



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

www.bonjeanlaw.com

September 26, 2024

**VIA ELECTRONIC FILING**

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

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

Dear Judge Gujarati:

This letter is submitted on behalf of defendants Nicole Daedone and Rachel Cherwitz, requesting this Court order the government to promptly disclose several classes of discovery and a more comprehensive production of *Brady* material. Undersigned counsel (and prior counsel) have made these specific discovery requests in writing to the government. The government insists that they have no obligation to produce the materials sought or provide a more fulsome production of *Brady* statements. The parties are at an impasse on this issue and Defendants respectfully request that this Court order specific discovery. Defendants also respectfully request that this Court urge the government to make prompt disclosure of so-called §3500 material so that defense counsel can file comprehensive motions *in limine* and prepare for a January trial consistent with their Sixth Amendment obligations to provide effective assistance of counsel to their clients.

**Background**

On April 3, 2023, a federal grand jury sitting in the Eastern District of New York returned a one-count indictment charging defendants Nicole Daedone and Rachel Cherwitz with a forced labor conspiracy in violation of Title 18, United States Code, Sections 1594(b) and 3551 *et seq.* [Dkt. 1] On June 13, 2023, United States Magistrate Judge Lois Bloom issued a Rule 5(f) Order confirming “the Government’s disclosure obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and to summarize the possible consequences of violating those obligation.” [Dkt. 14]<sup>1</sup> Specifically, the Court ordered that “[t]he Government must disclose to the defense *all information* favorable to an accused that is material either to guilt or to punishment and that is known to the Government.” [*Id.*, pg. 1] (emphasis added) (internal quotations and

---

<sup>1</sup> The June 13, 2023, Rule 5(f) Order was specific to Defendant Nicole Daedone. On June 20, 2023, United States Magistrate Judge Cheryl L. Pollak issued a nearly identical Rule 5(f) Order specific to Defendant Rachel Cherwitz. [Dkt. 20] For simplicity, references to the Rule 5(f) Orders will use Docket 14.



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

[www.bonjeanlaw.com](http://www.bonjeanlaw.com)

citations omitted). As to the required timing of these disclosures, the Court ordered that the government “shall disclose such information to the defense *promptly after its existence becomes known to the Government* so that the defense may make effective use of the information in the preparation of its case.” [*Id.*] (emphasis added).

Over the more than 16-months that have passed since the unsealing of the Indictment, the government has engaged in a slow-drip discovery campaign, producing varied amounts of Rule 16 discovery in varied intervals. As discussed at length in the Defendants’ August 1, 2024 Motion to Dismiss [Dkt. 113], the government has produced hundreds of thousands of pages of mostly irrelevant documents, often mislabeling the contents of the disclosures in their Rule 16 letters. This tactic appears intentional, as the government clearly mislabeled a highly privileged document in their possession and disclosed it in a format that was not text searchable. In addition, the government has steadfastly refused to produce *any* FBI 302 reports other than those that support their arguments and which are highly redacted in any event.

In October 2023, the government authored three separate letters to the Defendants summarily addressing *Brady* material within its possession. In each letter, the government wrote to “advise, in an abundance of caution, of certain prior statements made by witnesses that may be helpful to your clients’ defense.” Instead of producing the actual FBI 302 reports detailing and contextualizing the witness statements, each letter then provided “in sum and substance and in part...” vague descriptions of certain portions of witness statements taken by the government. The government organized the abstracted witness summaries by topic, each appearing to track allegations from the Indictment. In total, the government identified 77 potential witnesses who had provided exculpatory information.

For the reasons outlined herein, this Court should order the government to comply with *Brady* and *Giglio* and produce certain discovery pursuant to Rule 16. Defendants further ask this Court to urge the government to make prompt disclosure of all *Jencks Act* and Rule 3500 material so defense counsel can meet this Court’s scheduling deadlines and prepare for trial.

