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December 12, 2024

VIA ECF

Hon. Diane Gujarati  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *U.S. v. Cherwitz, et al.*, No. 23-cr-146 (DG)

Dear Judge Gujarati,

Defendants Nicole Daedone and Rachel Cherwitz (hereinafter collectively referred to as the “Defendants”) respectfully write the Court to raise concerns about deficiencies in discovery disclosures, and the existence of potential *Brady* material, as it relates to the communications of Federal Bureau of Investigation Special Agent Elliot McGinnis (hereinafter referred to as “SA McGinnis”). Defendants request herein that the government be ordered to provide Defendants with *all* communications, *inter alia*, text messages emails and communications on any medium between SA McGinnis, the government, and any witnesses identified in either of the parties’ witness lists. Further we request all materials relevant to SA McGinnis, that encompasses Jencks Act material, potential *Brady* material or are relevant to the case in any way, whether they exist on government servers or on SA McGinnis’s private communication devices

This concern is particularly heightened as the government has recently disclosed that they do *not* intend to call SA McGinnis as a witness in the government’s case. This is surprising, not just unusual, but it is most surely an attempt to avoid examination and scrutiny into the integrity of SA McGinnis’ handling of this case. The Defendants believe that the government’s decision not to call SA McGinnis as a witness is informed by the improper actions he undertook and is furthermore indicative of the infirmities that plague the root of this case.

The request is also necessary and indeed, more urgent, based on disclosures, as recent as yesterday, just revealed by the government that SA McGinnis communicated with government witness Ayries Blanck (and perhaps other witnesses) via his personal email account, to access

journal files that Defendants were just informed were deleted, at the behest of SA McGinnis. Furthermore, on the same day Ayries Blanck also sent SA McGinnis an email that has since been deleted (because it was sent in Google's 'Confidential Mode') which SA McGinnis, perhaps intentionally, did not save. This information was provided to the Defendants yesterday, less than one day after the government represented to Defense Counsel that they had produced all communications between SA McGinnis and Ms. Blanck – a representation that was clearly inaccurate. The government did not simply happen upon these new communications either nor seek them out in order to ensure all relevant and discoverable communications were exchanged with the defense. Instead, they produced them only after counsel for the Defendants inspected evidence at the FBI's office and questioned why there were three transmittal emails sent to SA McGinnis and only two downloaded files. This recent disclosure leaves the Defendants with no confidence that the government has ensured that they received the entirety of mandatory discovery as it relates to SA McGinnis, and as such the Defendants request that such disclosures be made and that reassurances be given that the government has ensured that reasonable diligence has been exercised to uncover all such communications and discovery material has been collected from the FBI and that all of it has been disclosed to the defense.

Recent disclosures by the government only highlight the need for more fulsome discovery regarding SA McGinnis as we near trial. Some of these concerns were highlighted in the letter filed by Jennifer Bonjean, counsel for Defendant Daedone, (ECF 218) and recently discussed in court. Defendants contend have previously demonstrated that SA McGinnis' misconduct has been revealed through discovery in the civil action *OneTaste Incorporated v Ayries Blanck* (Case No. 22STCV33093) pending in California Superior Court and *via* documented misrepresentations in court filings as to SA McGinnis' acquisition, sequestration and possession of privileged marked materials he had seized in January of 2019. This leads the Defendants to believe there has not been adequate examination into the whereabouts of missing discovery related to SA McGinnis, the fraught investigation he conducted, and his interactions with witnesses that likely contain *Brady* material.

SA McGinnis launched an investigation into OneTaste seemingly solely on the accusations contained in an inherently unreliable Bloomberg article. In turn, the Bloomberg reporter then wrote about the FBI investigation that SA McGinnis subsequently cited in court filings as justification for his continued investigation. In fact, when questioned about the factual basis for the investigation, prosecutors directed defense counsel to "look at the media." (ECF 94). Defendants contend that SA McGinnis's investigation lacks essential integrity which is relevant at trial, *i.e.*, engaged in several fundamentally unsound tactics, including instructing witnesses to destroy evidence and conceal materials from civil courts; mishandling and concealing privileged marked materials; submitting misleading sworn statements to the court; interfering with lawful civil action discovery; manipulating witness statements and documentary evidence and cherry-picking alleged "victims" through an organized effort to recruit as witnesses, out of the tens of thousands of attendees at OneTaste events, the exceedingly few individuals who only now maintain that they were now unsatisfied with the outcome of their OneTaste experience.

Individually, each of these actions would raise serious concerns. Collectively, they constitute a disturbing pattern that is inconsistent with the proper, and fair, administration of justice and the government's discovery obligations. The Defendants must be provided with full

disclosures as to SA McGinnis, as is necessary, and mandated in these circumstances, particularly as the government does not intend to call him as a witness and the lack of integrity of the investigation will be properly demonstrated for the jury. Defendants should be permitted to further inquire, and seek discovery, as to the good faith belief that SA McGinnis acted inappropriately in the handling of this case, including the following.

### ***Mishandling of Evidence & Privileged Documents***

SA McGinnis repeatedly failed to properly document and/or preserve critical evidence (ECF 154). In one example, he received files (upon information and belief, on a thumb drive) containing a document marked confidential and privileged but omitted any reference to this evidence in his official reports (ECF No. 154). This was not mere oversight; to the contrary, his contemporaneous notes demonstrate that he was aware of the privileged nature of these materials, yet he omitted this evidence from official documentation.<sup>1</sup> Moreover, SA McGinnis initially denied receipt and possession of the privileged marked materials and the government included those false affirmations in pleadings filed with the Court. The government was then forced to withdraw those affirmations in subsequent pleadings after they belatedly located the privileged marked materials in his “work space,” just as the government witness had stated.

