & Gresser Zoom room.
10. The New Laptop will be loaded with the local applications and software programs listed below. No other local applications or software programs may be added to the New Laptop without permission from the Government and the Court.
 - a. Microsoft Office, including Microsoft Word, Excel, and Access (to create documents and analyze data)
 - b. Adobe Acrobat (to read documents in .pdf format)
 - c. Google Chrome (to access the pre-approved websites consistent with the provisions of this Order and according to the specifications set forth in Appendix 1)
 - d. Zoom (exclusively for defense-related communications as specified in Paragraph 8)
 - e. pgAdmin (PostgreSQL tool to query the AWS Database)
 - f. Python (to read the FTX codebase)
 - g. 7zip (to create zip files to transfer large files)
 - h. Notepad and Notepad ++ (to take notes)
 - i. 1password (to store passwords)
 - j. Screenshot tool (to create screenshots)
 - k. A remote access support tool (for remote support by Cohen & Gresser)

11. The New Laptop will be loaded with security software that will block access to USB storage devices (*e.g.*, thumb drives, etc.) so that USB storage devices will not be able to transfer data to or from the New Laptop, as set forth in Appendix 1.
12. The New Laptop will be loaded with monitoring software that will log the Defendant's user activity, as set forth in Appendix 1. The user activity logs will be preserved and stored in a repository controlled by defense counsel.
13. The Defendant has retained a technical consultant affiliated with Guidepost Solutions (hereafter, the "Technical Consultant"), who will assist in the installation of monitoring technology on electronic devices described in this order. The Technical Consultant will monitor the user activity logs at least three times per week to ensure that the Defendant's use of the New Laptop conforms the restrictions set forth above. In the event that the Technical Consultant becomes aware of a potential violation of the terms of the Defendant's bail conditions set forth herein, the Technical Consultant will promptly bring such evidence to the attention of Pretrial Services. Pretrial Services may also request access to the activity logs when Pretrial Services has a reasonable suspicion that evidence of a violation of a condition of release may be found therein.
14. The Defendant will not be given administrative access rights to the New Laptop to ensure that he does not attempt to delete, alter, or circumvent the restrictions set forth above.
15. The Defendant shall provide the Government with identifying information for the New Laptop, including the New Laptop's serial number and Media Access Control ("MAC") address, as well as the IP address used to access the Internet.

The New Phone

16. The New Phone will not be a smartphone and will not have Internet access. Upon purchase, defense counsel shall provide the make and model of the New Phone to the Government.
17. The communication functions on the New Phone will be limited to SMS text messages and voice calls, as set forth in Appendix 1. All other message applications will be prohibited.
18. The Defendant will provide the Government with identifying information for the New Phone, including the New Phone's serial number, International Mobile Equipment Identity ("IMEI") number, International Mobile Subscriber Identity ("IMSI") number, Subscriber Identity Module ("SIM") number, and MAC address to the extent available.

The Old Laptop and Old Phone

19. Once the Defendant receives the New Laptop, he will turn over his existing laptop computer (the "Old Laptop") to his attorneys, who will remove it from his residence and maintain custody of it.
20. Once the Defendant receives the New Phone, he will turn over his existing cellular telephone (the "Old Phone") to his attorneys, who will remove it from his residence and maintain custody of it.
21. The Defendant shall turn over any other Prohibited Electronic Device to his attorneys, who will remove them from his residence and maintain custody of them.

Miscellaneous Conditions

22. The Defendant must submit his electronic devices to a search by Pretrial Services upon reasonable suspicion that evidence of a violation of a condition of release may be found therein.
23. The Defendant shall not purchase, acquire, or otherwise obtain any Prohibited Electronic Devices.

Third-Party Devices

24. The Defendant is prohibited from accepting any visitors with Prohibited Electronic Devices into his home regardless of who the individual visiting the Defendant's residence is there to see. To ensure that the restrictions set forth above are not circumvented by having visitors bring Prohibited Electronic Devices into the home for the Defendant to use, the following protocol shall apply to all visitors except defense counsel and their employees and agents, and those who are pre-approved by the Court:
 - a. All visits from and meetings with visitors must be arranged in advance. When it is planned that an individual will visit the residence, the Defendant and/or his parents must provide advance notice to defense counsel, who will arrange for a security guard to be present when the visitor arrives. The security guard shall be employed by a security company or companies hired by defense counsel, and the names of those securities companies shall be provided to the Government.
 - b. The security guard will use a handheld metal detector to screen the visitor for any cellphones or electronic devices.

- c. The security guard will take possession of the visitor's electronic devices while the visitor is in the house and will return them when the visitor leaves.
 - d. Visitors are prohibited from entering the Defendant's residence absent the presence of the security guard to screen the visitor upon entry to their residence.
 - e. All visitors shall sign an electronic log in their own name, which shall list the date and time they arrived at the Defendant's home.
25. To confirm that the Defendant and/or his parents are notifying defense counsel when a visitor is expected, the existing home security system, which includes video cameras at every door, shall be set to preserve video footage of everyone entering the residence.
26. The video footage will be stored in a repository controlled by defense counsel. Pretrial Services will be given access to the video footage at their discretion.
27. A security guard does not need to be present for visits by defense counsel or their employees or agents, or visitors pre-approved by the Court, nor must these individuals sign the electronic visitor log.

Preparation and Verification of the Devices / Timing of Implementation

28. The Defendant's Technology Consultant will supervise the preparation of the New Laptop, the New Phone, and the Parents' Devices according to the restrictions set forth above and in Appendix 1.

29. To the extent the Court avails itself of an independent technology consultant, the Court's independent technology consultant may verify the preparation of the devices at the direction of the Court.

30. The conditions set forth above shall be implemented within one week from the filing of this Order. In the event that an independent technology consultant verifies that the electronic devices have been prepared correctly, all conditions besides those relating to the preparation of the electronic devices shall be implemented within one week from the filing of this Order, and the remaining conditions shall go into effect upon the completion of the device verification. The Defendant may continue to use the Old Laptop and the Old Phone in the one-week period prior to which this Order becomes effective.

SO ORDERED.

Dated: March ____, 2023
New York, New York

The Honorable Lewis A. Kaplan
United States District Judge

APPENDIX 1



