



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, Third Floor
New York, New York 10007

December 19, 2008

BY ELECTRONIC MAIL

[REDACTED]
Motley Rice LLC
28 Bridgeside Blvd.
P.O. Box 1792
Mt. Pleasant, South Carolina 29465

Re: In re Terrorist Attacks of September 11, 2001
03 MDL 1570 (GBD) (FM)

Dear [REDACTED]:

I write to follow up on our telephone conversation on October 27, concerning the documents that Motley Rice submitted to Magistrate Judge Maas for ex parte, in camera review in the above-referenced matter (the "Documents").

I understand, based on our telephone conversation, that Motley Rice is willing to turn over to this Office all copies of any of the Documents that the United States determines to be classified. Pursuant to that understanding, please be advised that the United States has confirmed that the Documents located at the following tabs in the binders that you sent me on August 27 remain classified: A, B, C2-12, 14-15, 17-18, 20-25, 27-31, 33-34, and 45-47. Please provide these Documents to my Office no later than Monday, January 5, 2009.^{*} At that time, please confirm in writing that you have turned over all originals and all copies of the identified Documents, whether in electronic or paper form, and that any materials derived from the identified Documents, such as attorney notes or drafts, have been destroyed.

^{*} Motley Rice did not respond to our prior letters dated August 27, 2008, and October 1, 2008, regarding the Documents. During our telephone conversation on October 27, you explained that your response to the October 1 letter was delayed because you were on your honeymoon at or about the time of the letter. We request that you respond to this letter no later than January 5.

[REDACTED]
Motley Rice LLC
December 19, 2008

Please also confirm in writing that the identified Documents have not been disseminated by Motley Rice to any other persons, including any other attorneys or law firms, other than to the Court and this Office.

The remaining Documents in the binders are still pending review, and accordingly should remain isolated and secured in your law firm pending further instructions.

You asked whether the United States would consent to allow Motley Rice to refer to the Documents in a "non-substantive" court filing, or whether the United States would provide redacted or otherwise unclassified versions of the Documents that have been confirmed to be classified. The disclosure of the Documents to Motley Rice was unauthorized, and constitutes a security violation under the provisions of Executive Order 12958, as amended, 69 Fed. Reg. 15315 (amended Mar. 25, 2003). Accordingly, we cannot consent to Motley Rice's possession or use of the Documents in any form or manner.

Please contact me if you have any questions.

Very truly yours,

[REDACTED]
Acting United States Attorney

[REDACTED]
Assistant U.S. Attorney

Telephone: [REDACTED]

Facsimile: [REDACTED]