### **Applicable Law**

Under Rule 16(a)(1)(E), the government must produce materials in its possession, custody, or control that are “material to the preparation of [the] defense,” *United States v. Maniktala*, 934 F.2d 25, 28 (2d Cir. 1991), and it must do so promptly. *See* Justice Manual § 9.5002. Materiality is a low bar; evidence is material if it simply “could be used to counter the government’s case or bolster a defense.” *United States v. Zelaya-Romero*, 2018 U. S. Dist. LEXIS 28266, \*4 (S.D.N.Y. February 21, 2018); *see also United States v. Stein*, 488 F. Supp. 2d 350, 356-57 (S.D.N.Y. 2007) (materiality standard is “not a



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

[www.bonjeanlaw.com](http://www.bonjeanlaw.com)

heavy burden” and evidence is material if it will play an important role in uncovering admissible evidence, aid in witness preparation, corroborate testimony, or assist in impeaching government witnesses). The defense is entitled to information even if it undermines its case, as such evidence may affect the presentation of the defense at trial. *See United States v. Marshall*, 132 F.3d 63, 67-68 (D.C. Cir. 1998), as amended (Mar. 6, 1998); see also *United States v. Hernandez-Meza*, 720 F.3d 760, 768 (9th Cir. 2013).

Due process also requires the government to produce any materials that tend to exculpate the defendants. The government’s “chief business” in a criminal prosecution “is not to achieve victory but to establish justice.” *Brady v. Maryland*, 373 U.S. 83, 87 at n.2 (1963). The Supreme Court explained in *Strickler* that the Government’s duty to disclose derives from:

the special role played by the American prosecutor in the search for truth in criminal trials. Within the federal system, for example, we have said that the United States Attorney is “the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Berger v. United States*, 295 U.S. 78, 88, 55 S.Ct. 629, 79 L.Ed. 1314 (1935). *Strickler v. Greene*, 527 U.S. 263, 281 (1999).

The prosecution’s “affirmative duty to disclose evidence favorable to a defendant” is a pillar of our criminal justice system. *Kyles v. Whitley*, 514 U.S. 419, 432 (1995).

Under Federal Rule of Criminal Procedure 16, however, the government is not required to provide “the discovery or inspection of statements made by prospective government witnesses except as provided in 18 U.S.C. § 3500.” Fed. R. Crim. P. 16(a)(2). Known as the *Jencks Act*, 18 U.S.C. § 3500 in turn provides that “no prior statement made by a [G]overnment witness shall be the subject of discovery until that witness has testified on direct examination.” *United States v. Coppa*, 267 F.3d 132, 145–146 (2d Cir. 2001); Fed. R. Crim. P. 26.2 (incorporating the *Jencks Act*, making it applicable to other criminal hearings). After its witness testifies, upon Defendant’s motion, the government must produce to defendant any statement it possesses by the witness “which relates to the subject matter as to which the witness has testified.” 18 U.S.C. § 3500(b). These statements are also known as “3500 Material.” The rationale for the *Jencks Act* is to protect potential government witnesses from threats of harm or other intimidation before the witnesses testify at trial. *United States v. Presser*, 844 F.2d 1275 (6th Cir. 1988); see also, *Coppa*, 267 F.3d at 138.



BONJEAN  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

www.bonjeanlaw.com

But where, as here, the government's Due Process *Brady/Giglio* obligations (requiring production of material exculpatory and impeachment evidence) collide with procedural protections under the Jencks Act (allowing delayed disclosure of prior statements of a government witness until the witness testifies, the government's *Brady* obligations take precedence. *Coppa*, 267 F.3d at 145-46 (“where the government's obligations under *Brady* collide with its obligations under the Jencks Act, the former must prevail because the teachings of *Brady* arise under the Constitution while the Jencks Act is a mere legislative enactment. It is, of course, a fundamental axiom of American law, rooted in our history as a people and requiring no citations to authority, that the requirements of the Constitution prevail over a statute in the event of a conflict.”). Therefore, if a prospective testifying government witness' statement is material within the meaning of *Brady* and *Giglio* and contains exculpatory or impeachment evidence, it must be produced with all other *Brady* evidence. *Id.* at 146.

