

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

MICHAEL T. FLYNN,

Defendant

Crim. No. 17-232 (EGS)

NOTICE OF COMPLIANCE WITH MINUTE ORDER

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, hereby files with the Court additional materials in response to the Court's Minute Order of September 29, 2020. As we have previously disclosed, beginning in January 2020, the United States Attorney for the Eastern District of Missouri has been conducting a review of the Michael T. Flynn investigation. On September 23, 2020, the government disclosed handwritten notes of former Deputy Assistant Director (DAD) Peter Strzok (23501 & 23503) and former Deputy Director (DD) Andrew McCabe (23502) that were obtained and analyzed by USAO EDMO during the course of its review.

On September 24, 2020, counsel for Michael T. Flynn filed a supplement to their motion to dismiss (Doc. 248), attaching the single page of McCabe notes as Exhibit B (Doc. 248-2), and the two pages of Strzok notes as Exhibit C (Doc. 248-3) and Exhibit D (Doc. 248-4).

On September 28, 2020, Aitan D. Goelman, an attorney representing former DAD Peter Strzok, sent a letter to the Court notifying the Court that the notes contained handwritten dates that appeared to have been added by someone other than his client.

On September 29, 2020, the Court questioned the government about this assertion and ordered the government to file any additional motions or supplemental materials by no later than October 7, 2020.

On October 2, 2020, Michael R. Bromwich and Rachel B. Peck, attorneys representing former DD McCabe sent a letter to the Court notifying the Court that, among other things, the notes contained handwritten dates that appeared to have been added by someone other than their client.

In response to the Court and counsel's questions, the government has learned that, during the review of the Strzok notes, FBI agents assigned to the EDMO review placed a single yellow sticky note on each page of the Strzok notes with estimated dates (the notes themselves are undated). Those two sticky notes were inadvertently not removed when the notes were scanned by FBI Headquarters, before they were forwarded to our office for production. The government has also confirmed with Mr. Goelman and can represent that the content of the notes was not otherwise altered.

Similarly, the government has learned that, at some point during the review of the McCabe notes, someone placed a blue "flag" with clear adhesive to the McCabe notes with an estimated date (the notes themselves are also undated). Again, the flag was inadvertently not removed when the notes were scanned by FBI Headquarters, before they were forwarded to our office for production. Again, the content of the notes was not otherwise altered.

The government hereby files updated versions of these documents, and suggests that in light of the foregoing, it would be appropriate to substitute Doc. 248-2 with Exhibit A, Doc. 248-3 with Exhibit B, and Doc. 248-4 with Exhibit C.

Respectfully submitted,

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Dated: October 7, 2020
Enclosures