

Julia L. Gatto
212 378 7587
jgatto@steptoe.com

Steptoe

1114 Avenue of the Americas
New York, NY 10036
212 506 3900 main
www.steptoe.com

July 13, 2023

VIA E-MAIL

AUSA Lauren Elbert, AUSA Gillian Kassner,
AUSA Devon Lash, and AUSA Jonathan Siegel
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Nicole Daedone & Rachel Cherwitz*, 1:23-cr-00146-DG

Dear Counsel:

We write jointly with Alston & Bird, counsel for Rachel Cherwitz, pursuant to Rule 7 and Rule 16 of the Federal Rules of Criminal Procedure, and Local Criminal Rule 16.1, in lieu of a formal motion which might unnecessarily burden the Court.

Ms. Daedone and Ms. Cherwitz request that the government provide them with the following particulars:

1. Identify each individual with whom the government alleges Ms. Daedone and/or Ms. Cherwitz conspired to provide and obtain forced labor, including any purported unindicted co-conspirators, cooperating witnesses, and/or confidential sources.
2. For each individual identified above, specify when, where, and with whom they agreed to join the charged conspiracy.
3. Please identify alleged overt acts committed in furtherance of the charged conspiracy; by whom; when committed; and where committed.
4. Identify with specificity each act of labor that the government alleges was obtained in violation of 18 U.S.C. § 1589 (the "acts of labor"); and for each act identified, specify:
 - a. who performed the acts of labor;
 - b. where the acts of labor were performed;

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- c. when the acts of labor were performed;
 - d. who allegedly coerced or forced the labor; and
 - e. the manner by which the acts of labor were allegedly coerced or forced, whether by any of the following or combination of the following: physical force; restraint; psychological manipulation; deception; threats of physical force or restraint; threats of non-physical abuse; abuse or threatened abuse of law and legal process; or by some other means.
5. For each allegedly “abusive and manipulative tactic” listed in ¶ 7 of the Indictment, identify:
- a. the individuals who were subjected to the purported abuse or manipulation;
 - b. when they were subjected to it;
 - c. where they were subjected to it;
 - d. who subjected them to it;
 - e. who was present or witnessed the purported abuse or manipulation; and
 - f. in what manner the tactics allegedly were carried out.
6. For each allegedly “abusive employment practice” referenced in ¶ 8 of the Indictment, identify
- a. the individuals who were subjected to the purported abusive employment practice;
 - b. when they were subjected to it;
 - c. where they were subjected to it;
 - d. who subjected them to it; and
 - e. who was present or witnessed the purported abuse or manipulation.
7. For the acts alleged in paragraphs ¶¶ 6–8 of the Indictment, identify whether the government alleges the labor or services were obtained:

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- a. By means of force, threats of force, physical restraint, or threats of physical restraint, and if any, identify:
 - (1) the individuals who were subjected to the purported harm, threats, or restraint;
 - (2) when they were subjected to it;
 - (3) where they were subjected to it;
 - (4) who subjected them to it;
 - (5) who was present or witnessed the purported harm, threat, or restraints;
 - (6) to the extent the government alleges individuals were threatened, specify the nature of the threats and identify the manner by which those threats were relayed to individuals; and
 - (7) to the extent the government alleges individuals were subjected to force, specify the nature of the force.
- b. By means of serious harm or threats of serious harm, and if any, identify:
 - (1) the nature of the serious harm alleged to have been administered and/or threatened;
 - (2) to the extent the government alleges individuals were threatened with serious harm, identify the manner by which those threats were relayed to individuals;
 - (3) the individuals who were subjected to the purported serious harm or threats;
 - (4) when they were subjected to it;
 - (5) where they were subjected to it;
 - (6) who subjected them to it;
 - (7) how they were subjected to it; and
 - (8) who was present or witnessed the purported serious harm, threat, or restraints.

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- c. By means of the abuse or threatened abuse of law or legal process, and if any, identify:
 - (1) the individuals who were subjected to the purported threats;
 - (2) when they were subjected to it;
 - (3) which legal process or law was implicated or threatened;
 - (4) where they were subjected to it;
 - (5) who subjected them to it;
 - (6) who was present or witnessed the purported abuse or threat of abuse of law or legal process; and
 - (7) in what manner it allegedly occurred.

- d. By means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; and if any,
 - (1) who was involved in the scheme, plan, or pattern;
 - (2) what the purported scheme, plan, or pattern involved;
 - (3) to extent the government alleges that individuals were made to believe they would suffer serious harm, the nature of the purported serious harm;
 - (4) the individuals who were subjected to the purported scheme, plan, or pattern;
 - (5) when they were subjected to it;
 - (6) where they were subjected to it;
 - (7) who subjected them to it;
 - (8) who was present or witnessed the scheme, plan, or pattern; and
 - (9) in what manner it allegedly occurred.

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8. Identify each individual who allegedly was directed to engage in sexual activity as part of their employment; when they were directed to engage in sexual activity; by whom; with whom; and who was present for or witnessed the purported activity.
9. Identify each individual who was allegedly subjected to “public shame, humiliation and workplace retaliation;” when they were subjected to it; who subjected them to it; where they were subjected to it; who was present for or witnessed the purported activity; and the manner by which they were subjected to it.

We ask that you respond in advance of the next scheduled Court conference on July 26, 2023. Should you have any questions concerning any of these requests, please do not hesitate to contact us for clarification.

Thank you for your prompt attention.

Very truly yours,

/s/ Julia Gatto
Julia Gatto
Reid H. Weingarten
STEPTOE & JOHNSON LLP
1114 Avenue of the Americas
New York, NY 10036
212-506-3900
jgatto@steptoe.com
rweingarten@steptoe.com

Counsel for Defendant Nicole Daedone

/s/ Jenny R. Kramer
Jenny R. Kramer
Rachel Finkel
ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016
212-210-9400
jenny.kramer@alston.com
rachel.finkel@alston.com

Counsel for Defendant Rachel Cherwitz