

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:18-cr-00083-TSE
)	Trial Date: July 25, 2018
PAUL J. MANAFORT, JR.,)	Judge T.S. Ellis, III
)	
<i>Defendant.</i>)	

**SUPPLEMENTAL BRIEF IN SUPPORT OF PAUL J. MANAFORT, JR.’S MOTION
REGARDING IMPROPER DISCLOSURES RELATING TO CONFIDENTIAL GRAND
JURY INFORMATION, NON-PUBLIC INFORMATION, FALSE INFORMATION, AND
POTENTIALLY CLASSIFIED MATERIALS**

Pursuant to the Court’s directive at the June 29, 2018 motions hearing, Paul J. Manafort, Jr., by and through counsel, hereby submits this supplemental brief in support of his motion to require a hearing regarding improper disclosures relating to confidential grand jury information and potentially classified information (Doc. 43, “Motion for a Leaks Investigation”).

I. UNAUTHORIZED GOVERNMENT LEAKS TO THE MEDIA HAVE SEVERELY
PREJUDICED MR. MANAFORT’S CONSTITUTIONAL RIGHT TO A FAIR
TRIAL BY AN UNBIASED JURY

The days of individuals getting their information from newspapers or nightly news are long gone. U.S. Citizens are inundated “24/7” in a never-ending news cycle. This cycle has been particularly damaging to Mr. Manafort as he prepares to defend himself in two separate criminal cases. The negative impact, however, has been exacerbated by government leaks of non-public information, potentially classified information, and false information to the media. The

Department of Justice Inspector General's (the "IG") report reviewing the actions of the Department of Justice and Federal Bureau of Investigation (the "FBI") in advance of the 2016 presidential election found a pattern of unauthorized leaks of non-public information from all levels of the FBI to the media. The IG also found instances in which FBI employees—in violation of FBI rules and regulations—accepted benefits from reporters, including tickets to sporting events, golf outings, drinks, meals, and invitations to social events. The IG stated that “we have profound concerns about the volume and extent of unauthorized media contacts by FBI personnel that we have uncovered during our review.” (IG Report at 429.)

On January 23, 2018 and again on February 21, 2018, (*see* Exhibits A and B) Mr. Manafort's defense team sent letters to the Office of Special Counsel (“OSC”) requesting information regarding contacts between the government, including members of the prosecution team or the OSC, and the media. No information was provided with respect to Mr. Manafort's request until last Friday, in anticipation of this Court's hearing about potential governments leaks to the media. The OSC produced two FBI electronic communications regarding an April 11, 2017, meeting between prosecutors from the Department of Justice, supervisory special agents, special agents from the FBI International Corruption Unit, and reporters for the Associated Press.

During the hearing, Special Agent Jeffrey Pfeiffer provided limited testimony based upon his recollection of the meeting. In referring to his notes concerning statements made by government officials to the Associated Press reporters, Special Agent Pfeiffer had no present recollection. (Tr. of June 29, 2018 Motions Hearing at 35). Indeed, he was asked if he recalled “at the conclusion of the meeting, the AP reporters asked if we would be willing to tell them if they were off base or on the wrong track, and they were advised that they appear to have a good

understanding of Manafort's business dealings." (*Id.* at 34–35.) Agent Pfeiffer said he had no recollection of that being said. (*Id.*)

However, based on documents provided only last Friday at the Court's hearing, also present at the April 11 meeting was Supervisory Special Agent ("SSA") Karen Greenaway, who also prepared an electronic communication ("EC") relating to the substance of that meeting (*see* Exhibit C). SSA's Greenaway's EC is considerably more detailed than Special Agent Pfeiffer's EC and it also includes specific DOJ statements to the AP reporters that are not contained in Agent Pfeiffer's EC (*see* Exhibit D):

- The meeting was arranged by Andrew Weissmann;
- Andrew Weissmann directed the AP reporters to ask the Cypriot Anti-Money Laundering Authority ("MOKAS") if they had provided the U.S. Department of Treasury with everything to which they had access or only provided what they were legally required to provide;
- When the AP reporters inquired about FARA (Foreign Agents Registration Act) violations, DOJ attendees confirmed that they were prosecutable; and
- When the AP reporters asked if DOJ would tell them if they were off base or on the wrong track, government attendees confirmed that the AP reporters appeared to have a good understanding of Manafort's business dealings in Ukraine.