SA McGinnis’ treatment of privileged materials demonstrates a conscious disregard for fundamental legal protections (Case Number 24-mc-02518 ECF 13). By receiving and hiding documents clearly marked privileged (ECF 113, ECF 154), SA McGinnis showed a complete disregard for the attorney-client privilege. In addition, the prosecution team then documented it was privileged in notes from the FBI about that witness interview (ECF 154) and failed to implement required privilege review procedures for over three years after the document was collected (Case Number 24-mc-02518 ECF 13). The question is not whether or not the document was privileged; rather, the question is did SA McGinnis engage in misconduct by hiding the document because he believed it was privileged as it is marked on the face of the document.

The government states the following:

“The government thereafter interviewed the FBI Special Agents who conducted Witness-2’s interview and learned the following, in sum and substance and in part. The FBI Special Agents who interviewed Witness-2 do not specifically recall viewing or receiving any documents from Witness-2 during the January 26, 2021, interview.”

The inappropriately obtained and seemingly concealed document evinces substantial taint to the investigation and instant prosecution that is traceable to conduct by SA McGinnis.

### ***Manipulation and Mischaracterization***

SA McGinnis’ investigation entailed taking media accusations, designed to sell papers, entice online “clicks,” and video streaming views, and transform them into investigative findings.

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<sup>1</sup> Special Agent McGinnis also interviewed former company counsel under false pretenses (ECF 113).

In fact, individuals have provided sworn statements directly contradicting the SA McGinnis' interpretation of their interviews, particularly regarding their alleged status as "victims." For example, one witness stated in regard to her conversation with SA McGinnis:

"Agent McGinnis then informed me that the purpose of his call was to provide me with 'victim assistance' and that he was 'calling everyone' to offer them these services. Agent McGinnis told me these 'victim assistance' services were for 'this type of crime', referring to conspiracy for forced labor. I immediately told Agent McGinnis that I was not a victim of anything and that I did not want or need 'victim assistance.' Agent McGinnis seemed surprised to hear me say this and then proceeded to push back on my assertion that I did not qualify myself as victim in need of these services. Agent McGinnis then told me something like 'Oh, well I thought in our last call you told me you felt like a victim.'" This was shocking to me as my recollection of our first conversation is crystal clear and I am positive there is nothing I said that could have been construed as identifying myself as a victim."

### ***Improper Communications with Witnesses***

SA McGinnis' communications with witnesses also went far beyond appropriate investigative bounds. There is evidence to suggest that SA McGinnis instructed witness Ayries Blanck to destroy emails and/or conceal materials from discovery in the civil action. Including telling Ayries Blanck to cancel an email subscription, stating: "*I would cancel it if it only bringing emails like the ones attached.*" (ECF 91-1)

Defendants are entitled to review the correspondence McGinnis had with various witnesses in this case and have requested production of the entirety of communication between SA McGinnis and witnesses for the prosecution or other potential material witnesses. Defendants request this material not only in the course of Rule 16 and 3500 discovery, but also with the expectation that said material constitutes *Brady* material.

Defendants have also requested disclosures about financial benefits that have been afforded to witnesses purported to be "victims." There is evidence in 3500 material that SA McGinnis was facilitating and acting as a go-between for these witnesses and victim services so that the witnesses could receive financial benefits from victim services. Defendants have not been provided with the details of these financial benefits that were offered by the government through SA McGinnis to these witnesses and are certainly entitled to receive this material.

### ***Interference with Judicial Processes, Evasion of Court Orders and Interference in Contractual Agreements***

In addition to the procedural violations detailed above, SA McGinnis' actions obstructed the discovery process in judicial proceedings in *OneTaste Incorporated v. Ayries Blanck* (Case No. 22STCV33093). For example, when a witness received a valid civil court subpoena seeking "any and all documents corresponding to the journals that were read in Netflix film; Orgasm Inc", Agent McGinnis instructed the witness to send the original materials to him and not to retain any copies. His specific direction – "*what [you] don't have, [you] don't have to give over*" EXHIBIT A -

demonstrates a calculated attempt to circumvent judicial authority. This conduct prompted a California Superior Court judge to issue an extraordinary order compelling the FBI to produce withheld evidence. EXHIBIT B Simultaneously, it is believed that SA McGinnis condoned the spoliation of email records and documents that could contradict the prosecution's narrative, ensuring that only evidence supporting the case would survive. (ECF 96, ECF 113). The cumulative effect of these actions threatens more than just the Defendants in this case - it challenges the fundamental integrity of the judicial process itself. Despite the confirmed defalcation of Blanck's alleged contemporaneous journals, the discovery is devoid of any information that would suggest he took any investigative action to confirm the veracity of the journals that appear to have been concocted to enhance Blanck's status in a documentary. Finally, in August 2018 SA McGinnis directly instructed attorneys for Ayries Blanck to violate the terms of her settlement agreement. Attorneys for Ayries Blanck asked SA McGinnis outright if he was instructing them to not follow the provision in Blanck's settlement agreement which specified that she was obliged to give OneTaste notice if she had to comply with a subpoena that would reveal the confidential settlement agreement she had entered into with the company. SA McGinnis responded, "the government requests Mrs. Blanck not disclose the receipt of the subpoena to OneTaste."

