



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ZA:SK/LHE/AK
F.#2014R00236

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 11, 2016

By Hand and ECF

The Honorable Margo K. Brodie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: In re Order Requiring Apple Inc. to
Assist in the Execution of a Search Warrant
Docket Nos. 15-MC-1902, 14-CR-387

Dear Judge Brodie:

The government respectfully submits this letter in response to Apple's letter dated March 11, 2016, requesting an extension of the briefing schedule and the briefing page limit in this case. For the reasons set forth below, the government respectfully requests that the Court adhere to the original briefing schedule set in this matter. The government has no objection to Apple's request to file a 45-page brief.

Apple requests that the Court extend the briefing schedule it set forth yesterday "in light of the ongoing litigation in the Central District of California and the fact that there is no special urgency in this matter." ECF No. 31 at 1. The California litigation, however, provides no basis for interposing delay in this matter. The litigation in California involves a different model of phone, with a different version of iOS, and a different request for relief. Apple itself has conceded those differences. See ECF No. 27 at 1 (Apple letter characterizing California litigation as requiring "more burdensome and involved engineering than that sought in" the instant case). Furthermore, the resolution of the California litigation, by a magistrate judge in a different district, will have no binding effect on this Court.

Moreover, while Apple is correct that Judge Orenstein did not rule on the pending application for several months, this Office maintains a legitimate interest in continuing its ongoing investigation into the underlying methamphetamine conspiracy and preparing for Feng's sentencing, which is currently scheduled for April 19, 2016. The information sought in the underlying search warrant is potentially relevant to both the ongoing investigation and the upcoming sentencing. The government wishes to avoid

unnecessary delay in obtaining data from Feng's phone because such delay has the potential to harm these legitimate law enforcement interests.

For the foregoing reasons, the government respectfully requests that the Court deny Apple's request for an extension of the briefing schedule in this case.

Respectfully submitted,

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