Special Agent Pfeiffer confirmed that there was an ongoing investigation of Mr. Manafort, and the OSC has previously confirmed that at the time of the AP meeting there was an ongoing grand jury investigation of Mr. Manafort in the Eastern District of Virginia. In light of the existence of an ongoing grand jury investigation and the highly unusual nature of this meeting between DOJ and reporters, it is not surprising that it has been reported that the FBI filed a

complaint about DOJ's disclosures to the AP reporters.¹ The import of the DOJ statements noted above was to confirm the existence of an investigation, that a Mutual Legal Assistance Treaty request was made to Cypriot authorities and that the information to be reported by the AP reporters was accurate. The meeting raises serious concerns about whether a violation of grand jury secrecy occurred. Before last week's hearing and the OSC's production of these records, there was a substantial basis to request a hearing based on press reports and a formal request for information to DOJ by the House Intelligence Committee. Now, based on the FBI's own notes of the meeting, it is beyond question that a hearing is warranted. Before requiring a hearing, this Court should order DOJ to turn over all communications and notes of the meeting as well as any internal complaints filed with respect to the same. Further, Mr. Manafort requests consistent with his constitutional right to confront the government, that the court disclose all ex parte government communications concerning this matter. After such review is performed, an informed decision can be made as to what improper disclosures were made to the AP reporters, if any, who made them, and what sanctions are appropriate.

WHEREFORE, Mr. Manafort respectfully submits this supplemental brief in support of his Motion with respect to government leaks to the media.

Dated: July 6, 2018

Respectfully submitted,

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¹ See *Attorney for FBI Informant Presses DOJ for Leak Investigation*, Sara Carter (Feb. 21, 2018), <https://saraacarter.com/attorney-fbi-informant-presses-doj-leak-investigation/>.

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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Greg D. Andres
Uzo Asonye

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January 23, 2018

VIA EMAIL

Andrew Weissmann
Greg D. Andres
Kyle R. Freeney
Office of Special Counsel
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: United States v. Paul J. Manafort, Jr. – 1:17-201-01 (ABJ)

Dear Mr. Weissmann, Mr. Andres and Ms. Freeney,

This letter serves to formalize our previous discussions and requests that the Office of Special Counsel (“OSC”) make available all discovery and *Brady* material in the above-referenced case. Based on our previous discussions and what was represented at the status conference on January 16, 2018, we are unclear as to how the OSC is interpreting its obligations in this regard.

To make sure that there is no misunderstanding, this formal request includes all information that the government is required to disclose pursuant to the Federal Rules of Criminal Procedure, Federal Rules of Evidence, and relevant case law. We recognize that the OSC has been providing these materials on a rolling basis, but because the Court has now set a February 23, 2018, deadline for filing dispositive motions (as well as subsequent deadlines for other key motions), we request that all such information and documents be secured and produced to the defense forthwith. Indeed, given that we may potentially start trial in September 2018, time is of the essence. Completing the production of *all* such materials is imperative so that the defense has sufficient time to utilize the information and materials in any motions it may seek to file.

To facilitate the government’s compliance with its obligations, the following is a list of the categories of information and/or documents that the defendant seeks to have produced – to the extent, of course, that the OSC has not yet produced all relevant information or documents. Importantly, where documents or information are withheld under any claim of privilege or otherwise by the government, please state the basis for the privilege or reason and supply a sufficient summary (or redaction) of such

withheld material so that the defense may determine whether a motion is warranted and appropriately bring the matter to the Court's attention.

A. Federal Rule of Criminal Procedure 16

1. *Statements of the Defendant*: Please provide all statements of the defendant as required by Fed. R. Crim. P. 16(a)(1)(A) and 16(a)(1)(B). In responding to this request for the defendant's statements, we request that you ask each law enforcement agency or government official involved in any way in investigating or prosecuting this case or related matters to search its files for responsive information. In terms of determining whether such written or recorded statements are within the OSC's possession, custody or control, the prosecution should disclose under Rule 16 any and all "documents material to the defense that: (1) it has actually reviewed, or (2) are in the possession, custody, or control of a government agency so closely aligned with the prosecution as to be considered part of the prosecution team." *United States v. Finnerty*, 411 F. Supp. 2d 428, 432 (S.D.N.Y. 2006). We believe such government agencies currently include (but are not limited to) the FBI, the U.S. Department of Justice National Security Division and any other DOJ component (including U.S. Attorney Offices), and the Internal Revenue Service. We also have reason to believe that the National Security Agency and the Central Intelligence Agency may have relevant materials based on reporting from major news agencies citing government sources.