### ***Integrity of the Investigation***

SA McGinnis's conduct leading up to the indictment and throughout this litigation has a profound effect on the integrity of the investigation. Discovery related to the integrity of the investigation and the reliability of law enforcement officials charged with the investigation of crimes is relevant to ensuring a fair trial. *Kyles v. Whitley*, 514 US 419 (1995) It appears to Defendants that SA McGinnis has improperly engaged witnesses to guide their testimony towards a narrative of victimhood. He has encouraged a key witness to delete critical evidence and encouraged another key witness to send him highly relevant documents so that they will no longer be in her possession and therefore discoverable. He has ignored the Defendants' privilege rights and has provided misleading statements to the court about his actions with respect to privileged documents. Defendants have known about this misconduct for some time and have, repeatedly, requested that the Government produce all communications between SA McGinnis and witnesses in this case. On Monday, the Government represented to counsel that they had produced all such communications in their possession. *One day later*, the government produced two additional email communications between Ayries Blanck and SA McGinnis from his *personal Gmail account* without any explanation for why these emails had not previously been collected and produced.

Defendants must have access to these communications because they are entitled to them, because they may contain *Brady* material and because they will shed light on the integrity of the investigation. The Defendants can no longer rely on the government's representations on this matter and, instead, ask that the Court order the government to review all of SA McGinnis' active email accounts, text messages and other messaging applications and produce all communications he had with witnesses in this matter.

***Defendants' Request for Relief***

The documented pattern of action by SA McGinnis, including concealing and condoning destruction of evidence, actively interfering with collateral court proceedings; submitting inaccurate and misleading statements in this action, presenting unreliable media reports as evidence; and improperly engaging witnesses in pressuring them to identify as “victims” undermines the integrity of this action, and stands as an insult to justice. Although the government will likely minimize SA McGinnis’ actions or offer benign explanations for his conduct, the integrity of our judicial process - and the public's faith in that process - requires nothing less than further and fulsome inquiry into his action by way of an order compelling the government to collect and produce all communications between SA McGinnis and any potential witness in this action, from all potential sources whether on government servers or not, as well as other material and relevant discovery, including a reassurance that all such materials have been collected from all sources and disclosed, and that the government has adhered to its *Brady* obligations. In order for the Court and the Defendants to have confidence that these disclosures are properly made, and in light of the Government’s ever-changing representations on this matter, Defendants further request that, upon completion of additional disclosures, the Government be ordered to provide the Court with a list of all witnesses that SA McGinnis communicated with by email, text or messaging application along with a certification that all communications with each witness have been produced to Defendants. Finally, Defendants respectfully request that the Court conduct an evidentiary hearing to inquire as to the nature of SA McGinnis’ conduct, should one be necessary, following disclosures by the government.

Respectfully submitted,

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*Counsel for Defendants*

# EXHIBIT A

SUPERIOR COURT OF THE STATE  
OF CALIFORNIA, FOR THE  
COUNTY OF LOS ANGELES

CASE NO.: 22STCV33093

ONETASTE INCORPORATED,  
a California corporation,  
Plaintiff,

**ORIGINAL**

v.

AYRIES BLANCK, an individual;  
and DOES 1 through 100,  
inclusive,  
Defendants.

VIDEOTAPED

DEPOSITION OF: AUTYMN BLANCK

DATES TAKEN: August 20 and 21, 2024

PLACE: Ryan Reporting  
1670 South Fiske Boulevard  
Rockledge, Florida 32955

REPORTED BY: TARA K. SLOCUM, RPR, CRR, CSR  
State of California and Notary  
Public State of Florida



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18 -and-  
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24 APPEARING ON BEHALF OF THE DEPONENT

25 ALSO PRESENT: RICK STORM - VIDEOGRAPHER  
JOANNE VAN BLACK  
RACHEL CAINE

1 that.

2 Q You produced documents in 2024, correct?

3 A Yes.

4 Q When were your communications with the  
5 FBI?

6 A 2024.

7 Q When?

8 A I don't recall the exact date or dates.

9 Q Did you correspond with the FBI before or  
10 after you produced documents to OneTaste?

11 A After.

12 Q How did you get in touch with the FBI?

13 MR. PRUSASKI: Object to form.

14 A He called me.

15 Q (By Mr. McPherson) Who called you? Agent  
16 McGinnis?

17 A Agent McGinnis.

18 Q When did he call you?

19 A I don't recall.

20 Q 2024?

21 A Yes.

22 Q Before or after June 1st of 2024?

23 A I do not recall.

24 Q Before or after February of 2024?

25 A I do not recall.

1 Q But somewhere in 2024, correct?

2 A Yes.

3 Q And what did he say?

4 A He started out by saying not to be scared.  
5 And that if there was any phone calls or anything  
6 threatening, to please let him know.

7 Q What else did he say?

8 A At that time, that was it.

9 Q So he calls you. You answer the phone,  
10 and he says I'm Agent McGinnis. Don't be scared.  
11 Or was there some other conversation in there?

12 A Yes, it was over the few conversations we  
13 had. So the first one was that. And then after  
14 that we had discussed threatening phone calls I was  
15 potentially receiving.

16 Q Threatening phone calls you were  
17 potentially receiving?

18 A I was receiving.

19 Q From whom?

20 A I don't know.

21 Q What about them was threatening?

22 A There was heavy breathing, and rapid  
23 amounts of them.

24 Q How many of those phone calls were there?

25 A There were two with the heavy breathing,

1           A     I sent him the phone log, and beyond that,  
2 I do not recall every message.

3           Q     Do you still have those messages?

4           A     I do.

5           Q     I am going to ask that you keep those.  
6 They should have been produced, and I will ask your  
7 counsel to produce them, and everything else that is  
8 responsive to the original subpoena.