Further, where the prosecution has the statement of a witness who could present exculpatory testimony and does not intend itself to call that witness at trial, disclosure before trial is required to ensure that the defense has an opportunity to subpoena that witness for trial. Insofar as such disclosure exceeds what is permitted under local pretrial discovery provisions or *Jencks* statutes regulating the timing of the disclosure of witness statements, the constitutional obligation will prevail over those provisions.

*Brady* information must be disclosed, furthermore, in a manner that gives the defendant a reasonable opportunity either to use the evidence in the trial or to use the information to obtain evidence for use in the trial. *United State v. Rodriguez*, 496 F.3d 221, 226 (2d Cir. 2007). Thus, the government must make disclosures “in sufficient time that the defendant will have a reasonable opportunity to act upon the information efficaciously.” *Id.*, citing *Leka v. Portuondo*, 257 F.3d 89, 100 (2d Cir. 2001) (noting that *Brady* disclosures must be timed so that the defense has a sufficient opportunity to use them); *id.* at 101 (“When ... a disclosure is first made on the eve of trial, or when trial is under way, the opportunity to use it may be impaired.”); see also *DiSimone v. Phillips*, 461 F.3d 181, 197 (2d Cir.2006) (“The more a piece of evidence is valuable and rich with potential leads, the less likely it will be that late disclosure provides the defense an ‘opportunity for use.’ ” (quoting *Leka*, 257 F.3d at 103)). Similarly, “disclosures must be *sufficiently specific and complete to be useful.*” *Rodriguez*, 496 F.3d at 226 (emphasis added), citing *Leka*, 257 F.3d at 103 (finding *Brady* not satisfied where government did not disclose details of potential witness's knowledge, because defendant was left to gamble on what witness would say); see also, *United States v. Laurent*, 33 F4th 63 (2d Cir. 2022) (holding that disclosure of witness identities and full statements, *years before commencement of trial*, afforded a reasonable opportunity for use at trial, and were sufficiently specific and complete.).



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

www.bonjeanlaw.com

Form 302s are potentially subject to the Jencks Act (i.e., 3500 Material) because they record the substance of a witness' statement. *See Pizzuti v. United States*, 809 F. Supp. 2d 164, 190 (S.D.N.Y. 2011). To the extent they contain material favorable evidence, they may also be subject to disclosure under the Government's *Brady/Giglio* obligations. *See Coppa*, 267 F.3d at 146; *Maxwell*, 534 F. Supp. 3d at 324; *Cardoso*, 642 F. Supp. 2d at 262–63.

Finally, it should be noted that in *Agurs* and *Bagley*, *supra*, when the Supreme Court enunciated the standard of review to be applied in cases of non-disclosure of favorable evidence, it distinguished between cases in which specific requests for such information were made prior to trial and cases in which general requests or no requests were made. In *Bagley*, the Court held that *Brady's* “materiality” standard requires a showing that a reasonable probability exists, that, had the evidence been disclosed to the defense, the result of the proceeding would have been different, regardless of whether or not a specific request for such information was made.

The *Bagley* Court recognized, however, that “the more specifically the defense requests certain evidence, thus putting the prosecutor on notice of its value, the more reasonable it is for the defense to assume from the non-disclosure that the evidence does not exist, and to make pretrial and trial decisions on the basis of this assumption.” *Bagley*, 473 U.S. at 682-683. Therefore, pursuant to the Court’s admonition, “[t]he reviewing court should assess the possibility that [the preparation or presentation of the defendant’s case may have been adversely affected] in light of the totality of the circumstances and with the awareness of the difficulty of reconstructing in a post-trial proceeding the course that the defense and the trial would have taken had the defense not been misled by the prosecutor’s incomplete response.” *Id.* at 683.

