

EXHIBIT B

From: Fenton, Christopher (CRM) <Christopher.Fenton@usdoj.gov>
Sent: Monday, May 24, 2021 12:51 PM
To: Silverman, Nicholas; Ram, Ashwin; Keough, Michael; Law offices of Fred G. Minassian, Inc.; David Diamond; John Littrell; mesereau@mesereaulaw.com; Wirschinglaw@outlook.com; john@hanuszlaw.com; peter@peterjohnsonlaw.com; jilbert@jilbertlaw.com; rfraser@bklwlaw.com; michael@thefreedmanfirm.com; George Mgdesyan
Cc: Paul, Annamelda (CRM); Paetty, Scott (USACAC); Ahn, Catherine S. (USACAC)
Subject: RE: US v. Ayvazyan et al., No. CR 20-579-SVW - Notice re Summary Witness and Draft Summary Chart Agreement

Nicholas –

Thank you for your email.

As we explained in our notice, Ms. Robinson will identify the accounts at various banks and brokerages used by the defendants and their co-conspirators, including the bank and brokerage accounts referenced in the First Superseding Indictment. She will describe flows of funds into, out of, and between these and other accounts, including to trace the use of PPP and EIDL loan proceeds that were deposited or transferred into these and other accounts. We anticipate that she will use summary exhibits to describe the flow of funds and that those exhibits will be based on the types of information set forth in the notice, including the bank records for the specific accounts referenced in the First Superseding Indictment with respect to the PPP and EIDL loan proceeds referenced in the First Superseding Indictment. We will circulate those summary exhibits as soon as a draft is ready. Although we do not want to foreclose the possibility, we do not anticipate Ms. Robinson will testify using the chart re the 151 loans. That chart was circulated on Friday in response to the request you made during the conference and not in anticipation that Ms. Robinson would testify using it at trial.

Some of the information you're requesting below is not applicable or exceeds that which would be required even were we to seek to qualify Ms. Robinson as an expert. That said, please let us know if you have any other questions. Thank you.

Christopher Fenton
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From: Silverman, Nicholas <nsilverman@steptoe.com>
Sent: Monday, May 24, 2021 11:45 AM
To: Fenton, Christopher (CRM) <Christopher.Fenton@usdoj.gov>; Ram, Ashwin <aram@Steptoe.com>; Keough, Michael <mkeough@Steptoe.com>; Law offices of Fred G. Minassian, Inc. <fgminassianlaw@yahoo.com>; David Diamond <diamond@lodefender.com>; John Littrell <jlittrell@bienertkatzman.com>; mesereau@mesereaulaw.com; Wirschinglaw@outlook.com; john@hanuszlaw.com; peter@peterjohnsonlaw.com; jilbert@jilbertlaw.com;

rfraser@bklwlaw.com; michael@thefreedmanfirm.com; George Mgdesyan <george@mgdesyanlaw.com>

Cc: Paul, Annamelda (CRM) <Annamelda.Paul@usdoj.gov>; Paetty, Scott (USACAC) <spaetty@usa.doj.gov>; Ahn, Catherine S. (USACAC) <cahn@usa.doj.gov>

Subject: RE: US v. Ayvazyan et al., No. CR 20-579-SVW - Notice re Summary Witness and Draft Summary Chart Agreement

Chris, that notice is insufficient to determine what rule Ms. Robinson's testimony will fall under. To summarize our questions in response to your "request that [we] raise" "specific questions" now "so that the government may address them":

1. What summary chart(s) will Ms. Robinson use? You produced a Summary Exhibit PDF on Friday; is that the chart that she will use? Will there be others? To the extent that Ms. Robinson will write on or otherwise alter one or more chart(s) please describe how she will write on or otherwise alter the chart(s).
2. What conclusions will Ms. Robinson testify to?
 - a. What will be each of the bases for each of those conclusions?
3. What opinion testimony will Ms. Robinson provide?
 - a. What will be each of the bases for each of those opinions?
4. What percipient testimony will Ms. Robinson provide?

Regards,

Nicholas P. Silverman
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From: Fenton, Christopher (CRM) <Christopher.Fenton@usdoj.gov>

Sent: Saturday, May 22, 2021 5:49 PM

To: Silverman, Nicholas <nsilverman@steptoe.com>; Ram, Ashwin <aram@Steptoe.com>; Keough, Michael <mkeough@Steptoe.com>; Law offices of Fred G. Minassian, Inc. <fgminassianlaw@yahoo.com>; David Diamond <diamond@lodefender.com>; John Littrell <jittrell@bienertkatzman.com>; mesereau@mesereaulaw.com; Wirschinglaw@outlook.com; john@hanuszlaw.com; peter@peterjohnsonlaw.com; jilbert@jilbertlaw.com; rfraser@bklwlaw.com; michael@thefreedmanfirm.com; George Mgdesyan <george@mgdesyanlaw.com>

Cc: Paul, Annamelda (CRM) <Annamelda.Paul@usdoj.gov>; Paetty, Scott (USACAC) <Scott.Paetty@usdoj.gov>; Ahn, Catherine S. (USACAC) <Catherine.S.Ahn@usdoj.gov>

Subject: RE: US v. Ayvazyan et al., No. CR 20-579-SVW - Notice re Summary Witness and Draft Summary Chart Agreement

Nicholas –

I disagree that your email accurately quotes or characterizes the government's notice. The government's notice says what it says, and for clarity, I have copied and pasted a portion of the letter below, although please be advised that the entirety of our letter constitutes the notice.