We note that the OSC has produced the defendant's interview statements, statements made by the defendant during the search of his condominium and post-arrest, and depositions that were taken more than two years ago. Particular attention, however, should be given to any written or recorded statements that were obtained during the United States Government's surveillance of Mr. Manafort, or its surveillance of others, in which the defendant's statements were written or recorded in any manner. To be clear, regardless of how these statements may have been obtained (including pursuant to FISA procedures), the defense is requesting their immediate production. If any such materials have been destroyed, please provide all information regarding the same.

2. *Defendant's Criminal Record*: The OSC has previously stated that it is not aware of any criminal history for Mr. Manafort. Should this position change, please provide a copy of the defendant's criminal record as required by Fed. R. Crim. P. 16(a)(1)(D).

3. *Documents and Tangible Objects*: The defendant requests all documents or tangible objects as required by Fed. R. Crim. P. 16(a)(1)(E). It is noted that the OSC has been providing, on a rolling basis, voluminous documentation in this matter. That said, statements made in the OSC's most recently filed status report and during the status conference held on January 16, 2018, acknowledge that there are relevant discovery materials that have not been provided to Mr. Manafort. We have been advised that the OSC continues to search for such responsive materials, including looking for relevant items in "less obvious" places.

To date, the parties have been working in a professional manner with one another concerning discovery issues. We wish to continue that approach, but given the February 23 motion deadline, which discovery may impact, we must request that all discovery be completed forthwith. Needless to say, tactical advantage should not be sought by delaying the production of Rule 16 and *Brady* material (discussed *infra*); indeed, it was the OSC, not the defendants, that proposed May 14, 2018, as the trial date. Pursuant to the Rule, the defendant requests that the government separately identify materials that it intends to use at trial in its case-in-chief. Because voluminous documentation has already been

produced that the OSC has stated may not pertain to the charges currently pending before the Court, separate identification of materials that the government intends to use in its case-in-chief in the above-captioned matter is warranted. See Fed. R. Crim. P. 16(a)(1)(E)(ii).

4. *Reports of Scientific Tests and Other Examinations*: Please provide results or reports of tests or examinations as required by Fed. R. Crim. P. 16(a)(1)(F). In the event the results were reported orally to you or to any government official and were not memorialized in writing, please advise.

5. *Summaries of Expert Witness Testimony*: Please prepare and produce a summary of any expert witness testimony the government intends to offer, the grounds or basis for any such expert testimony, and the qualifications of the expert witness, as required by Fed. R. Crim. P. 16(a)(1)(G).

B. Federal Rule of Criminal Procedure Rule 12(b)(4)(B)

Please provide notice of any evidence the government intends to use in its case in-chief discoverable under Fed. R. Crim. P. 16 that may be subject to a motion to suppress.

C. Federal Rule of Evidence 404(b)

Please provide notice of any "other crimes, wrongs or acts" evidence that the government intends to introduce at trial pursuant to the Court's order dated January 16, 2018. Please identify the specific purpose under Rule 404(b) which supports the admission of the evidence. See, e.g., *United States v. Merriweather*, 78 F.3d 1070 (6th Cir. 1996).

D. Federal Rule of Evidence Rule 1006

In the event you intend to call a summary witness at trial or present evidence in the form of a summary or chart, please produce within a reasonable time prior to trial such summary evidence and the documents or records upon which such summary, testimony, or chart is based.

E. Brady Material

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), *United States v. Agurs*, 427 U.S. 97 (1976), *Kyles v. Whitley*, 514 U.S. 419 (1995), and their legal progeny, provide any exculpatory evidence material to the defendant's guilt or punishment. Such request includes any impeachment materials or other evidence in any way favorable to the defense.

In addressing this important obligation, please note the concise summary of *Brady* evidence previously provided by a federal district court in the District of Columbia:

The prosecutor cannot be permitted to look at the case pretrial through the end of the telescope an appellate court would use post-trial. Thus, the government must always produce any potentially exculpatory or otherwise favorable evidence without regard to how the withholding of such evidence might be viewed – with the benefit of hindsight – as affecting the outcome of the trial.