9                   MR. PRUSASKI: Object to form.

10                   MR. DONOVAN: Same objection.

11                   MR. McPHERSON: You don't have to respond  
12 to that. I am just putting that for your  
13 counsel on the record.

14           Q     What else did you send the FBI, if  
15 anything?

16           A     I sent the FBI journals and a hard drive.

17           Q     Did Agent McGinnis ever tell you he told  
18 your sister to destroy evidence?

19                   MR. DONOVAN: Objection to form.

20           A     No.

21           Q     (By Mr. McPherson) Did Ayries ever tell  
22 you that Agent McGinnis had told her to close  
23 accounts and destroy evidence?

24           A     No.

25                   MR. DONOVAN: Objection to form.

1 actually writing what she was writing?

2 A I don't know.

3 Q Anything else about the journals or the  
4 notebooks they were in that you can tell us that you  
5 haven't already told us?

6 MR. DONOVAN: Objection to form.

7 MR. PRUSASKI: Same objection.

8 A I don't know. I don't recall every single  
9 thing that was in each notebook.

10 Q (By Mr. McPherson) I understand. Did all  
11 of the notebooks look, on the inside, basically the  
12 same, meaning, you mentioned that there were  
13 scribbles, you mentioned that there were diagrams,  
14 and you mentioned there were journal entries. Did  
15 each of the five, I think you said, notebooks -- I'm  
16 sorry, you said six to eight notebooks have  
17 essentially the same type of material in them?

18 MR. DONOVAN: Objection to form.

19 MR. PRUSASKI: Same objection.

20 A Yes.

21 Q (By Mr. McPherson) Where are they now?

22 A The FBI has them.

23 Q Who gave them to the FBI?

24 A I did.

25 Q When?

1 A I don't recall the exact date.

2 Q Did you hand it to them, or did you e-mail  
3 it to them?

4 A I mailed it UPS.

5 Q Did you have a cover letter or just sent  
6 it?

7 A A cover letter inside the package?

8 Q Yes, saying here's this journal, here's  
9 whatever?

10 A No.

11 Q You just randomly sent a UPS package to  
12 the FBI?

13 MR. PRUSASKI: Object to form.

14 MR. DONOVAN: Same objection.

15 A I did.

16 Q (By Mr. McPherson) Did you keep a copy of  
17 the journals?

18 A I did not, no.

19 Q Have you ever -- are you aware of any  
20 copies ever being made of the journals?

21 MR. PRUSASKI: Object to form.

22 MR. DONOVAN: Same objection.

23 A Only what I have typed up to give to  
24 Netflix and what you guys have. But other than  
25 that, I don't believe -- I don't know.

1 asked you similar questions and you have given me  
2 answers, specific answers about conversations?

3 MR. DONOVAN: Objection to form.

4 MR. PRUSASKI: Same objection.

5 A I don't believe so. I just wasn't sure,  
6 or I thought that this would come up when we were  
7 discussing the journals, so...

8 Q (By Mr. McPherson) Tell me about the  
9 conversation in which you discussed the journals  
10 with Agent McGinnis.

11 A It was a very quick conversation. I  
12 called him, and I told him I had other journals, and  
13 he asked me to meet up with an agent in Central  
14 Florida somewhere, which that did not end up  
15 happening. And he asked me to send them that way --  
16 well, I guess -- sorry. Originally, I was supposed  
17 to meet an FBI agent in Central Florida, and then  
18 when that wasn't able to happen is when I sent them  
19 via UPS. But on that conversation, we just  
20 discussed about me meeting up with an agent to give  
21 the agent the journals.

22 Q Do you recall who the agent was?

23 A In Central Florida?

24 Q Yes.

25 A I do not, no.

1 Q Did you ever speak to that person?

2 A I did not, no.

3 Q Did you ever speak to any other FBI agent,  
4 other than Agent McGinnis?

5 A I have not, no.

6 Q When was it that you were supposed to meet  
7 the agent before in Central Florida?

8 A I don't recall the exact date.

9 Q This conversation with Agent McGinnis,  
10 when did it occur in the -- in the progression of  
11 your conversations with him? Was it in the first  
12 call, last call, somewhere in between?

13 A It was the second to last call.

14 Q You mentioned that you discussed with him  
15 other journals. What did you mean by that?

16 A Just all the journals. I just told him I  
17 have all these journals. I didn't go into the  
18 journals with him or anything of that sort. I just  
19 said I have journals.

20 Q All right. So when you said earlier you  
21 spoke about other journals, you were just referring  
22 to these particular six to eight journals?

23 A Yes. It gets confusing because there is  
24 the journal that I used for Netflix, and then there  
25 is the other journals.



1 Q And the other journals are what we've been  
2 talking about so far, correct?

3 A I guess, yes, including the one that I  
4 used for Netflix.

5 Q Okay. Now, I am confused.

6 The other journals that you said you  
7 talked to Agent McGinnis about, was that just the  
8 journals that we have talked about in the notebooks  
9 that we've talked about, the six to eight that your  
10 sister left you in Seattle, Washington in 2015 right  
11 after she left OneTaste?