The government anticipates calling Ms. Robinson to testify about, among other things, her analysis of relevant financial transactions. Ms. Robinson will base her testimony primarily upon a review of bank and brokerage account records, as well as accounting and other business records from escrow companies and vendors, which previously have been provided to the defendants in discovery.

Among other things, Ms. Robinson will identify the accounts at various banks and brokerages used by the defendants and their co-conspirators, including the bank and brokerage accounts referenced in the First Superseding Indictment. She will describe flows of funds into, out of, and between these and other accounts, including to trace the use of Paycheck Protection Program (PPP) and Economic Injury Disaster Loan (EIDL) loan proceeds that were deposited or transferred into these and other accounts.

The government anticipates that Ms. Robinson will use a variety of summary charts pursuant to Federal Rule of Evidence 1006 to explain these transactions to the jury. The government is amenable to providing drafts of these charts to you prior to trial upon receipt of a signed summary chart agreement (see attached).

This disclosure is not intended to exclude other areas of potential testimony that the government may elicit from Ms. Robinson; rather, it is intended to identify certain areas about which she is likely to testify as a summary witness on direct examination.

At trial, it is common to use a summary witness to trace the flow of funds to show how proceeds were used. A witness' testimony based on their personal knowledge of the underlying documents may require some explanation of that information and how they ordered the summary exhibit, but does not require the scientific, technical, or specialized knowledge contemplated in Fed. R. Evid. 702 and 703. See United States v. Aubrey, 800 F.3d 1115 (9th Cir. 2015). The government provided notice, even though no notice was required, so that the parties may address questions or issues that arise with respect to this testimony in advance of trial. If you or other members of your team have specific questions or concerns about the subject matter, we respectfully request that you raise them now so that the government may address them. With respect to the additional summary charts, we will circulate them as soon as they are ready for circulation.

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From: Silverman, Nicholas <nsilverman@steptoe.com>

Sent: Saturday, May 22, 2021 4:01 PM

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Subject: RE: US v. Ayvazyan et al., No. CR 20-579-SVW - Notice re Summary Witness and Draft Summary Chart Agreement

Chris,

Please produce a draft of the chart that you propose Ms. Robinson would use and I will provide further response based in part on that information. To focus you on the issue, the government's notice states that Ms. Robinson will "analy[ze] relevant financial transactions"; "base her testimony *primarily* upon a review of ... [various discovery documents]"; and "trace" funds; and "explain ... transactions to the jury." In short, it sounds like the testimony that you propose would be inferential argument appropriate for closing arguments, not witness testimony. The government may not call Ms. Robinson to testify as an expert without providing adequate notice, which it has failed to do here.

Regards,

Nicholas P. Silverman
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From: Fenton, Christopher (CRM) <Christopher.Fenton@usdoj.gov>

Sent: Friday, May 21, 2021 10:13 PM

To: Silverman, Nicholas <nsilverman@step toe.com>; Ram, Ashwin <aram@Step toe.com>; Keough, Michael <mkeough@Step toe.com>; Law offices of Fred G. Minassian, Inc. <fgminassianlaw@yahoo.com>; David Diamond <diamond@lodefender.com>; John Littrell <jittrell@bienertkatzman.com>; mesereau@mesereaulaw.com; Wirschinglaw@outlook.com; john@hanuszlaw.com; peter@peterjohnsonlaw.com; jilbert@jilbertlaw.com; rfraser@bklwlaw.com; michael@thefreedmanfirm.com; George Mgdesyan <george@mgdesyanlaw.com>

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Subject: RE: US v. Ayvazyan et al., No. CR 20-579-SVW - Notice re Summary Witness and Draft Summary Chart Agreement

Nicholas –

Thank you for your email. In your email, you write "[w]e require additional information regarding what 'descri[ption]' of the information described in the notice that Ms. Robinson will provide." What additional information do you require?

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From: Silverman, Nicholas <nsilverman@steptoe.com>

Sent: Friday, May 21, 2021 5:45 PM

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Counsel,

We agree to the Draft Summary Chart Agreement except that we request that we be permitted to use the draft until such time as the government produces a final version if the chart is relevant to any filing.

We require additional information regarding what “descri[ption]” of the information described in the notice that Ms. Robinson will provide. The notice does not contain sufficient information from which to conclude that Ms. Robinson’s testimony will not include opinion testimony.

Regards,

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From: Fenton, Christopher (CRM) <Christopher.Fenton@usdoj.gov>

Sent: Tuesday, May 18, 2021 5:57 PM

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Subject: US v. Ayvazyan et al., No. CR 20-579-SVW - Notice re Summary Witness and Draft Summary Chart Agreement

Counsel –

Please see the attached correspondence providing notice re a summary witness that the government intends to call to testify at trial. Also attached is a draft summary chart agreement. Thank you.

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