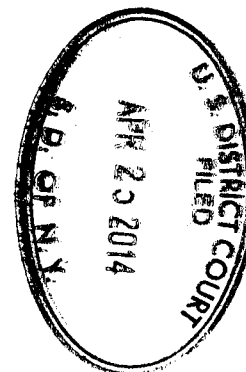


DOC # 97

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In the Matter of a Warrant to Search a  
Certain Email Account Controlled and  
Maintained by Microsoft Corporation

M9-150  
13 Mag. 2814



**GOVERNMENT'S MEMORANDUM OF LAW  
IN OPPOSITION TO MICROSOFT'S MOTION  
TO VACATE EMAIL ACCOUNT WARRANT**

**PREET BHARARA**  
United States Attorney for the  
Southern District of New York  
*Attorney for the United States  
of America*

**LORIN L. REISNER  
THOMAS G. A. BROWN  
JUSTIN ANDERSON**  
Assistant United States Attorneys  
*Of Counsel*

# **EXHIBIT A**

UNITED STATES DISTRICT COURT

for the Southern District of New York

13 MAG 2814

In the Matter of the Search of (Briefly describe the property to be searched or identify the person by name and address)

Case No.

The PREMISES known and described as the email account @MSN.COM, which is controlled by Microsoft Corporation

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the WESTERN District of WASHINGTON (identify the person or describe the property to be searched and give its location): The PREMISES known and described as the email account @MSN.COM, which is controlled by Microsoft Corporation (see attachments).

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): See attachments.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before December 18, 2013 (not to exceed 14 days)

[x] in the daytime 6:00 a.m. to 10 p.m. [ ] at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to the Clerk of the Court.

[x] Upon its return, this warrant and inventory should be filed under seal by the Clerk of the Court. JCF USMJ Initials

[x] I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) [x] for 30 days (not to exceed 30).

[ ] until, the facts justifying, the later specific date of

Date and time issued: December 4, 2013 4:30 pm

James C. Francis IV Judge's signature

City and state: New York, NY

Hon. James C. Francis IV, Magistrate Judge, SDNY Printed name and title

<b>Return</b>		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		
<b>Certification</b>		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the Court.		
Date: _____	_____	_____
		<i>Executing officer's signature</i>
		_____ <i>Printed name and title</i>

ATTACHMENT A

Property To Be Searched

This warrant applies to information associated with  
[REDACTED]@msn.com, which is stored at premises owned,  
maintained, controlled, or operated by Microsoft Corporation, a  
company headquartered at One Microsoft Way, Redmond, WA 98052.

ATTACHMENT C

Particular Things To Be Seized

I. Information To Be Disclosed By MSN [REDACTED]:

To the extent that the information described in Attachment A for MSN, [REDACTED], is within the possession, custody, or control of MSN [REDACTED], then MSN [REDACTED] is required to disclose the following information to the Government for each account or identifier listed in Attachment A [REDACTED] (the "TARGET ACCOUNT") for the period of inception of the account to the present:

- a. The contents of all e-mails stored in the account, including copies of e-mails sent from the account;
- b. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the types of service utilized, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files,

and means and sources of payment (including any credit or bank account number);

- c. All records or other information stored by an individual using the account, including address books, contact and buddy lists, pictures, and files;
- d. All records pertaining to communications between MSN [REDACTED] and any person regarding the account, including contacts with support services and records of actions taken.

## II. Information To Be Seized By The Government

A variety of techniques may be employed to search the seized e-mails for evidence of the specified crimes, including but not limited to keyword searches for various names and terms including the TARGET SUBJECTS, and other search names and terms; and email-by-email review.

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 21, United States Code, Sections 846, 959, 960, and 963, Title 46, United States Code, Section 70503, and Title 18, United States Code, Section 1956, including, for each account or identifier listed on Attachment A [REDACTED], information pertaining to the following matters:

- a. Any communications:

1. Pertaining to narcotics, narcotics trafficking, importation of narcotics into the United States, money laundering, or the movement or distribution of narcotics proceeds;

2. [REDACTED]  
[REDACTED];

3. Pertaining to the use of ports or other places of entry to receive or ship narcotics or narcotics proceeds;

4. Related to the physical location of the TARGET SUBJECTS and their co-conspirators;

5. Constituting evidence of who uses the TARGET ACCOUNT, and where they live and work, and where they are using the TARGET ACCOUNT; and

6. Constituting information relating to who created, used, or communicated with the account or identifier, including records about their identities and whereabouts.