## Argument

### **I. The Government Must Be Ordered to Make Fulsome *Brady* Disclosures.**

At the outset, Defendants respectfully ask this Court to order the government to produce the complete and unredacted 302 reports of witness statements who they have identified as having provided potentially exculpatory information to the government. In their October 2023 letters, the government has acknowledged that they are in possession of potentially exculpatory information obtained from numerous witnesses. Indeed, 77 distinct witnesses have been identified as having provided potentially exculpatory information, but the government has only produced cherry-picked, partial summaries of these witness disclosures. Even the government admits that the summaries “do not reflect the entirety of the information supplied to the government by the witnesses, including on the topics identified below.” [*Id.*] (emphasis added)



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

www.bonjeanlaw.com

As such, the government's so-called *Brady* disclosures are fractured summaries of 77 witness statements, including only portions of what the government deemed, "in an abundance of caution," may be helpful to the defense. These half-baked summaries, devoid of context and notably incomplete, fail to satisfy the government's constitutional duties to disclose exculpatory information to the Defendants. Nor do these summaries provide sufficient specificity for the defendants to prepare a defense. In fact, there is a good chance that the government's purposeful redactions could result in misleading information. This approach does not comport with Second Circuit case law requiring the disclosures to be "sufficiently specific and complete to be useful." *Rodriguez*, 496 F.3d at 226.

The government's approach to producing *Brady* material is also not consistent with this Court's Rule 5(f) Order. [Dkt. 14] The Court was exceptionally clear when it required the production "to the defense *all information* favorable to an accused that is material either to guilt or to punishment and that is known to the Government." [*Id.*, pg. 1] Fragments, as the prosecutors have prepared, do not satisfy the Rule 5(f) Order. Further, this Court ordered the prosecutors to disclose *all* exculpatory information "promptly after its existence becomes known to the Government so that the defense may make effective use of the information in the preparation of its case." [*Id.*] This provision is instructive for two reasons: First, the timeliness of the disclosure; and second, that these disclosures are intended to afford the Defendants the ability to effectively use the information in the preparation of *its case*, not just at trial. Here, the prosecution has failed in both respects. Accordingly, Defendants respectfully ask this Court to order the prosecution to produce the complete 302 statements of witnesses who provided exculpatory information to the government, including the 77 witnesses identified in their summaries.

## **II. The Government Must Be Ordered to Produce Rule 16 and *Brady* Material Related to Journals Allegedly Prepared by One of Its Complaining Witnesses**

The government has identified ██████████<sup>2</sup> as a victim/witness in this case. Although the government has not produced any statements of ██████████, it previously produced several type-written pages that it claims are journal entries authored by Ms. ██████████ shortly after she quit her employment at OneTaste in 2015. Portions of these typed-written pages were read aloud by ██████████ sister in the Netflix film "Orgasm Inc. The Story of OneTaste" and attributed to ██████████. Very recently, the government

---

<sup>2</sup> Out of an abundance of caution, Defendants have redacted the name of this government witness notwithstanding that the information contained herein has already been the subject of numerous publicly filed letters.



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

www.bonjeanlaw.com

produced handwritten notebook journals that it also claims were written [REDACTED] and which contain a significant amount of *Brady* material. It is unclear why this material was not produced earlier. Some of the pages of the handwritten journals seem to correspond with the type-written pages but with notable differences.

Defense counsel asked the government to produce the meta-data associated with the type-written journal entries, but to date they have only produced meta-data reflecting the date on which the material was allegedly sent to FBI Agent McGinnis, not the meta-data that reflects *when* these type-written journals were written or even whether they were written by [REDACTED]. As discussed in the Defendants' motion to dismiss, Ms. [REDACTED] deleted her email account at the direction of Agent McGinnis resulting in the destruction of communications that would shed light on the history of these "journals" and when they were written and by whom. Importantly, the Netflix film even states that [REDACTED] emailed the journals to her sister [REDACTED].<sup>3</sup> Defendants have observed other irregularities between the type-written journals and the handwritten journals which raise serious questions about the authenticity of these journals, their authorship, and most importantly, when they were authored. Clearly the admissibility of these materials will turn on these questions.

