

# Exhibit J



Kelly Olivier <kolivier@halemonico.com>

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## FW: FBI Agent Depositions

1 message

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**web@halemonico.com** <web@halemonico.com>  
To: Kelly Olivier <kolivier@halemonico.com>

Tue, Feb 6, 2024 at 8:12 AM

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**From:** William Bazarek <web@halemonico.com>  
**Sent:** Thursday, July 20, 2023 10:17 AM  
**To:** Lorenzen, Donald <Donald.Lorenzen@usdoj.gov>  
**Cc:** Terrence M. Burns <tburns@reiterburns.com>; Paul A. Michalik <pmichalik@reiterburns.com>  
**Subject:** FBI Agent Depositions

Good morning Don – following up on below as to when you are available to confer. Since I last heard from you, the Court ruled that additional information of known informants should be produced in the litigation. For example, Daniel Hopkins' identity is known and his identity has been disclosed in FBI documents. Any objection of privilege for withholding information on him and other known informants has been overruled by the Court and is inapplicable. In addition, we understand that former Special Agent Patrick Smith was under investigation during Operation Brass Tax. In fact, Shannon Spalding described him as corrupt during her deposition and that she reported his misconduct to the powers that be. Is the FBI and your FBI contacts representing that Mr. Smith was not under investigation for allegations of misconduct that occurred during the time period he was assigned to Operation Brass Tax ? Lastly, did the Office of the Inspector General conduct any investigation into allegations of misconduct by any agents assigned to Operation Brass Tax, if so, please provide identifying information for that OIG investigation.

Thanks

WEB

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**From:** Lorenzen, Donald <Donald.Lorenzen@usdoj.gov>  
**Sent:** Thursday, July 6, 2023 12:13 PM  
**To:** William Bazarek <web@halemonico.com>  
**Cc:** Terrence M. Burns <tburns@reiterburns.com>; Paul A. Michalik <pmichalik@reiterburns.com>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Will do after I talk with my FBI attorney contacts.

Donald R. Lorenzen

Senior Litigation Counsel

Consumer Protection Branch

Department of Justice

Special Assistant United States Attorney

United States Attorney's Office

Northern District of Illinois

(312) 353-5330

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**From:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>  
**Sent:** Thursday, July 6, 2023 11:38 AM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Hi Don – thank you for getting back to us but I was out of the office last week. Let us know your availability to confer via teleconference.

Thanks

WEB

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**From:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Sent:** Wednesday, June 28, 2023 5:48 PM  
**To:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>  
**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Dear Bill,

Thank you for sharing your arguments. However, disclosure of payments to sources, either generally or specifically regarding any source who provided assistance to the FBI in the “Operation Brass Tax” investigation, is subject to the United States’ assertion of the Law Enforcement Privilege. We cannot authorize this testimony for the reasons stated in the United States’ briefing on the privilege because disclosure of such information would tend to disclose the identities of sources. Moreover, this disclosure would reveal FBI law enforcement technique, exposing how informants are paid, impairing how the FBI operates, and impacting current and future investigations. As such, current and former employees of the Department of Justice are prohibited from disclosing this information. See 21 C.F.R. Section 16.26(b)(5)).

In addition, the harms to federal law enforcement that would result from revealing this information are not justified by the proportionate needs of your clients’ defense. Defendants are free to question witnesses called regarding whether they were paid by any party for any role they played in any investigation. As explained in the United States’ brief, nothing a witness may say waives the governmental Law Enforcement Privilege over the government’s information. Questioning current or former law enforcement agents about who was paid for investigatory assistance, and how much they were paid, would necessarily involve identification of sources and would seriously and unnecessarily impair the use of former, current, and future sources, and is therefore subject to the government’s claim of privilege. Moreover, this is a civil case in which *Brady* and *Giglio* considerations are not at issue.

With regard to alleged “investigatory misconduct,” the FBI has reviewed this issue and found no record of any allegation of investigatory misconduct by FBI personnel arising from conduct taken in furtherance of the “Operation Brass Tax” investigation. Accordingly, we do not intend to allow questioning regarding alleged misconduct.

We are willing to confer regarding these topics.

