

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF THE DISTRICT OF COLUMBIA**

UNITED STATES,

v.

**JEFFREY MCKELLOP,
Defendant.**

Crim. No. 21cr268-CJN

**DEFENDANT’S OPPOSITION TO GOVERNMENT’S
PROPOSED ORDER ESTABLISHING FILTER REVIEW PROTOCOL**

Defendant Jeffrey McKellop, by counsel, hereby files his opposition to the government’s Proposed Order Establishing Filter Review Protocol (Doc 99-1).

The first two sentences of the second paragraph on page 1 are surplusage and connote a finding of fact (that no member of the prosecution team was present during the subject search) not reached by the Court. These two sentences should be stricken from the Court’s order.

The first full paragraph on page 2 contains a typographical error. The first word at line 3, “team,” should be followed by a period and the next word, “but,” replaced with “The parties.”

The list of filings referenced in the first full paragraph on page 2 should include this one.

Para. (b)iii addresses any unintentional disclosure of a privileged document to a member of the prosecution team. This subsection should be augmented to include: “A member of the filter team shall immediately notify counsel for Defendant with particularity and in writing, of any such viewing of a privileged document by any member of the prosecution team.” This addition should be incorporated into the final sentence of para. (d)iii. The words “and noticed” should be added after the word “noted.”

Finally, undersigned believes the Court ruled during the June 23rd video status conference, that undersigned would receive a copy of any document (not a mere description thereof as in a document log) before its disclosure to the prosecution team. Consistent with undersigned's recollection, paragraph (e)vii should be modified at its third line to read: "(1) disclose the documents designated as non-privileged to counsel for the defendant..."

Respectfully submitted,

JEFFREY MCKELLOP

By Counsel

/s/
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Counsel for Jeffrey McKellop

Certificate of Electronic Service

I hereby certify that on July 5, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, with consequent service on all parties of record.

/s/
John C. Kiyonaga