On September 23, 2024, defense attorneys sent the attached letter to the government expressing concerns about the journals and seeking prompt disclosures related to these journals. [Ex. A – Letter to Prosecutors] The prosecutors responded by stating that they do not believe they have an obligation to produce the requested material at this time.

Defendants disagree. The material sought is immediately discoverable under Rule 16 and *Brady*. Defendants have the right to investigate the origins of these journals, who was responsible for writing them, and when they were authored. Defendants must be provided with complete discovery to prepare for trial, for consideration by potential experts, and to determine whether the government relied on fabricated evidence to obtain an indictment in this case. Accordingly, Defendants respectfully request that this Court order the government to produce those materials identified in the attached letter.

### **III. This Court Should Encourage the Expedited Disclosure of §3500 Material so that Defendants Can Meet this Court's Deadlines and Prepare for Trial.**

The government has indicated that it will make disclosures of §3500 material 60 days before trial. Defendants acknowledge that the prosecution is not obligated to make

---

<sup>3</sup> The film that aired on November 5, 2022, three days before McGinnis instructed her to delete the account on November 8, 2023. Undersigned counsel understands that she ultimately deleted the account on March 21, 2023, almost four months later.



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

[www.bonjeanlaw.com](http://www.bonjeanlaw.com)

early disclosure of so-called *Jencks* material, but the government's late disclosure of this material risks delaying this trial if defense counsel has insufficient time to prepare a defense consistent with their Sixth Amendment obligations. Counsel cannot be forced to violate the rules of ethics and the Sixth Amendment by providing their clients sub-standard representation. Defense counsel needs ample time to investigate the government's evidence which is still largely unknown. Defendants were not provided with a Bill of Particulars and the indictment alleges a vague conspiracy that covers a 12-year time span. It is highly unlikely that 60 days will provide sufficient time to investigate the evidence the prosecution intends to present. Defendants are fully prepared to meet this Court's deadlines, including the trial date, but they cannot be expected to do so without sufficient notice of the prosecution's evidence and witnesses.

### Conclusion

For the foregoing reasons, the Defendants respectfully ask this Court to Order the government to make fulsome and complete production of *Brady* material including all unredacted 302 reports of witnesses previously identified as having provided potentially exculpatory information. Defendants further request that this Court order the government to make disclosures related to the [REDACTED] journals as detailed in Exhibit A. Defendants further ask this Court to urge a more expedited disclosure of §3500 material so the defense can be prepared for trial in January. Defendants have also sought specific discovery from the government related to issues raised in Defendants' motion to dismiss, including complete 302s of the pertinent witnesses. The parties have not yet had a meet and confer on this issue and will first attempt to resolve the issue without court intervention.

Sincerely,

/s/JENNIFER BONJEAN

*One of the attorneys for Nicole Daedone*  
Bonjean Law Group, PLLC  
303 Van Brunt Street, 1st Floor  
Brooklyn, NY 11231  
718-875-1850

/s/IMRAN H. ANSARI

*One of the attorneys for Rachel Cherwitz*  
Aidala, Bertuna & Kamins PC  
545 Fifth Avenue, 6th Floor





**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

[www.bonjeanlaw.com](http://www.bonjeanlaw.com)

New York, New York 10036  
212-486-0011



BONJEAN  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

www.bonjeanlaw.com

September 23, 2024

AUSA Gillian Kassner  
AUSA Kayla Bensing  
AUSA Devon Lash  
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 Counsel:

On July 30, 2024, the government produced documents under Rule 16 described as: “Photocopies of physical journals provided by Individual #10, whose identity has been previously disclosed to counsel (ONETASTE00256871- ONETASTE00257087)” (the “Journals”). ECF No. 111, p.2. You have represented that these “journals” were authored by [REDACTED]. While 190 pages of the 216 pages produced appear to be the writings of [REDACTED], Bates numbers 257041 through 257066 (25 pages of double-sided journal entries) appear to have been written by a different individual.<sup>1</sup> We are not handwriting experts, of course, but a comparison of the handwriting suggests that the writer may be a different person.