12 MR. PRUSASKI: Object to the form.

13 MR. DONOVAN: Same objection.

14 A Yes.

15 Q (By Mr. McPherson) Did you talk to Agent  
16 McGinnis about any other journals?

17 A Well, he -- no.

18 Q Did Agent McGinnis tell you to UPS the  
19 journals to him?

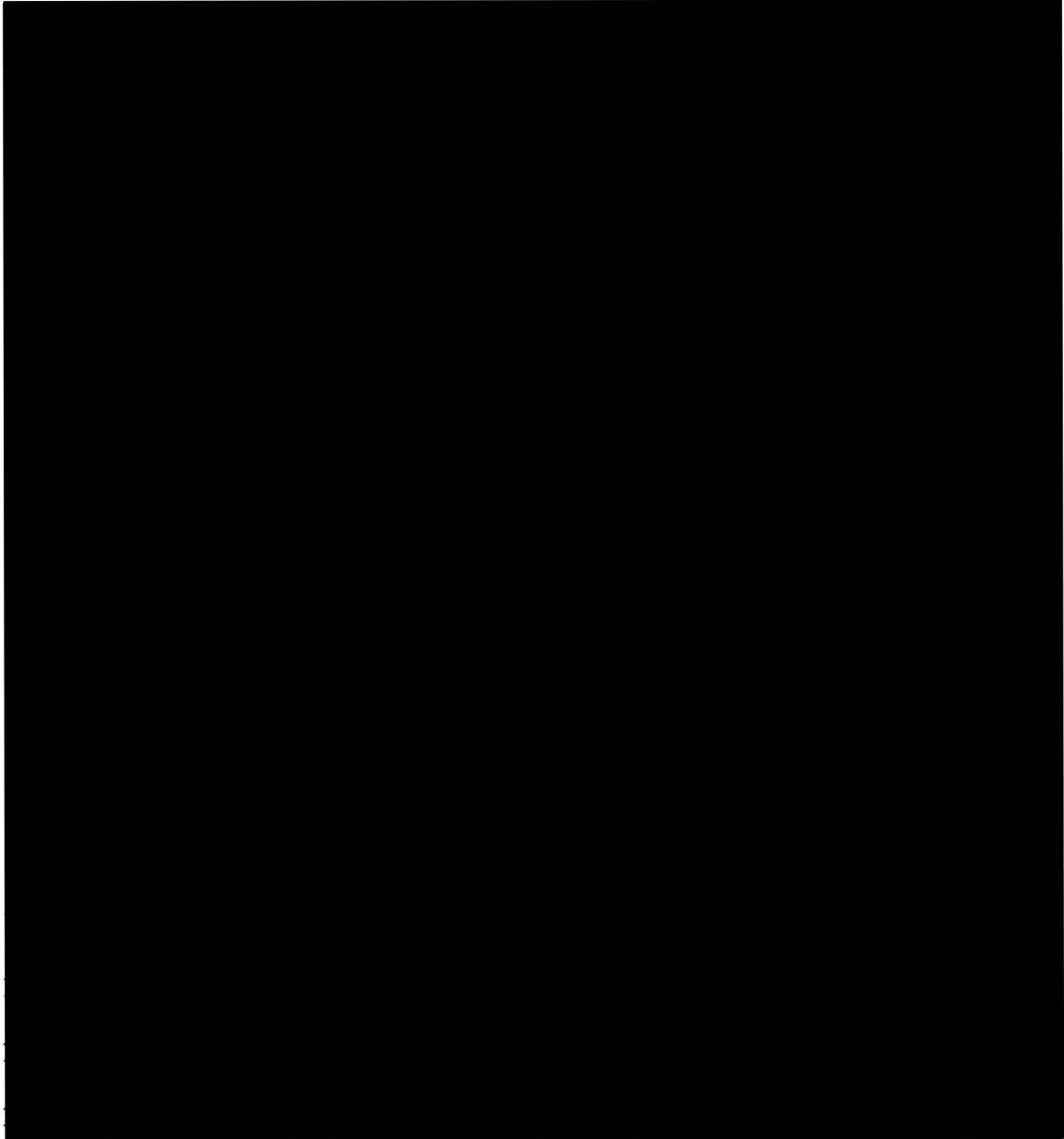
20 A Yes.

21 Q Did he tell you to do it without a cover  
22 letter?

23 MR. DONOVAN: Objection to form.

24 MR. PRUSASKI: Same objection.

25 A I don't recall a cover letter being



19 Q Did Agent McGinnis or anyone tell you not  
20 to make a copy of the -- of the journals before you  
21 sent it to them?

22 MR. DONOVAN: Objection to form.

23 MR. PRUSASKI: Same objection.

24 A Yes, but not in those exact words.

25 Q (By Mr. McPherson) What words did he use?

1           A    He stated that what I don't have, I don't  
2    have to give over, and that they could go through  
3    them to get them.

4           Q    Who could go through what to get them?

5           A    OneTaste counsel could go through them if  
6    they wanted to get them, as I recall.

7           Q    OneTaste counsel could go through whom?

8           A    The FBI.

9           Q    All right. So Agent McGinnis didn't  
10   specifically tell you to destroy any evidence or not  
11   to send any cover letter or anything like that,  
12   correct?

13          A    Yes.

14          Q    But what he did say was if you don't have  
15   something like a cover letter or other documents,  
16   they can't make you produce those; is that correct?

17                   MR. DONOVAN: Objection to form.

18                   MR. PRUSASKI: Same objection.

19          A    Correct.

20          Q    (By Mr. McPherson) Did that imply to you  
21   that you should not send any kind of cover letter or  
22   other transmittal letter to Agent McGinnis with the  
23   journals or with anything else?