Don

Donald R. Lorenzen

Senior Litigation Counsel

Consumer Protection Branch

Department of Justice

Special Assistant United States Attorney

United States Attorney’s Office

Northern District of Illinois

(312) 353-5330

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**From:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>

**Sent:** Thursday, June 22, 2023 1:17 PM

**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>

**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>

**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Good afternoon, Don - In summary, the FBI investigation in Operation Brass Tax assisted by CPD’s Internal Affairs Division is relevant to the Watts Coordinated Pretrial Proceedings based on the allegations in plaintiffs’ complaints. Any money, payments for services, expense reimbursements or other things of value paid to informants (who are witnesses in this litigation) in Operation Brass Tax are relevant to the claims and defenses in the Watts Coordinated Pretrial proceedings. Such payments made by the United States to informants is information directly relevant to the credibility of an informant. Just as such information would be considered Brady or Giglio material in a criminal prosecution, it is relevant to the Watts Coordinated Proceedings to the extent the informants’ credibility and motives are at issue as they have made allegations against certain individual defendants. Allegations of investigatory misconduct by F.B.I. agent(s) during Operation Brass Tax is also relevant. Allegations have been elicited during discovery that investigatory misconduct and “corruption” within the F.B.I. compromised and adversely affected the outcome of the investigation. Some of this information has also been publicly reported. On that same topic, please also let us know if the Office of the Inspector General conducted an investigation into allegations of agent(s) misconduct during Operation Brass Tax. Lastly, kindly provide authoritative legal support as to why these two topics are off limits at agent depositions.

Regards

WEB

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**From:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Sent:** Wednesday, June 21, 2023 3:16 PM  
**To:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>  
**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Thanks, Bill. Would you please share why you think that these matters would be relevant to the case. Ordinarily, that would be part of the Touhy request. But the Touhy request and subpoenas for depositions that we received came from the plaintiffs, so they did not address these issues.

I don't understand the last sentence of your email, but I'm sure that Terry and Paul will fill me in.

Thank you,

Don

Donald R. Lorenzen  
Senior Litigation Counsel  
Consumer Protection Branch  
Department of Justice  
  
Special Assistant United States Attorney  
United States Attorney's Office  
Northern District of Illinois  
(312) 353-5330

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**From:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>  
**Sent:** Wednesday, June 21, 2023 1:33 PM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Hi Don – two of the matters that you highlighted in your June 8, 2023 correspondence to Mr. Hike, investigatory misconduct by FBI agents during the investigation and money and benefits provided by the U.S./DOJ to informants.

Counsel for the City of Chicago also want to discuss depositions of certain CPD members assigned to Internal Affairs who worked on Operation Brass tax.

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**From:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Sent:** Tuesday, June 20, 2023 5:44 PM  
**To:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>  
**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

In preparation, would you please email me your positions regarding the response we sent in response to the Touhy request?

Thank you.

Don

Donald R. Lorenzen  
Senior Litigation Counsel  
Consumer Protection Branch  
Department of Justice  
  
Special Assistant United States Attorney  
United States Attorney's Office  
Northern District of Illinois  
(312) 353-5330

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**From:** William Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>  
**Sent:** Tuesday, June 20, 2023 2:19 PM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>  
**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Hi Don – have do you have availability for meet and confer on FBI agent deposition topics tomorrow after 1:30 p.m. or Thursday afternoon with the exception of 3-4 p.m.

Thanks

**William E. Bazarek**

Partner

Hale & Monico LLC

53 W. Jackson Blvd.

Suite 334

Chicago, Illinois 60604

(312) 870-6902

[web@halemonico.com](mailto:web@halemonico.com)

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**From:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>

**Sent:** Tuesday, June 20, 2023 1:46 PM

**To:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>

**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; Eric Palles <[epalles@daleymohan.com](mailto:epalles@daleymohan.com)>; Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; Joel Flaxman <[jaf@kenlaw.com](mailto:jaf@kenlaw.com)>; Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>

**Subject:** RE: [EXTERNAL] Re: In Re Watts - Touhy Letter

Wally,

Regardless, we will need to change the dates since the week of July 10 will not work. We expect, however, to be able to offer some dates during the weeks of July 17 or 24. I'll let you know as soon as I hear what will work for the agents.

Also, has Patrick Smith been served?

Thanks,

Don

Donald R. Lorenzen

Senior Litigation Counsel

Consumer Protection Branch

Department of Justice

Special Assistant United States Attorney

United States Attorney's Office

Northern District of Illinois

(312) 353-5330

---

**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>

**Sent:** Friday, June 16, 2023 7:10 PM

**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>

**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; Eric Palles <[epalles@daleymohan.com](mailto:epalles@daleymohan.com)>; Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; Joel Flaxman <[jaf@kenlaw.com](mailto:jaf@kenlaw.com)>; Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>

**Subject:** Re: [EXTERNAL] Re: In Re Watts - Touhy Letter

Don,

When we served notice of subpoenas on Hart and Henderson, I offered that we could tweak the dates if they need. That said, the dates aren't placeholders and we expect to proceed then unless they offer others. Please let us know if they will offer nearby alternative dates or if the depositions proceed as noticed and served. Thanks.