* * * *

The meaning of the term “favorable” under *Brady* is not difficult to discern. It is any information in the possession of the government – broadly defined to include all Executive Branch agencies – that relates to the guilt or punishment and that tends to help the defense by either bolstering the defense case or impeaching potential prosecution witnesses.

* * * *

Under *Brady*, the prosecutors have an affirmative duty to search possible sources of exculpatory information, including a duty to learn of favorable evidence known to others acting on the prosecution’s behalf . . . [and] also by other branches of government ‘closely aligned with the prosecution.’

United States v. Safavian, 233 F.R.D. 12, 14-15 (D.D.C. 2005) (citations omitted).

Specifically, the defendant requests the following:

- (1) records from the United States Embassy in Kiev, Ukraine, the United States State Department, and the Central Intelligence Agency regarding any and all meetings with the U.S. ambassadors and embassy personnel and the defendant, Konstantin Kilimnic and/or Phil Griffin, including visitor logs, notes, memoranda, text messages and email regarding the substance of these meetings;
- (2) materials from the United States government's surveillance of Paul Manafort;
- (3) materials from prior DOJ investigations that have been reviewed by and/or otherwise utilized by the OSC in the above-captioned case, including memoranda of interviews, attorney notes, agent notes, email and text messages, the dates of initiation and termination (if any) of such investigations, and any approvals or declinations of the same;
- (4) materials from the DOJ FARA office concerning audits, investigations or dealings with the defendant, Mr. Gates, and their related entities, the Podesta Group and Mercury Consulting, and their principals and employees, with respect to Ukrainian-related activities;
- (5) materials from the DOJ Office of Inspector General’s 2016 audit of the National Security Division’s enforcement and administration of the Foreign Agents Registration Act, including memoranda of interviews, attorney notes, agent notes, email and text messages;
- (6) materials from DOJ’s “leaks” investigation(s) concerning meetings and conversations with news media organizations and/or journalists, reporters and editors relating to Paul J. Manafort, Jr. and Richard W. Gates III, and their related entities, including memoranda of interviews, attorney notes, agent notes, email and text messages; and
- (7) materials concerning government communications with news media organizations and/or journalists, reporters and editors relating to the defendant, Mr. Gates, and their related entities, known to the OSC or prosecution team and regardless of whether part of the DOJ’s “leaks” investigation(s).

These specific requests cover any and all documents, materials and information related to the topics identified, regardless of the form of such documents, materials and information (e.g., written documents, electronic data, etc.).

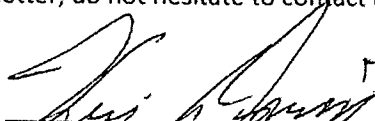
F. Jencks Act Material

Please provide production of Jencks Act material in accordance with the Court's schedule and within a reasonable time prior to trial to avoid any unnecessary delay in the trial proceedings.

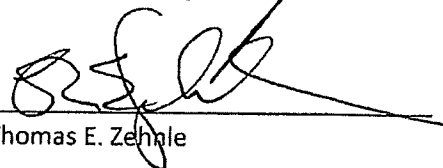
G. Bruton Material

Pursuant to *Bruton v. United States*, 391 U.S. 123 (1968), please provide any statements of the co-defendant, if any are in existence, that may potentially implicate the defendant so that appropriate consideration can be given as to whether a motion to sever is appropriate. In responding to this request, please request each law enforcement agency or government official involved in investigating or prosecuting this case to search its files for responsive information.

Finally, as you are aware, this discovery request is of a continuing nature through the resolution of the case. Please notify us immediately should additional information or materials become available. In the meantime, should you have any questions regarding this letter, do not hesitate to contact us.



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February 21, 2018

VIA EMAIL

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Greg D. Andres
Kyle R. Freaney
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Washington, DC 20530

Re: United States v. Paul J. Manafort, Jr. – 1:17-201-01 (ABJ)

Dear Mr. Weissmann, Mr. Andres and Ms. Freaney,

We write once again to request materials relating to the DOJ's "leaks" investigations regarding our client and materials concerning any government communications with news media organizations and/or journalists, reporters and editors which relate to Mr. Manafort, the co-defendant, and entities associated with them. See Discovery Letter from Downing and Zehnle to OSC, p. 4, dated January 23, 2018. Despite the Court's admonition and order regarding such contacts, see Dkt. # 38, anonymous government officials continue to contact news outlets in a not-too-subtle attempt to poison the well against our client, in violation of his Fifth and Sixth Amendment rights.