24                   MR. DONOVAN: Objection, form.

25                   MR. PRUSASKI: Same objection.

1           A     I don't even know why I would send a cover  
2 letter or a transmittal letter. I don't know what  
3 that is, so it never crossed my mind personally.

4           Q     (By Mr. McPherson) Well, then what is it  
5 that you think Agent McGinnis was talking about?

6           MR. DONOVAN: Objection to form.

7           MR. PRUSASKI: Same objection.

8           A     Copying the journals.

9           Q     (By Mr. McPherson) I see. And did you  
10 construe what Agent McGinnis told you is not to copy  
11 the journals so you wouldn't have to produce them in  
12 litigation with OneTaste?

13          MR. DONOVAN: Objection to form.

14          MR. PRUSASKI: Same objection.

15          A     Yes.

16          Q     (By Mr. McPherson) And I think what you  
17 said is that he also said that if OneTaste wanted  
18 them, they could get them through the FBI; is that  
19 accurate?

20          MR. DONOVAN: Objection to form.

21          A     What I recall, yes.

22          Q     (By Mr. McPherson) And them, meaning the  
23 journals, yes?

24          A     Yes.

25          Q     So where did the Netflix journals come

1           There were six to eight journals that your  
2   sister left at your house when she left your house  
3   to move to California in 2015, correct?

4           A    Yes.

5           Q    Those six to eight journals were  
6   handwritten by her in cursive and print, yes?

7           A    Correct.

8           Q    Those are the journals that you have been  
9   describing for the last hour or so, yes?

10          A    Correct.

11          Q    You sent all of those journals to Agent  
12   McGinnis, yes?

13          A    Correct.

14          Q    Did Agent McGinnis ever give you back any  
15   of those journals?

16          A    No.

17          Q    You didn't make copies of those journals,  
18   correct?

19                   MR. DONOVAN:  Objection to form.

20          A    Correct.  Except for what I typed up for  
21   the Netflix journals.

22          Q    (By Mr. McPherson) Okay.  Let's -- did  
23   anyone, to your knowledge, make copies of the  
24   journals that you sent to Agent McGinnis?

25          A    No.

1 Q And I think you testified that Ayries did  
2 not make a copy, to your knowledge, correct?

3 A Not to my knowledge.

4 Q Then what is it that you typed up?

5 A I typed up one of the journals.

6 Q One of the six to eight?

7 A Yes.

8 Q When did you do that?

9 A I would assume around May 16th, 2022, for  
10 the Netflix documentary.

11 Q That was prior to your sending the six to  
12 eight journals to Agent McGinnis, correct?

13 A Yes.

14 Q How long after you typed up the one  
15 journal for the Netflix documentary did you send the  
16 six to eight journals to Agent McGinnis?

17 MR. DONOVAN: Objection to form.

18 A It would have been a few years.

19 Q (By Mr. McPherson) A few years?

20 A Uh-huh.

21 Q All right. But you said you typed up the  
22 journal in May of, did you say, 2022?

23 A Uh-huh.

24 Q Yes?

25 MR. PRUSASKI: You need to say yes or no.

1 A Yes. I'm sorry.

2 Q (By Mr. McPherson) Was -- did you send the  
3 journals to Agent McGinnis in 2024?

4 A Yes. I believe that's the year.

5 Q Approximately, when?

6 A I don't recall the date.

7 Q Did you send any of the six to eight  
8 journals to anyone else at any time?

9 A No.

10 Q Did anyone else see those journals, to  
11 your knowledge, at any time?

12 MR. PRUSASKI: Object to form.

13 A No.

14 Q (By Mr. McPherson) Did you send those  
15 journals to the FBI after April of 2024?

16 A I don't recall the date.

17 Q Is there any -- do you have some record of  
18 when you sent it to the FBI?

19 A Yes.

20 Q Where is that?

21 A In my filing cabinet at my house.

22 Q I am going to ask you maintain that and  
23 not destroy that. I think we sent a letter to you  
24 in 2023 or so requesting that you not destroy or  
25 discard any documentary or electronic evidence of

1 things, so I would add that to it, to the extent it  
2 needs to be added.

3 MR. PRUSASKI: Object to form.

4 Q (By Mr. McPherson) You typed up one of the  
5 journals before you sent all of them to Agent  
6 McGinnis; is that correct?

7 MR. DONOVAN: Object to form.

8 MR. PRUSASKI: Object to form.

9 A Yes.

10 Q (By Mr. McPherson) How did you choose  
11 which journal to type up?

12 A It was the most consistent with dates and  
13 understanding, I guess.

14 Q The most consistent with the date and  
15 understanding, what does that mean?

16 A It wasn't all over the place like a lot of  
17 her other ones were. It was more clean.

18 Q What do you mean by more clean?

19 A Not all over the place and not...

20 Q What do you mean by all over the place?

21 A In her other ones, there was scribbling  
22 and then some random dates, as I recall. This one  
23 was very, kind of, straightforward and the easiest  
24 for myself to read.

25 Q Did you type up the entire journal?



1 MR. DONOVAN: Object to form.

2 MR. PRUSASKI: Object to form.

3 A I don't.

4 Q (By Mr. McPherson) Other than the journal  
5 revisions that you made and sent to them and the  
6 photographs, did you license anything else to  
7 Marge's Charges or anyone else in connection with  
8 the Netflix documentary?

