



U.S. Department of Justice

United States Attorney
Eastern District of New York

JM:IJ:PSS

271 Cadman Plaza East
Brooklyn, New York 11201

September 19, 2009

Via Facsimile & ECF

Susan Brune, Esq.
Brune & Richard LLP
80 Broad Street
New York, New York 10004

Re: United States v. Cioffi and Tannin
Criminal Docket No. 08-415 (FB)


Dear Ms. Brune:

Attached is a one-page letter and one-page attachment the government received from Google Inc., dated July 17, 2009. This document reflects that your client erased his entire "Gmail" account, identified as "MATT.TANNIN@GMAIL.COM," on March 11, 2008, during the pendency of a criminal investigation and after having received a United States Securities and Exchange Commission subpoena calling for the production of materials in that account. The government intends to offer these facts at the upcoming trial.

Very truly yours,

BENTON J. CAMPBELL
United States Attorney

By:


James G. McGovern
Assistant United States Attorney
(718) 254-6293

cc: Margaret Keeley, Esq. (ECF w/o attachment)

Google Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043



Tel: 650.253.3425
Fax: 650.249.3429
www.google.com

July 17, 2009

Via Facsimile Only
(718)254-7499

AUSA Ilene Jaroslaw
USAO EDNY
271 Cadman Plaza East
Brooklyn, NY 11201

Re: Search Warrant dated 07-07-2009 (Internal Ref. No. 63115-63094)

Dear AUSA Jaroslaw:

Pursuant to the Search Warrant issued in the above-referenced matter, we have conducted a diligent search for documents and information accessible on Google's systems that are responsive to your request. Our response is made in accordance with state and federal law, including the Electronic Communications Privacy Act. See 18 U.S.C. § 2701 et seq.

We understand that you have requested customer information regarding the user account specified in the Search Warrant: Subscriber information for the Gmail account, MATT.TANNIN@GMAIL.COM. Our records indicate that there has been no recent activity for this account, therefore we have no IP addresses available at this time. Please note that this account has been deleted, therefore we are no longer able to extract the information requested in the Search Warrant.

To the extent any document provided herein contains information exceeding the scope of your request, protected from disclosure or otherwise not subject to production, if at all, we have redacted such information or removed such data fields.

Finally, in accordance with Section 2706 of the Electronic Communications Privacy Act, Google requests reimbursement in the amount of \$25 for reasonable costs incurred in processing your request. Please forward your payment to Google Custodian of Records, at the address below and please write the Internal Reference Number (63115-63094) on your check. The federal tax ID number for Google is 77-0493581.

Very truly yours,

Kelli Untiedt
(untiedt)

Kelli Untiedt
Google Legal Investigations Support

Subscriber Information

Email matt.tannin@gmail.com
Status Enabled
User deleted account
on 11-Mar-2008 07:58:45pm GMT
Services Reader, , Gmail, Calendar, Talk, Toolbar, Spreadsheets,
Search History, Finance
Name
Secondary email
Created on 21-Nov-2006 03:59:19am GMT
Lang
IP

Logs
All times are displayed in UTC/GMT.
matt.tannin@gmail.com
No log data is available.

Google Confidential and Proprietary