Just this past holiday weekend, numerous news stories – fueled by government sources – appeared in the press which have substantially and negatively impacted and violated Mr. Manafort's constitutional rights to due process and trial by an impartial jury. See, e.g., Jason Leopold, Anthony Cormier and Tanya Kozyreva, *Manafort Under Scrutiny for \$40 Million in "Suspicious" Transactions*, BuzzFeed News, Feb. 19, 2018 (discussing the OSC's investigation and noting that "three current and former law enforcement officials said that Mueller's team is poring over [documents] as it considers leveling new charges against Manafort"); David Willman, *Former Trump Aide Richard Gates to Plead Guilty; Agrees to Testify Against Manafort*, Sources Say, L.A. Times, Feb. 18, 2018 (discussing Gates' alleged plea "within the next few days" and stating that these individuals "spoke on condition of anonymity, citing a judge's gag order restricting comments about the case to the news media or public"); Katelyn Polantz and Sara Murray, *Exclusive: A Top Trump Campaign Adviser Close to Plea Deal with Mueller*, CNN, Feb. 17, 2018 (anonymous sources stating that "investigators with the special counsel's office are preparing to file new charges against him, according to people familiar with the

probe"). Government sources are sometimes specifically identified as such in these news articles; even when they are not, it is abundantly clear that the leakers are current and former government officials with personal knowledge of the matters reported. For example, in the CNN article, the two reporters note that Mr. Gates' lawyers did not respond to requests for comments and we, of course, are not privy to your plea dealings with the co-defendant and the inner workings of the OSC.

Your previous reply that "the government is not aware of the relevance of [these] request[s]" under Rule 16 or *Brady* is without merit and simply delaying the disclosure of materials to which the defendant is entitled. See Letter from OSC dated February 12, 2018, p. 5. It is not our responsibility to inform the government of Mr. Manafort's theories of defense, but suffice it to say, the Office of Special Counsel is no doubt aware that impeachment evidence under *Brady* must be turned over to the defense. Indeed, the Court in this case has specifically instructed the OSC to disclose *Brady* material as soon as it becomes aware of it. Given the nature of these leaks, it is not possible, but probable, that some of these anonymous government sources are close to the prosecution team and will be called to testify in the trial of this matter. Further, the information requested is material to the preparation of the defense under Rule 16. As you know, the government must not disclose or confirm confidential information to unfairly prejudice the defendant and taint the jury pool – *i.e.*, information that is subject to grand jury secrecy, the Court's November 8, 2017 Order, the protective order entered in this case regarding discovery, and prohibitions against disclosure of classified materials. Such misconduct violates Mr. Manafort's due process rights and damages our judicial system.

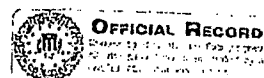
We have now sufficiently advised you of some of the legal bases upon which the information is appropriately sought. We will not stand idly by while these continuing leaks of protected information by numerous government sources continues unabated. Mr. Manafort is owed his day in court, and before an impartial jury. We would hope that you, too, support this basic tenet of the American justice system and will provide the materials forthwith. We await your timely response before determining what, if any, Court action is required.

_____/s/
Kevin M. Downing

_____/s/
Thomas E. Zehnle

FD-1057 (Rev. 5-8-10)

UNCLASSIFIED//FOUO



FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U//FOUO) Meeting with AP Reporters.

Date: 05/11/2017

From: CRIMINAL INVESTIGATIVE
D6-ICU

Contact: Karen A. Greenaway, [REDACTED]

Approved By: A/UC MAHONEY DEVON P

Drafted By: Karen A. Greenaway

Case ID #: [REDACTED]

Synopsis: (U//FOUO) To document a meeting with AP reporters.

Full Investigation Initiated: [REDACTED]

Administrative Notes: (U//FOUO) This EC is in supplement to serial [REDACTED]

Enclosure(s): Enclosed are the following items:

1. (U//FOUO) Interview Notes
2. (U//FOUO) AP Reporter Business Cards
3. (U//FOUO) Fortunato & Venanzi
4. (U//FOUO) Oleg Deripaksa Ad The Washington Post

Details:

On April 11, 2017, SSA Karen A. Greenaway, SSA George W. Mceachern, SA Jeffry Pfeiffer, Trial Attorney Ann Brickley, AUSA Ariel Shreve, EDNY, and Chief of the DOJ Fraud Section of the DOJ, Andrew Weissman, met with the following AP reporters: Chad Day, Jack Gillum, Ted Bridis, and Eric Tucker. The meeting was arranged by Andrew Weissman at 1400 New York Ave, Washington, DC.