9 MR. DONOVAN: Objection to form.

10 MR. PRUSASKI: Same objection.

11 A I did not.

12 Q (By Mr. McPherson) Did you turn over to  
13 anyone associated with Netflix the hard drive or  
14 copy thereof that Ayries had left you in your garage  
15 in Washington?

16 A I did not, no.

17 Q Did you turn over that hard drive to  
18 anyone?

19 MR. DONOVAN: Object to form.

20 MR. PRUSASKI: Same objection.

21 A Yes, yes, to the FBI.

22 Q (By Mr. McPherson) Okay. When did that  
23 happen?

24 A When I had sent the journals to the FBI.

25 Q Was that in the same UPS package?

1 A Yes.

2 Q Okay. I am going to ask you to give me  
3 everything now. I thought I made it clear earlier,  
4 everything that you have done with the FBI, so let's  
5 start again.

6 The UPS package that you sent with the --  
7 first of all, you sent a UPS package at Agent  
8 McGinnis's direction containing the six to eight  
9 journal books that your sister had left you, yes?

10 A Yes.

11 MR. PRUSASKI: Object to form.

12 Q (By Mr. McPherson) And also, apparently,  
13 you had some conversation with the FBI about the  
14 hard drive that she left you; is that accurate?

15 A We did not have a conversation about the  
16 hard drive.

17 Q Okay. You never told the FBI about the  
18 hard drive?

19 MR. DONOVAN: Object to form.

20 A After. So when he received the package.

21 Q (By Mr. McPherson) Okay. So you had no  
22 conversation with the FBI about the hard drive. He  
23 tells you to -- he, meaning Agent McGinnis, tells  
24 you to send the journals UPS, yes?

25 A Yes.

1 have been talking about.

2 MR. McPHERSON: Great.

3 MR. PRUSASKI: We have been going for four  
4 hours, and we have been objecting to the form.  
5 Is that an issue?

6 MR. McPHERSON: Not with me.

7 MR. PRUSASKI: Okay.

8 Actually, why don't we take a bathroom  
9 break. It's been about an hour and 38 minutes  
10 since lunch, and I need to use the restroom.

11 MR. McPHERSON: Okay.

12 THE VIDEOGRAPHER: The time is 3:41. We  
13 are off the record. This concludes media  
14 three.

15 (Recess taken.) Recess taken.

16 MR. McPHERSON: Back on the record.

17 THE VIDEOGRAPHER: The time is 3:54. We  
18 are back on the record.

19 Q (By Mr. McPherson) All right. Ms. Blanck,  
20 I think before the break, we were talking about your  
21 UPS package to the FBI. We were talking about the  
22 hard drive that your sister had left you; do you  
23 recall that?

24 A Yes.

25 Q And I think earlier, you said that there

1 were photographs that were taken while your sister  
2 was at OneTaste that were on that drive; is that  
3 accurate?

4 A Yes.

5 Q And what else was on there?

6 A I don't know.

7 Q Was there any video of your sister or any  
8 OneTaste participants while your sister was at  
9 OneTaste?

10 A I don't know.

11 Q Did you look at what was on the hard  
12 drive?

13 A I did not beyond just getting the photos  
14 off.

15 Q What do you mean getting the photos off?

16 A It's where I pulled some of the photos for  
17 the Netflix documentary.

18 Q But after that, when you spoke to Agent  
19 McGinnis, you decided to send him the hard drive, so  
20 you must have known what was on the hard drive at  
21 that point, did you not?

22 MR. PRUSASKI: Object to form.

23 MR. DONOVAN: Same objection.

24 A I did not, except for the photos.

25 Q (By Mr. McPherson) Did you know if there

1 were any other photos on there that were of your  
2 sister or of someone else that had nothing to do  
3 with OneTaste?

4 A I don't know.

5 Q So as far as you were concerned, it had  
6 pictures of things that happened at OneTaste, it  
7 could have been anything else on there including  
8 intimate photos of your sister or anything else, and  
9 you decided to send that to the FBI?

10 MR. DONOVAN: Object to form.

11 Q (By Mr. McPherson) Is that accurate?

12 MR. PRUSASKI: Object to form.

13 A Yes.

14 Q (By Mr. McPherson) Did your sister tell  
15 you to do that?

16 A She did not.

17 Q Did she ask you to do that?

18 A She did not.

19 Q And the FBI didn't ask you to do that,  
20 correct?

21 MR. DONOVAN: Object to form.

22 A They did not.

23 Q (By Mr. McPherson) Did you ever tell your  
24 sister you were sending this hard drive that could  
25 have contained intimate photographs of her to the

1 FBI?

2 MR. DONOVAN: Objection to form.

3 MR. PRUSASKI: Same objection.

4 A I'm sorry. Can we repeat the question? I  
5 real quick noticed that my lawyer, Randy Lopez is  
6 not on the --

7 MR. McPHERSON: Can you read back the  
8 question.

9 THE WITNESS: He just came back. He's  
10 here. Sorry.

11 (Record read.)

12 A I did not.

13 Q (By Mr. McPherson) Why did you send the  
14 hard drive to the FBI?

15 A Because I assumed that if I was sending  
16 the journals, they might want this drive, as well.

17 Q Did you ever think of separating the  
18 OneTaste material from other material that might be  
19 on the hard drive, on your sister's hard drive?

20 A I did not, because I would not know how to  
21 do that.

22 Q And why is it that you sent this to Agent  
23 McGinnis without telling him it was coming?

24 A Because I assumed if I was sending the  
25 journals, I would just hand over the drive, as well.

1 Q Did you keep a copy of the hard drive?

2 A I did not, no.

3 Q And did you not keep a copy of the hard  
4 drive because Agent McGinnis's warning that if you  
5 kept things, they might have to be turned over to  
6 OneTaste?

