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December 5, 2018

BY ECF

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *United States v. Allison Mack*,
S1 18 Cr. 204 (NGG)**

Dear Judge Garaufis:

We respectfully write pursuant to the Court's December 3 Order, and in response to the government's November 30 letter (*see* ECF No. 210) regarding a potential conflict of interest. Although we believe that Ms. Mack fully appreciates that—consistent with our professional and ethical obligations—our duty of loyalty is exclusive to Ms. Mack, Ms. Mack has no objection to a hearing pursuant to *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982).

Following the establishment of the irrevocable defense trust (the "Trust"), we have discussed with Ms. Mack the potential legal implications of a third-party benefactor paying her legal fees (in this instance, a trustee of an irrevocable trust). While the structure of the Trust eliminates any actual conflict and makes any potential conflict of interest here exceedingly remote (if not non-existent), we have discussed at length with Ms. Mack the potential conflict of interest implications that sometimes attend to the existence of a third-party payor. Ms. Mack fully understands the issues, and to the extent the Court determines that there is a potential conflict that warrants further inquiry pursuant to *Curcio* and its progeny, Ms. Mack is prepared to waive any such potential conflict.

Hon. Nicholas G. Garaufis, U.S.D.J.

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If the Court orders such a hearing, undersigned counsel will coordinate with the government to structure an appropriately limited inquiry to establish Ms. Mack's knowing and voluntary waiver of a potential conflict (if any) arising from the circumstances described in the government's letter.

Respectfully yours,

/s/

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cc: AUSAs Moira Kim Penza, Tanya Hajjar (via email)
Counsel of Record (via ECF)