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December 20, 2023

Via ECF

The Honorable Loretta A. Preska
District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Giuffre v. Maxwell*,
Case No. 15-cv-7433-LAP

Dear Judge Preska:

I represent Doe 107 in the above captioned case and ask the Court to extend the time, as established in its endorsement of October 27, 2023 (discussed below), for my client and I to submit supplemental materials in support of continued sealing, should the Court still be considering whether to unseal files as to Doe 107, who is not mentioned in the Court's Order of December 18, 2023 (Doc. 1315). We had not previously submitted those materials because I was not previously attorney of record in the district court and therefore was not on the ECF service list, and therefore did not receive the Court's endorsement of October 27 (Doc. 1314). I apologize for any inconvenience this causes the Court.

On October 26, 2023, a joint letter was submitted to the Court (Doc. 1313) stating:

The Parties, the Miami Herald, and Doe 107 write in response to the Court's August 24, 2023, order. ECF No. 1306. Based on counsel's representations concerning Doe 107's safety in her current country, the Parties and the Miami Herald consent to redacting Doe 107's name and any personally identifying information in the docket entries that the Court previously ordered unsealed. Giuffre's and the Miami Herald's consent to such redactions is based on circumstances specific to Doe 107 and

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does not extend to other purported victims living in countries without the same risks of physical harm.

The Parties therefore respectfully request the Court's permission to maintain the redactions to Doe 107 's name and personally identifying information.

The Parties therefore respectfully request the Court's permission to maintain the redactions to Doe 107 's name and personally identifying information.

See Doc. 1313. On October 27, 2023, the Court entered the following endorsement:

Doe 107 shall, by November 22, 2023, submit to the Court for in camera review an affidavit supporting her assertion that she faces a risk of physical harm in her country of residence and providing detail concerning the hate mail she received. Doe 107's counsel may provide additional factual support for Doe 107's contention that unsealing the relevant records would put her at risk of physical harm by November 22, 2023 as well.

See Doc. 1314. On December 18, 2023, the Court issued the following docket entry:

The Court reiterates here its previous recitation of the applicable law and descriptions of the unsealing process set out in the transcripts dated January 19, 2021 (dkt. no. 1196), July 1, 2021 (dkt. no. 1220), April 19, 2022 (dkt. no. 1254), and November 18, 2022 (dkt. no. 1283). The following are the Courts findings as to the Does designated following its particularized review of the documents noted: as set forth herein. The Court stays its order for fourteen days to permit any impacted Doe the opportunity to appeal, after which counsel are asked to confer, prepare the documents for unsealing pursuant to this order, and post the documents on the docket.

See DE 12/18/2023.

The accompanying 51-page Order (Doc. 1315) does not mention Doe 107 and therefore does not authorize unsealing as to Doe 107. It may be the Court had determined to not order unsealing as to Doe 107 but that is not clear, and

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as an officer of the court, I felt the need to acknowledge that I had not filed the supplemental materials addressed in the Court's October 27 endorsement.

Unfortunately, neither the aforementioned endorsement of October 27, nor the Court's Order of December 18 were sent to the undersigned because I had not been counsel of record in the district court, and therefore I was not on the list of ECF recipients. I just learned of the endorsement and Order today, having been sent a news article regarding the Court's Order. As Doe 107 has previously stated, she lives outside the United States in a culturally conservative country and lives in fear of her name being released. I therefore respectfully ask the Court to clarify whether its omission of Doe 107 from the Court's Order of December 18 (Doc. 1315) means the Court has now endorsed the parties' consent letter of October 26 (Doc. 1313) or whether it intends to further consider whether to Order unsealing relating to Doe 107. If the latter, I respectfully request 30 days to make additional submissions.

Thank you for considering this request.

Respectfully submitted,



Richard Levitt

RWL:rl

Doe 107's request for a 30-day extension is approved. Doe 107 shall, by January 22, 2024, submit to the Court for in camera review an affidavit (1) supporting her assertion that she faces a risk of physical harm in her country of residence and (2) providing detail concerning the hate mail she has received. Doe 107's counsel may also provide by this date any additional factual support for Doe 107's contention that unsealing the relevant records would put her at risk of physical harm.

SO ORDERED.

Date: 12/21/2023
New York, New York



Loretta A. Preska
Senior United States District Judge