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UNCLASSIFIED//FOUO

Title: (U//FOUO) Meeting with AP Reporters.

Re: [REDACTED] 05/11/2017

The purpose of the meeting, as it was explained to SSA Greenaway, was to obtain documents from the AP reporters that were related to their investigative reports on Paul Manafort. However, after the meeting was started and it was explained to the reporters that there was nothing that the FBI could provide to them, the reporters opted to ask a series of questions to see if the FBI would provide clarification. No commitments were made to assist the reporters in their further investigation into the life and activities of Paul Manafort and the AP reporters understood that the meeting would be off the record.

The reporters advised that their next report, which was scheduled to come out in the next day or so after the meeting, would focus on confirming, to the extent that they could payments in the so called "black ledger" that were allegedly made to Manafort. The evidence that they were able to find confirmed that the NeoCom payments documented in the ledger which was a \$455,249 + \$1 payment were transferred into a Wachovia Account in the 2007 to 2009 time frame. They also mentioned the company Graten Alliance as being another company that was linked to funds sent to Manafort.

The AP reporters also discussed their interviews in Cyprus. They reiterated what they had written in their article, which was a response from the Cypriot Anti-Money Laundering Authority (MOKAS) that they had fully responded to Department of Treasury agents in response to their request. The AP reporters were interested in how this arrangement worked and if the U.S. had made a formal request. FBI/DOJ did not respond, but Andrew Weissman suggested that they ask the Cypriots if they had provided everything to which they had access or if they only provided what they were legally required to provide.

The AP reporters briefly discussed Manafort's relationship with Ukrainian Oligarch Rinat Akhmetov. According to the AP reporters, Manafort had done work for Akhmetov back in the early years of his time as a political consultant in Ukraine. Based on their research, Akhmetov, who they described as running in the same circles as Oleg

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Title: (U//FOUO) Meeting with AP Reporters.

Re: [REDACTED] 05/11/2017

Deripaska, was introduced to Manafort by a U.K. person named [REDACTED]
[REDACTED] (Agent's Note - [REDACTED])

The AP reporters asked about FARA violations and they were generally told that they are enforceable.

The AP reporters then discussed Manafort's time in Ukraine. According to them, they had seen internal U.S. work product that had been sent to Ukraine. The product was described as an internal White House document. It was not clear if the document was classified. There was a note attached to the document that asked for limited distribution that was signed by Manafort.

The AP reporters asked if there had been any official requests to other countries. FBI/DOJ declined to discuss specifics, except to state that the Mutual Legal Assistance Treaty requests are negotiated by diplomats, so they should remain at that level.

The AP reporters advised that they had located a storage facility in Virginia that belonged to Manafort. They had developed information indicating that there were boxes of records that were from the 1990(s) potentially to the present. The records included his time working for the Party of Regions in Ukraine, as well as records and other materials from his "film career" where he made a film using Puerto Rican film tax credits. The film was called "Successful Vanquishing."

As far as they could determine, Manafort had not actually been in the storage locker for several years. Their understanding is that it was back in 2012 or 2013 when Manafort last accessed the locker. The code to the lock on the locker is 40944859. The reporters were aware of the Unit number and address, but they declined to share that information. Their information indicated that the payments for the locker were made from the DM Partners account that received money from the Party of Regions.

The impression that their sources give is that Manafort was not precise about his finances, specifically as it related to the "black

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

Title: (U//FOUO) Meeting with AP Reporters.

Re: [REDACTED] 05/11/2017

ledger." The AP reporters calculated that he received \$60 to \$80 million from his work in Ukraine, during the time period the ledger was kept. According to their review of the ledger, it appears that there is a slightly lesser amount documented based on all of the entries. The AP reporters accessed a copy of the ledger on line, describing it as "public" document (Agent's note - the ledger has been published in its entirety by the National Anti-Corruption Bureau of Ukraine, after it was given to them by Sergei Leshenko, Ukrainian RADA member and investigative reporter.)