On Wed, May 24, 2023, 3:32 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Thanks, Don. The next status is June 15, so let's leave time to confer - if it's necessary - before then.

On Wed, May 24, 2023, 5:26 PM Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)> wrote:

Wally,

We understand and appreciate the court's position and request to our office. With that in mind, will provide you with a written response to the list of topics the parties would like to explore in the depositions you have sought. After that, and assuming that the parties are not satisfied with our response, we will be available to meet and confer on issues which do not depend upon the court's ruling on our motion.

Best regards,

Don

Donald R. Lorenzen

Senior Litigation Counsel

Consumer Protection Branch



Department of Justice

Special Assistant United States Attorney

United States Attorney's Office

Northern District of Illinois

(312) 353-5330

---

**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>

**Sent:** Tuesday, May 23, 2023 3:50 PM

**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>

**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; [epalles@daleymohan.com](mailto:epalles@daleymohan.com); Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; [jaf@kenlaw.com](mailto:jaf@kenlaw.com); Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>

**Subject:** Re: [EXTERNAL] Re: In Re Watts - Touhy Letter

Don,

Last week, the Court in the consolidated Watts cases entered an order regarding the deposition subpoenas your office has accepted for Hart and Henderson. The Court requested that your office confer with the attorneys in this case on any objections that you have not already briefed and participate in the next status hearing. I'm attaching the order.

Could you please offer times to confer prior to our next status hearing regarding any additional objections your office may raise to our deposition subpoenas? Thank you.

On Thu, May 4, 2023 at 3:22 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Don - thanks for the email. We want to work cooperatively to resolve any issues about the pending depositions and thank you for approaching the issue in a spirit of cooperation with us.

With this email, I'm serving Henderson and Hart with deposition subpoenas for July 10 and July 11, attached. We can tweak the dates if you or they need. We'll work on serving Smith separately.

Regarding your response, neither the parties nor the US has any control over when the court will rule on your client's pending motion. Although we don't believe the Touhy regulations apply under applicable case law here, we're willing to try to work out any disputes about the scope of testimony in good faith if we can do so without prejudicing our clients' interests. We started this process more than six months ago when we sent relevancy statements at your request - and followed up on them - but we haven't gotten a response.

We hope that you'll meet with us before these depositions to try to resolve any issues in advance. If the Court rules soon, we may have more information about how it is likely to resolve other issues. In particular, if you have any other objections than law enforcement privilege over confidential sources' identities, we'd appreciate it if you

can identify them soon so we can discuss them. Because we haven't conferred, we still don't know if you will be raising any additional issues that might require the Court's attention.

On Wed, May 3, 2023 at 6:37 PM Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)> wrote:

Wally,

When you emailed me yesterday about what you described below as "our discovery deadline" I assumed that you were facing an impending court-ordered discovery cutoff date. I called you immediately to assure you that it was neither our intention nor our desire to put the parties at risk of not completing discovery. I asked you to call me so that we would cooperate with you to make sure that didn't happen.

But when you called today, you told me that there was, in fact, no set discovery cutoff date. You then said that it was your worries regarding an October trial date that explained why you were demanding a meet and confer conference on short notice and before the court's ruling on our motion.

I told you that I was confident that the court would rule soon and would not push a case to trial before the parties have a chance to resolve discovery issues. I offered to cooperate with you to make sure that didn't happen. I told you that our several of our FBI representatives were unavailable this week, but that I had shared your emails with them.

That said, I also told you that it was not fair to demand a meeting to resolve discovery issues before the court rules, that doing so would result in piecemeal discussions and a waste of time, and that demanding this result did not respect the United States' status as a third-party to this litigation. I asked you for faith that the United States would not put the parties in jeopardy of failing to complete discovery, and I asked you not to start an email campaign that would also waste our time.

Although I didn't persuade you to honor the latter request, I'm still hopeful regarding the first. In that vein, I assure you that once the court rules, we will (1) promptly provide you with the United States' written position on the very long list of topics the parties seek to make the subject of deposition testimony; and (2) that we will promptly attempt to resolve any disagreements the parties may have with our response. That includes participation in a "meet and confer" conference if one is necessary.

