UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-60173-CR-KMW-GRAHAM

UNITED STATES OF AMERICA

vs.

CAROLYN DENISE WADE,

Defendants.
______________________________________/

UNOPPOSED MOTION BY THE UNITED STATES FOR A PROTECTIVE ORDER REGULATING DISCLOSURE OF CERTAIN RECORDS AND SENSITIVE INFORMATION CONTAINED THEREIN

Pursuant to Federal Rule of Criminal Procedure 16(d), the United States of America files this unopposed motion for a protective order regulating disclosure of certain records, described herein, within the government's possession, custody, or control, and certain sensitive information contained therein (the "Confidential Records"). In support thereof, the United States asserts as follows:

1. Defendant Carolyn Denise Wade ("Defendant") is charged by indictment with one count of wire fraud, in violation of Title 18, United States Code, Section 1343, in connection with her receipt of a loan offered through the U.S. Small Business Administration ("SBA")'s Paycheck Protection Program ("PPP"). The indictment alleges that, among other things, Defendant participated in a scheme to defraud the SBA and its lenders by causing the submission of a PPP loan application that contained materially false information about Defendant's 2019 gross income information for the sole proprietor business "Carolyn Wade." This case is set for trial commencing May 13, 2024.

2. On April 29, 2024, counsel for Defendant sent the undersigned assistant U.S. Attorney, via email, a proposed motion styled as "Defendant's Motion for the Issuance of

Subpoena Duces Tecum" (the "Proposed Motion") and proposed subpoena to the SBA, pursuant to Rule 17 of the Federal Rules of Criminal Procedure. The Proposed Motion sought the issuance of the Proposed Subpoena for "All PPP Loan Documents / Applications / Information" related to six (6) entities and/or persons listed therein who are not parties to this criminal proceeding.

3. Upon the government's review of the Proposed Motion and the Proposed Subpoena, the government advised defense counsel that, subject to its reservation of rights to object on any ground to the admissibility at trial of any records obtained by Defendant pursuant to the Proposed Subpoena, the government did not object to the Proposed Motion.

4. The government further advised defense counsel that, while the government did not have from the SBA the Confidential Records that Defendant was seeking in the Proposed Subpoena, the government has, within its custody and control, certain other records from another entity that may fall within the scope of the Proposed Subpoena (*i.e.*, the Confidential Records). The government further advised that, while it had not reviewed the Confidential Records and did not believe that the government had any discovery obligation to disclose the Confidential Records to Defendant, the government was willing to make such records available to Defendant as a courtesy, subject to: (1) the entry of this Protective Order; and (2) the reservation of the government's rights to object on any ground to the admissibility of any such records at trial.

5. The parties stipulate and agree that this Protective Order is necessary because, in general, PPP loan documentation and applications contain, among other things, private financial information of individuals and entities as well as personally identifiable information (*e.g.*, names, addresses, bank account numbers, social security numbers, driver license numbers), and other sensitive information (collectively, the "Sensitive Information"). Here, the Confidential Records likely contain Sensitive Information relating to individuals and entities who are not a party to this case. Furthermore, it is not practicable for the government to redact such Sensitive Information.

6. Accordingly, to ensure the protection of the Sensitive Information and to avoid the disclosure of this information to other individuals, the parties request that the Court enter the proposed Protective Order regulating disclosure of the Confidential Records follows:

a. The government is authorized to disclose to Defendant, through her counsel of record, the Confidential Records and any Sensitive Information contained therein;

b. The government shall indicate to Defendant that the Confidential Records contain Sensitive Information, and are subject to this Protective Order, by marking the folder containing any such records as "Confidential," which will be governed by the following rules;

c. Counsel of record for Defendant in this proceeding shall hold the Confidential Records in strictest confidence. Therefore, defense counsel shall restrict access to the Confidential Records, and shall disclose the Confidential Records to their client, office staff, investigators, and to anticipated fact or expert witnesses only to the extent that defense counsel believes is necessary to assist in the defense of their clients in this matter and in a manner that will prohibit the disclosure of the Confidential Records to other persons not involved in the defense;

d. Counsel of record shall advise any person to whom the Confidential Records are disclosed that such information shall be held in strict confidence, and that further disclosure or dissemination is prohibited without defense counsel's express consent;

e. Counsel of record shall obtain a certification from each person to whom the Confidential Records are disclosed, in which the recipient, (i) acknowledges these restrictions as set forth in the Protective Order of the Court, and (ii) agrees that they will not disclose or disseminate the information without express consent of defense counsel.

Counsel shall keep a copy of each certification to identify the individuals who received the Confidential Records and the date on which such information was first disclosed; and

f. Counsel of record agrees that, upon conclusion of the above captioned case, copies of the Confidential Records disclosed to defense counsel pursuant to the terms of this order shall be destroyed or returned to the United States.

Pursuant to Local Rule 88.9, the undersigned Assistant United States Attorney has conferred with counsel of record for Defendant, and he has represented that Defendant has no objection to the relief requested.

Respectfully Submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By: /s/ *David A. Snider*
DAVID A. SNIDER
Assistant United States Attorney
Court ID No. A5502260
500 E. Broward Blvd.
Fort Lauderdale, FL 33394
Tel: (954) 660-5696
Fax: (954) 695-0651
Email: david.snider@usdoj.gov