The AP reporters discussed several entries or individuals that they felt should be followed up on:

1) A \$50,000 payment to [REDACTED] and [REDACTED] (Agent's Note - See attached D&B registration and Leagle entry.) According to what they could determine, the store is now closed and there are several lawsuits pending against it. In addition, it is not the type of men's store where you could spend that much money on men's clothing.

2) [REDACTED] and his relationship to both Deripaska and [REDACTED] ([REDACTED] allegedly met [REDACTED] in December 2006.) According to their sources, [REDACTED] introduced Manafort to Deripaska in 2007, on a yacht off the coast of Montenegro. During the meeting, Deripaska allegedly contracted or engaged Manafort to assist the Montenegrin politicians with their independence from Serbia, including supporting the former Prime Minister/President who was leading the secession campaign. Deripaska's interest was in the aluminum factory that was in Montenegro. Allegedly, Deripaska also contracted or facilitated Manafort's work in Ukraine. The meeting on the Yacht was a negotiation to decide who would be paying for what.

As an aside, the AP reporters advised that Deripaska's current lawyer is threatening to sue them over their article about his relationship with Manafort. His lawyer is a NFI Schiller from Schiller, Boies (Agent's note - Boies, Schiller, Flexner's main office is New York, NY.) Prior to the conversation with the lawyer, Deripaska took out a

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Title: (U//FOUO) Meeting with AP Reporters.

Re: [REDACTED] 05/11/2017

quarter page ad in *The Washington Post*, denying the AP report. (Agent's note - a copy of the denial is attached to this EC.) After they spoke to the lawyer, he took out a full page ad denying his relationship with Manafort.

3) The AP reporters suggested that [REDACTED] a Manafort employee in Ukraine, may have knowledge about the payments in the ledger. Allegedly, Manafort turned over everything to him when he left.

4) Loav Ltd., which is listed in the "black ledger," was incorporated in Delaware in 1992, possibly by Manafort.

5) NeoCom - The AP reporters questioned whether this company was incorporated solely to cover up money laundering, since their investigation had determined that the source of the computers was fictitious, although they did not provide any evidence to confirm this statement.

6) Kypros Chrysostomides from Cyprus - He is listed as owner or shareholder of some of the Manafort linked companies that they have been able to identify, including the some of the following: All Tech, Global, Yiakora, Leviathon Advisors, KKI Ltd. (Camans), Vernon View, Tignes Ltd., and Antes Management. As a result of the International Consortium of Investigative Journalists' (ICIJ) Panama Papers investigation, they determined that Deripaska also had companies that were incorporated by Chrysostomides and linked to Sperbank.

7) Seychelles FIU - They are investigating two companies linked to former President Victor Yanukovych. The companies are called Inter-Hold and Mono-Hold and they were also connected to Manafort, specifically as it related to Black Sea Cable.

8) Kyrgyzstan - Any relationship that Manafort may have had to Kyrgyzstan.

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9) Montenegrin Independence Campaign - The company Basic Element (Agent's Note - Basic Element is Deripaska's company.) may have provided some or all of the private equity that funded the Montenegrin Independence Campaign.

10) Black Sea Cable - The AP reporters did some investigation of this deal and in their opinion, the deal did not make good business sense. The company that they were buying, Black Sea Cable, was a very small operation in Odessa, Ukraine that was supposed to be the entree into the cable market for the region. The original investment was around 19-20 million dollars, which was then supposed to make Deripaska and Manafort a 60 million dollars NET gain. In their opinion this deal was likely not legitimate, since the original operation was not a good first investment platform because it lacked infrastructure or possibilities for expansion. They said that the estimate of the value was off by a value of ten, according to a source that they spoke to who was familiar with the company. They also said that the companies Inter-Hold and Mono-Hold were a part of the deal.

In their opinion, Manafort often promised more than he could deliver. Allegedly, when the Black Sea Cable deal fell through, Deripaska wanted to go after Manafort in court, but Yanukovich prevented him from pursuing any legal options against Manafort. Once Yanukovich was out of office, Deripaska filed suit against Manafort over this deal.

Allegedly, Manafort also over promised Deripaska when he signed his contract with him back in 2006 time frame. The contract, which they did not produce, allegedly included assistance with investments, as well as political advice, for proposed future work in the U.S. There is no indication that the AP reporters could find that Manafort facilitated any U.S. investments for Deripaska.

