U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 26, 2026

By ECF
Hon. Judith C. McCarthy
Chief Magistrate Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Re: *United States* ex rel. *Integra Med Analytics LLC v. Isaac Laufer* et al.,
No. 17 Civ. 9424 (CS) (JCM)

Dear Chief Magistrate Judge McCarthy:

This Office represents the United States (the "government") in the above-referenced healthcare fraud action filed pursuant to the False Claims Act, 31 U.S.C. § 3729 *et seq.* On Monday August 24, 2026, the parties submitted a joint letter addressing certain discovery issues that noted that the parties would provide a further update by today with respect to issues related to the cell phones of the two individual defendants. *See* ECF No. 250 at 8. This letter provides that update.

The Government's Position

As ordered by the Court,[1] on August 14, 2026, Defendants produced a privilege log listing their privilege claims over information on the cell phones of Mr. Laufer and Ms. Whitney as well as a copy of the data on those phones with the claimed privileged information either withheld or redacted. In their cover letter to the production of phone data, Defendants "demand[ed] that you do not review" the production based on Defendants' view that it contains non-responsive

[1] *See* Minute Entry dated July 31, 2026 ("By August 14, 2026, Defendants are directed to produce the non-privileged information contained on the two cell phones discussed during todays [sic] conference.")

information and other unspecified "improprieties" occurred in connection with its collection.[2] The Government responded by email that Your Honor has already rejected Defendants' request to deny the Government access to the phone data while any challenge related to their seizure is litigated, stating that raising such a challenge "does not absolve you of your responsibility to do discovery" as such a challenge can be raised while "discovery's still exchanged." *See* July 31, 2026 Conf. Tr. 31; *see also id.* at 28 (setting August 14 deadline for Defendants to produce "non-privileged information . . . that you all agree [the Government] is entitled to and giving them permission to look at it"), 33-34 (denying Defendants' request to remove allegedly non-responsive information from phone data production). Consistent with the Court's ruling and the need to advance discovery in this case, the Government is moving ahead with its review of the phone data production and Defendants' privilege log and will attempt to resolve any issues it may have with either through the meet-and-confer process.

Defendants' Position

The Government requested that Defendants provide their position on this issue and Defendants declined to do so.

[2] This afternoon Defendants provided the Government with some information about their allegations of improper conduct by the Government in connection with the collection and processing of the cell phone data. Each of these arguments either has no bearing on discovery in this case or does not meaningfully differ from an argument Defendants raised previously and the Court has already rejected. Should Defendants wish to raise these arguments with the Court, they can do so while discovery in this case proceeds, as Your Honor has directed. *See* July 31, 2026 Conf. Tr. at 31.

We thank the Court for its consideration of this submission.

Respectfully submitted,

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cc: Counsel of Record