

PAUL DEROHANNESIAN, ESQ. (1953-2001)

PAUL DEROHANNESIAN II, ESQ.

DANIELLE R. SMITH, ESQ.

January 10, 2018

Via Electronic & Ordinary Mail

Hon. Roger D. McDonough
Albany County Supreme and County Courts
Albany County Courthouse
16 Eagle Street, Room 342
Albany, New York 12207
egolen@nycourts.gov

RE: *People v. Joseph J. O'Hara and Toni F. Natalie a/k/a Toni Foley*
Indictment No.: 34-7323
Index No.: DA-172-15

Dear Justice McDonough:

We represent the complainant, NXIVM Corporation, in the above matter. We write in response to the correspondence of Amanda Nissen, Esq., Assistant Counsel for the New York State Police, dated January 4, 2018.

At the outset, we confirm that it was our intention to file a civil lawsuit on January 4, 2018, together with an Order to Show Cause with a provision for a Temporary Restraining Order preventing the New York State Police to release the property in question to the defendants. However, when we contacted Ms. Nissen to provide notice pursuant to 22 NYCRR § 202.7(f), she informed us that the New York State Police had released the property to the defendants the prior week. As Ms. Nissen's letter acknowledges, the release of property was in violation of Your Honor's Letter Order of November 20, 2017, directing the New York State Police "to return the materials at issue (in their current form) to defendants no sooner than forty-five days from the date of this Letter Order." The defendants' attorney, Stephen Grygiel, Esq., advised Ms. Nissen that the defendants will not voluntarily return the property to the New York State Police but that the property would remain in the same condition as it was received until the Court directs otherwise.

In light of the foregoing, we respectfully request that this Court order the defendants to return the property in its current form to the New York State Police. We further respectfully request that Your Honor extend the forty-five day deadline set forth in the November 20 Letter Order to allow NXIVM Corporation an adequate opportunity to initiate a civil lawsuit and seek a Temporary Restraining Order.

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Hon. Roger D. McDonough

January 10, 2018

Page 2

Thank you for your consideration in this matter. Please contact my office with any questions or concerns.

Very truly yours,



Paul DerOhannesian II

PDII:drs

cc: David A. Gonzalez, Esq. (via electronic mail only dagonzalezesq@gmail.com)
Stephen Grygiel, Esq. (via electronic mail only sgrygiel@mdattorney.com)
Amanda Nissen, Esq. (via electronic mail only AMANDA.NISSEN@troopers.ny.gov)