Don Lorenzen

Donald R. Lorenzen

Senior Litigation Counsel

Consumer Protection Branch

Department of Justice

Special Assistant United States Attorney

United States Attorney's Office

Northern District of Illinois

(312) 353-5330

---

**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>  
**Sent:** Wednesday, May 3, 2023 2:09 PM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; [epalles@daleymohan.com](mailto:epalles@daleymohan.com); Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; [jaf@kenlaw.com](mailto:jaf@kenlaw.com); Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>  
**Subject:** Re: [EXTERNAL] Re: In Re Watts - Touhy Letter

Don - thanks for the call. My understanding is that you currently won't agree to meet and confer with us on the relevancy issues. You mentioned you wanted to talk more to your client. If you're willing to meet and confer on the topics for these depositions—which again, we don't think needs to wait for any ruling by the Court—please let me know.

I explained that we think we can make progress on the relevancy statements which are separate from any privilege issues. Your position, as I understand it, is that conferring before the privilege decision currently before the Court is decided would be piecemeal and unproductive.

The next status hearing is May 17.

On Tue, May 2, 2023 at 5:20 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

If I'm right, we don't know when that ruling is coming, so with our discovery deadline we can't delay our meet and confer indefinitely. We'd like to get the ball rolling.

If you're willing to meet, please offer dates within the next week so we can advise the Court on where we stand. If your final position is you won't meet before the ruling, please let us know. Thanks.

On Tue, May 2, 2023 at 4:06 PM Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)> wrote:

Wally,

I'm sorry, but we would like to wait until the court rules on our motion before meeting to discuss our differences. That ruling will inform our positions and will help us determine where disagreements exist. Similarly, we will provide a written response to your request for deposition testimony and the list of topics that defendants would like to explore in any deposition. Afterwards, we will know where the court stands, what disagreements exist, and we will be able to have a meaningful meet and confer conference if that is necessary.

Please don't interpret this as a rejection of your offer to meet and confer. It is not. But your demand for such a meeting at this time is premature. We will promptly offer dates to meet and discuss the issues once the issues have been clarified by the court's ruling.

Don

Donald R. Lorenzen  
Senior Litigation Counsel  
Consumer Protection Branch  
Department of Justice

Special Assistant United States Attorney  
United States Attorney's Office  
Northern District of Illinois  
(312) 353-5330

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**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>  
**Sent:** Tuesday, May 2, 2023 8:47 AM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; epalles@daleymohan.com; Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; jaf@kenlaw.com; Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>  
**Subject:** Re: [EXTERNAL] Re: In Re Watts - Touhy Letter

Don and all - we'd like to schedule a meet and confer on the FBI agent depositions, where we understand that the FBI may have objections to the topics. Since the FBI has our positions and topics, we'd like to resolve as much as we can and understand our positions so we can update the Court.

We are available this Thursday at noon at the below dial-in. If that doesn't work, please offer other times. Thank you.

Call: (412) 679-5239  
Passcode: 7698748#

On Fri, Apr 28, 2023 at 4:10 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Thank you, Don. Have a good weekend.

On Fri, Apr 28, 2023 at 4:07 PM Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)> wrote:

Wally,

We can accept service of process for Henderson and Hart. I hope to know more regarding Smith next week.

Don

Donald R. Lorenzen  
Senior Litigation Counsel  
Consumer Protection Branch  
Department of Justice

Special Assistant United States Attorney  
United States Attorney's Office  
Northern District of Illinois  
(312) 353-5330

---

**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>  
**Sent:** Thursday, April 27, 2023 5:37 PM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; [epalles@daleymohan.com](mailto:epalles@daleymohan.com); Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; [jaf@kenlaw.com](mailto:jaf@kenlaw.com); Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>  
**Subject:** Re: [EXTERNAL] Re: In Re Watts - Touhy Letter

Thanks, Don, and thanks for letting us know whether you hear back this week.

On Thu, Apr 27, 2023 at 3:36 PM Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)> wrote:

Wally,

I passed your email on to folks at FBI on Tuesday, shortly after you sent it. They are reaching out to the agents regarding whether we may accept service, but I haven't heard from them yet. I'll let you know as soon as I do, and by the end of this week if I hear from them by then.

Sadly, we have learned that Special Agent Julie Anderson passed away a few days ago.

Regarding your offer to confer, I expect that we will need to do that. But because we are waiting for the court's decision on our assertion of the law enforcement privilege, we think it would be more productive to wait until after the court's ruling.