11) Konstantin Klimnic - Klimnic was one of Manafort's Ukrainian operatives/employees. He is allegedly associated with the Russian Intelligence Services.

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Re: [REDACTED] 05/11/2017

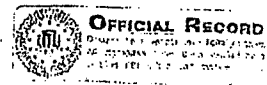
At the conclusion of the meeting, the AP reporters asked if we would be willing to tell them if they were off based or on the wrong track and they were advised that they appeared to have a good understanding of Manafort's business dealings.

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FD-1057 (Rev. 5-8-10)

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FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U) Meeting with Associated Press

Date: 05/05/2017

From: CRIMINAL INVESTIGATIVE

Contact: Jeffery Pfeiffer, [REDACTED]

Approved By: SSA MCEACHERN GEORGE W IV

Drafted By: Jeffery Pfeiffer

Case ID #: [REDACTED]

Synopsis: (U) The Associated Press requested a meeting with DOJ to discuss the captioned investigation.

Full Investigation Initiated: [REDACTED]

Details:

On April 11, 2017, several members of the FBI and DOJ met with reporters from the Associated Press (AP) at the offices of the Department of Justice located at 1400 New York Avenue, Washington DC. AP reporters were advised everything discussed during the meeting is considered 'off the record'. With any questions regarding the existence or status of any investigation DOJ or FBI has, AP was issued no comment. The following individuals were present during the meeting:

FBI:

SSA George McEachern

SSA Karen Greenaway

SA Jeff Pfeiffer

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Title: (U) Meeting with Associated Press

Re: [REDACTED] 05/05/2017

DOJ:

Trial Attorney Ann Brickley.

Chief Andrew Weissmann, DOJ Fraud Section

AUSA Shreve Ariel of the Eastern District of New York.

AP:

Chad Day, Jack Gillum, Ted Bridis, and Eric Tucker.

The reporters are investigating Paul Manafort, and wanted to ascertain the existence or status of the government's case on Manafort. The reporters provided information regarding their investigation, which follows:

- Manafort received money from Sergii Leshchenko, as indicated in the ledger that has been made public. AP has documentation showing the money was routed through a company in Belize called Neocom Systems. The money then went into a Wachovia account. This money came from the Party of Regions.

- AP believes Manafort is in violation of the Foreign Agents Registration Act (FARA), in that Manafort send internal U.S. documents to officials in Ukraine. AP has documentation proving this, as well as Manafort noting his understanding doing so would get him into trouble.

- AP asked about the U.S. government charging Manafort with violating Title 18, section 1001 for lying to government officials, and have asked if the FBI has interviewed Manafort. FBI and DOJ had no comment on this question.

- AP asked about DOJ's and FBI's knowledge and status of investigating a storage unit owned by Manafort in Alexandria, VA since 2012. The gate code to access this storage unit is 4094489. This storage unit may have damning information regarding Manafort's work in Ukraine for

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Re: [REDACTED] 05/05/2017

the Party of Regions. AP obtained this information from a source they have. DOJ and FBI had no comment.

- AP asked about any investigation into tax violations with which Manafort may be involved. AP determined Manafort has received between \$60 million to \$80 million through shell companies on which he has most likely not paid taxes.

- AP has information Manafort used some of the money from shell companies to buy expensive suits.

- An individual named [REDACTED] was named in a proposal from Manafort. [REDACTED] would be someone the FBI could interview, and he may be cooperative. [REDACTED] knows Oleg Deripaska. Deripaska made approximately \$66 million on the sale of Black Sea Cable. AP spoke with the former owner of Black Sea Cable, and was advised there is no way the company was worth that much.

- AP asked about any MLAT the U.S. government has issued to Cypress. DOJ and FBI had no comment.

- AP asked about DOJ's and FBI's knowledge of LOAV Limited, and its dealings with the Black Sea Cable. Manafort has used LOAV for several years. DOJ and FBI had no comment.

- AP asked about any money laundering investigation the FBI has on Manafort, especially using shell companies established in Cyprus. Some of the shell companies the AP mentioned were Alltech Management, Neocorra, KKI Limited, and Berunview Partners. FBI and DOJ had no comment.

- AP had information on shell companies located in the Seychelles that were used as Ukrainian money laundering vehicles, specifically for two companies called Intrahold and Monohold.

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Re: [REDACTED] 05/05/2017

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