

DISTRICT ATTORNEY

COUNTY OF NEW YORK

ONE HOGAN PLACE

New York, N. Y. 10013

(212) 335-9000



CYRUS R. VANCE, JR.
DISTRICT ATTORNEY

November 23, 2021

VIA EMAIL AND ECF

The Honorable David S. Jones

United States Bankruptcy Court, Southern District of New York

One Bowling Green

New York, NY 10004

Email: jones.chambers@nysb.uscourts.gov

Re: In the Matter of Kossoff PLLC
Case No. 21-10699 (DSJ)

Dear Judge Jones:

We write regarding the motion filed by Albert Togut, in his capacity as the Chapter 7 Interim Trustee (the "Trustee"), seeking to compel the production of certain grand jury materials obtained by the New York County District Attorney's Office ("DANY"). The motion was filed on November 2, 2021. DANY sought an extension of its time to respond to the motion to December 21, 2021, or at a minimum December 7, 2021, over the Trustee's objection. On November 9, 2021, the Court granted an extension to December 6, 2021.

We now write to inform the Court that there has been an update in this matter. Mitchell Kossoff, through his counsel, and DANY have reached an agreement regarding a guilty plea by Mr. Kossoff in New York state court. We expect that Mr. Kossoff will surrender for arrest on or about December 3, 2021. Thereafter, he will be scheduled by the court for a date when the court can enter his plea. Scheduling of the plea will be dependent on the court, but we hope that the plea will be entered approximately one week after his arrest.

We anticipate that upon entry of the plea, any grand jury investigation will be complete. At that time, we expect that the issues that are the subject of the Trustee's motion will be moot, as DANY will be able to move for a sharing order in New York state court enabling DANY to share materials with the Trustee.

We therefore are seeking an additional extension of time to respond to the Trustee's motion in the hopes that the issues will be mooted. We believe that allowing the criminal process to take its course will be the most efficient means of resolving these issues and will avoid unnecessary expenditure of resources by the Court and by DANY. Although we hope

that a plea will occur far sooner, we are requesting an extension to January 7, 2022 to account for possible court delays around the holidays. We have conveyed this request to the Trustee, as well as the reasons for the request, and the Trustee refused to consent to DANY's request.

Respectfully submitted,



Catherine McCaw
Assistant District Attorney



Ryan Gee
Assistant District Attorney

cc: Togut, Segal & Segal LLP
Attn: Neil Berger, Esq. and Minta J. Nester, Esq.
Email: neilberger@teamtogut.com and mvester@teamtogut.com

Office of the United States Trustee
Attn: Andy D. Velez-Rivera, Esq.
Email: Andy.Velez-Rivera@usdoj.gov