Thanks,

Don

Donald R. Lorenzen

Senior Litigation Counsel

Consumer Protection Branch

Department of Justice

Special Assistant United States Attorney

United States Attorney's Office

Northern District of Illinois

(312) 353-5330

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**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>

**Sent:** Tuesday, April 25, 2023 5:17 PM

**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>

**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Theresa Kleinhaus <[tess@loevy.com](mailto:tess@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Gianna Gizzi <[gizzi@loevy.com](mailto:gizzi@loevy.com)>; Ahmed A. Kosoko <[kosokoa@jbltd.com](mailto:kosokoa@jbltd.com)>; [epalles@daleymohan.com](mailto:epalles@daleymohan.com); Megan McGrath <[mkm@ilesq.com](mailto:mkm@ilesq.com)>; [jaf@kenlaw.com](mailto:jaf@kenlaw.com); Bill Bazarek <[web@halemonico.com](mailto:web@halemonico.com)>; Paul A. Michalik <[pmichalik@reiterburns.com](mailto:pmichalik@reiterburns.com)>; Allyson West <[awest@halemonico.com](mailto:awest@halemonico.com)>; Brian Stefanich <[bstefanich@halemonico.com](mailto:bstefanich@halemonico.com)>; Terrence M. Burns <[tburns@reiterburns.com](mailto:tburns@reiterburns.com)>

**Subject:** Re: [EXTERNAL] Re: In Re Watts - Touhy Letter

Don - please let me know this week if you'll accept service for deposition subpoenas for the FBI agents in this thread. Otherwise we'll locate and serve them. We're available to confer on any issues that you need to address regarding our lists of topics and relevancy statements. Thanks.

On Mon, Oct 31, 2022 at 11:27 AM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Don - just following up on this. Thank you.

On Mon, Oct 17, 2022 at 4:15 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Don,

The Defendants have sent us the attached list of additional topics for the depositions of the FBI agents noticed in our subpoena.

Can you let us know if the agents will accept service through you or if we need to serve them separately, and whether you'll want to confer further on the topics?

Thank you,

Wally

On Tue, Sep 27, 2022 at 3:44 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Thanks, Don. I've reached out to the other parties to confer, and will keep you posted.

On Tue, Sep 27, 2022 at 2:04 PM Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)> wrote:

Hi Wally,

Nice talking to you today. This confirms that I did receive the Touhy letter and subpoenas you sent. As soon as possible, I'll get back to you on whether we can accept service on behalf of the agents. In the meantime, I think that it would be great idea for plaintiffs and defendants counsel to confer on and, hopefully agree to a scope statement for these depositions. It will help in this regard if you keep the Touhy regulations in mind. 28 C.F.R. Sections 16.22 – 16.28.

Feel free to call me at the number below if you have questions or concerns.

Thanks,

Don

Donald R. Lorenzen  
Senior Litigation Counsel  
U.S. Department of Justice  
Consumer Protection Branch  
Special Assistant U.S. Attorney  
Office of the United States Attorney  
Northern District of Illinois  
(312) 353-5330

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**From:** Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)>  
**Sent:** Friday, September 23, 2022 10:50 AM  
**To:** Lorenzen, Donald <[Donald.Lorenzen@usdoj.gov](mailto:Donald.Lorenzen@usdoj.gov)>  
**Cc:** Scott Rauscher <[scott@loevy.com](mailto:scott@loevy.com)>; Josh Tepfer <[josh@loevy.com](mailto:josh@loevy.com)>; Lilia Martinez <[martinez@loevy.com](mailto:martinez@loevy.com)>; Sean Starr <[sean@loevy.com](mailto:sean@loevy.com)>  
**Subject:** [EXTERNAL] Re: In Re Watts - Touhy Letter

Mr. Lorenzen,

Good morning. Just wanted to confirm that these were received and whether we ought to also send them to anyone else at DOJ.

Thank you,

Wally

On Wed, Sep 14, 2022 at 5:07 PM Wally Hilke <[hilke@loevy.com](mailto:hilke@loevy.com)> wrote:

Mr. Lorenzen,

Attached is a *Touhy* letter and supporting documentation regarding deposition subpoenas for four current or former FBI agents. They relate to our clients' civil cases regarding their wrongful convictions at the hands of former CPD Sergeant Ronald Watts and his crew in *In re Watts Coordinated Pretrial Proceedings*, Case No. 19-cv-01717 (N.D. Ill.).

Please let me know if it would be helpful to discuss or if we should direct this request elsewhere within the US Attorneys' Office.

Sincerely,

Wally

--

Wally Hilke

Loevy & Loevy

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[Chicago, IL 60607](#)

[872.772.1926](tel:872.772.1926)



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