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VIA FAX (212) 805-4268

Honorable Gabriel Gorenstein
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, NY 10007

Re: United States v. Rombom, 06 MAG 1039

Dear Magistrate Judge Gorenstein:

By this letter, defendant Steven Rombom, joined in this application by Albert Santoro, defendant in United States v. Santoro, 03 Cr. 484 (TPG), requests that the Court issue an order directing the impoundment of a Treo¹ electronic device seized from Mr. Rombom, along with any other data storage devices seized from Mr. Rombom. We are making this request to prevent the Government from searching these items, which contain attorney work product generated during Mr. Rombom's work on the Santoro case, pending judicial resolution of any motions regarding these items.²

¹Mr. Rombom's Treo is an electronic device which performs many functions, including email, cellular phone communications, and calendar.

²Mr. Rombom will be filing a motion alleging, among other things: (1) that his arrest was the product of an illegally obtained arrest warrant in that the Government intentionally misled the Magistrate Judge who issued it; (2) there is not probable cause to believe that the item(s) at issue contain evidence of a crime; (3) the item(s) at issue are covered by work product privilege; and (4) Judge Griesa already declined to enforce, prior to the Santoro trial, a grand jury subpoena covering the items at issue. Mr. Santoro will be filing a