

SEALED

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JUN 23 2005
CLERK U.S. DISTRICT COURT,
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

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IN RE: Request from Requesting State
Pursuant to the Treaty
Between the United States of
America and the Requesting
State on Mutual Assistance
in Criminal Matters

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No. SA-04CA0676-OG ✓

FILED UNDER SEAL

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GOVERNMENT'S RESPONSE TO THE COURT'S ORDER REQUIRING A
RESPONSE FROM THE GOVERNMENT

The United States of America, after consulting with the authorities in Italy, respond to the Order as follows:

1. General Statement as to redaction: The United States, after consultation with the Italian authorities, has redacted the documents as requested by this Court. The United States has reviewed each document and has placed a piece of paper over the area that it believes must remain sealed and added the words "THIS PORTION OF THE DOCUMENT HAS BEEN REDACTED". The information redacted as to each document is comprised of the URL's (web addresses) and the relevant time period of the log files sought by the Italian authorities. The private contact information of the Italian persons of judicial authority has also been redacted.

2. Documents redacted¹:

a.) The attachment to the Application for Order Pursuant to the Treaty. The English translation of the request from Italy for assistance and pertinent facts.

¹ A red Post It marker has been place on each redacted page to aid the Court.

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- b). Memorandum of Law in Support of Application for Order.
- c). Exhibit "B" of Memorandum of Law in Support of Application for Order.
- d). Exhibit "C" Memorandum of Law in Support of Application for Order. The Italian version of the request for assistance and pertinent facts.
- e). Commissioner's Subpoena. (Same as Exhibit "B").
- f). Certification.

3. Documents that do not require redaction:

- a.) Application for Order Pursuant to the Treaty
- b.) "Order" dated July 31, 2004

4. Documents that cannot be redacted:

a.) The United States submits that the letter from the Italian government setting out why this matter remain secret should be kept sealed. The communique details with specificity the Italian national interest in keeping this matter sealed. The information contained therein is sensitive and would damage the ongoing investigation. It was not filed in relation to the initial MLAT request but was a direct response, reviewed en camera, to this Court during the litigation of the unsealing of this matter.

Wherefor, premises considered the United States respectfully tenders this response under seal and requests that this honorable Court accept the redaction as provided herein. Should the Court do so, the United States requests that the documents *as redacted* be unsealed, save and except the letter identified in "4. Documents that cannot be redacted" which should remain sealed.

Respectfully submitted,
JOHNNY SUTTON
UNITED STATES ATTORNEY

By: 

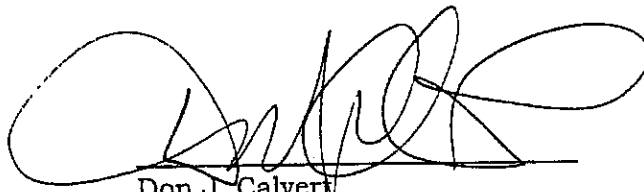
Don J. Calvert
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was sent by certified mail, return receipt requested, to

W. Reid Wittliff
401 Congress Ave, Suite 2200
Austin, TX 78701

Lee Tien
454 Shotwell Street
San Francisco, CA 94110

A handwritten signature in black ink, appearing to read "Don J. Calvert", written over a horizontal line.

Don J. Calvert
Assistant United States Attorney