Additionally, the pages bates-stamped 257041-257066 correspond (although not verbatim) with typed journal entries previously produced by the government under Rule 16. In its September 18, 2023, letter, the government described the production as “Journal entries regarding experiences at OneTaste maintained by Individual #10, whose identify will be disclosed to counsel separately (ONETASTE00165920 - ONETASTE00165950)[.]” ECF No. 43, p.2. Notably, the remainder of the production (roughly 190 pages) that purport to be writings of [REDACTED] were not produced on September 18, 2023.

Another observation is that those 25 pages (whose authorship is not clear on its face) were they utilized in the Netflix film that was released on November 5, 2022, five months before the indictment was filed in this case. Everything in the Netflix film (and in

---

<sup>1</sup> Bates numbers 257059 and 257060 are duplicates.



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

[www.bonjeanlaw.com](http://www.bonjeanlaw.com)

the typed journals) comes from the 25 pages of journal entries that on their face appear to have been written by someone other than [REDACTED].

Against this backdrop, we ask that the government provide the following information within the next week:

1. Any information the government has obtained or sought to obtain regarding the authorship of the typed or handwritten journals, including the participation of anyone involved in the production of the Netflix film in the creation of the Journals.
2. Any information you have developed regarding when the handwritten Journals were prepared and when the type-written excerpts were first created, and any edits made to those excerpts by whom and when.
3. All facts regarding the transmittal to the government of the typed and handwritten versions of the Journals, including the source of the documents, and the dates and manner of their transmittal.
4. The government's reasons for not producing copies of the handwritten journals prior to July 30, 2024.
5. Whether the government is aware and, if so, when it became aware, that the pages bearing Bates numbers 257041 through 257066 were likely written collaboratively or by someone other than [REDACTED].
6. Any actions that the government has taken or intends to take in response to discovering that the pages bearing Bates numbers 257041 through 257066 were likely written collaboratively or by someone other than [REDACTED].
7. The government's reasons for producing the Journals under Rule 16 rather than *Brady* material.
8. Whether the government is in possession of the journal material that matches the 190 pages for the time period of January to March 2015 journal, and any explanation for why it has not been produced.
9. Any information the government has regarding the Label No. 2 and the January to March 2015 journal and the journal that was produced under.
10. Whether the government is still withholding any journals, handwritten or typed.
11. Whether the government used *any* journals from [REDACTED] with the grand jury in order to secure the indictment, including but not limited, to having any witnesses review or read from the journals and/or admitting any of the journal excerpts into evidence during the grand jury proceedings.

We also ask that the government immediately produce all documents and communications relating to the typed and handwritten versions of the Journals and the



**BONJEAN**  
LAW GROUP, PLLC

303 Van Brunt Street, 1st Floor  
Brooklyn, New York 11231

53 W Jackson Blvd, Suite 315  
Chicago, Illinois 60604

Tel: 718.875.1850  
Fax: 718.230.0582

[www.bonjeanlaw.com](http://www.bonjeanlaw.com)

government learning of their existence and its receipt of the documents, including any communications with anyone involved in the Netflix film regarding the Journals.

We kindly request that you respond to this letter as soon as possible and no later than Wednesday, September 25, 2024.

Sincerely,

/s/JENNIFER BONJEAN

*One of the attorneys for Nicole Daedone*  
Bonjean Law Group, PLLC  
303 Van Brunt Street, 1st Floor  
Brooklyn, NY 11231  
718-875-1850

/s/IMRAN H. ANSARI

*One of the attorneys for Rachel Cherwitz*  
Aidala, Bertuna & Kamins PC  
545 Fifth Avenue, 6th Floor  
New York, New York 10036  
212-486-0011