7 MR. PRUSASKI: Object to form.

8 MR. DONOVAN: Same objection.

9 A No.

10 Q (By Mr. McPherson) Were you concerned that  
11 you might have to turn over any of this material  
12 that you were sending to Agent McGinnis to OneTaste?

13 A Yes.

14 Q And you had already been subpoenaed,  
15 correct?

16 A Correct.

17 Q And did you think you should turn over all  
18 of this material in response to the subpoena before  
19 you sent it to Ms. -- to Agent McGinnis?

20 MR. PRUSASKI: Object to form.

21 A I did as what the FBI agent had asked me  
22 to do.

23 Q (By Mr. McPherson) Did the FBI agent tell  
24 you not to send it to -- not to produce it -- let's  
25 start again.

1 Did Agent McGinnis tell you not to produce  
2 the material you were sending to him to OneTaste in  
3 response to the subpoena?

4 MR. DONOVAN: Object to form.

5 MR. PRUSASKI: Same objection.

6 A He did not.

7 Q (By Mr. McPherson) Was it your  
8 understanding that he wanted you not to turn over  
9 that material to OneTaste?

10 MR. DONOVAN: Object to form.

11 MR. PRUSASKI: Same objection.

12 A Yes.

13 Q (By Mr. McPherson) Let's get back a little  
14 to working with Sarah Gibson, and I think you said  
15 that Sarah Gibson told you not to use Ravi's name,  
16 correct?

17 A Correct.

18 Q When did she tell you that?

19 MR. DONOVAN: Object to form.

20 A While we were filming, I accidentally  
21 spoke his name.

22 Q (By Mr. McPherson) You say accidentally.  
23 Had she warned you before not to use his name?

24 A I don't recall, but maybe. I don't  
25 remember.



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CERTIFICATE OF REPORTER

STATE OF FLORIDA:  
COUNTY OF ORANGE:

I, TARA K. SLOCUM, RPR, CRR, CSR, Court Reporter and Notary Public, certify that I was authorized to and did stenographically report the deposition of AUTYMN BLANCK; that a review of the transcript was requested, and that the foregoing transcript is a true and accurate record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 22nd day of August 2024.



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TARA K. SLOCUM, RPR, CRR, CSR  
Court Reporter

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CERTIFICATE OF OATH

STATE OF FLORIDA:  
COUNTY OF ORANGE:

I, TARA K. SLOCUM, RPR, CRR, CSR, Court Reporter and Notary Public, State of Florida, certify that AUTYMN BLANCK, appeared before me on August 20 and 21, 2024, and was duly sworn.

Signed this 22nd day of August 2024.



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TARA K. SLOCUM, RPR, CRR, CSR  
Notary Public - State of Florida  
COMMISSION NO.: HH 201493  
COMMISSION EXPIRES:  
December 1, 2025

# EXHIBIT B

**FILED**  
Superior Court of California  
County of Los Angeles

09/09/2024

David W. Slayton, Executive Officer / Clerk of Court

By:           A. Robledo           Deputy

Electronically Received 08/30/2024 09:59 AM

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

Case No. 22STCV33093

ONETASTE INCORPORATED, a  
California corporation

Plaintiff,

v.

AYRIES BLANCK, an individual; and  
DOES 1 through 100, inclusive

Defendant.

**[PROPOSED] ORDER TO THE FEDERAL  
BUREAU OF INVESTIGATIONS TO  
PROVIDE HANDWRITTEN JOURNALS  
AND HARD DRIVE TO AUTYMN BLANCK**

**Date: August 28, 2024  
Time: 8:30 a.m.  
Dept.: 28**

**TO ALL PERSONS, THE PARTIES AND THEIR ATTORNEYS OF RECORD:**

On August 28, 2024, at 8:30 a.m. in Department 28 of the above-mentioned Los Angeles Superior Court, an Informal Discovery Conference was held in this matter. Appearing on behalf of Plaintiff was Pierre Pine. Appearing on behalf of Defendant Ayries Blanck was Nicole Soussan and Christopher Donovan. Appearing on behalf of non-party witness, Autymn Blanck, was Randy A. Lopez.

During a portion of the Informal Discovery Conference, the handwritten journals (about 6-8 journals) and a hard drive that Autymn Blanck provided to the Federal Bureau of Investigation at its

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request were discussed. Following said discussion, the Court **ORDERS AS FOLLOWS:**

- 1. For the Federal Bureau of Investigations to return to Autymn Blanck, forthwith, the original handwritten journals (approximately 6-8 handwritten journals), in their entirety, that Autymn Blanck sent to Special Agent Elliot McGinnis and the Federal Bureau of Investigations on or about April 11, 2024.;
- 2. For the Federal Bureau of Investigations to provide, forthwith, the entire original hard drive and a copy of the entire hard drive that Autymn Blanck sent to Special Agent Elliot McGinnis and the Federal Bureau of Investigations on or about April 11, 2024.; and
- 3. Autymn Blanck’s counsel is directed to provide Special Agent Elliot McGinnis with a copy of this Order via e-mail and FedEx, or other courier with tracking ability.

**IT IS SO ORDERED.**

**Dated:** EURJDEG



*Rupert A. Byrdsong*

**Signed:** \_\_\_\_\_  
Rupert A. Byrdsong / Judge

**Hon. Rupert A. Byrdsong**  
**Judge of the Superior Court**