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December 14, 2018

Via CM/ECF and Hand Delivery

Honorable Mary F. Walrath
United States Bankruptcy Court for the District of Delaware
824 North Market Street
5th Floor, Courtroom #4
Wilmington, DE 19801

**Re: *In re The Weinstein Company Holdings LLC, et al.*, Case No. 18-10601—
Harvey Weinstein’s Motion for an Order Permitting Use of Documents
Produced Under 2004 Order [D.I. 1829]**

Dear Judge Walrath:

This firm represents Harvey Weinstein in connection with the above-referenced bankruptcy cases. We write to inform the Court of a recent filing made in the civil action captioned *Louissette Geiss v. The Weinstein Company Holdings LLC, et al.*, Case No. 1:17-cv-09554 (the “**Geiss Action**”), pending in the U.S. District Court for the Southern District of New York (the “**S.D.N.Y.**”).

As this Court is aware, on December 6, 2018, Mr. Weinstein filed his *Motion for an Order Permitting Use of Documents Produced Under 2004 Order* [D.I. 1829] (the “**Motion**”), by which he sought permission to use the e-mails produced by the Debtors under previous orders of this Court in connection with the defense of certain pending civil litigation and insurance coverage actions. On the same date, Mr. Weinstein also filed a motion (the “**Motion to Shorten**”) asking that the Court expedited consideration of his Motion and set it for hearing at the already scheduled December 17, 2018 omnibus hearing. The next morning, counsel to the Official Committee of Unsecured Creditors contacted chambers by e-mail—without copying Mr. Weinstein’s counsel—and indicated that “the Committee and/or certain of its members will be filing an objection to [the Motion to Shorten].” At 5:00 p.m. on December 10, 2018, counsel to Louissette Geiss (plaintiff in the Geiss Action) filed an objection (the “**Geiss Objection**”) to the Motion to Shorten, to which Mr. Weinstein replied the same night. The Geiss Objection raised only issues with the expedited timing requested by the Motion to Shorten and did not even allude to a substantive, legal basis on which Ms. Geiss objects to the relief sought by the Motion. On December 12, 2018, this Court entered an order denying the Motion to Shorten and setting a hearing on the Motion for January 8, 2019.

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As the Court is likely aware, in the months leading up to Mr. Weinstein's filing of the Motion and the Motion to Shorten, Ms. Geiss (through her counsel) has been actively involved in the negotiations and hearings regarding Mr. Weinstein's use of the e-mails produced to him by the Debtors. Ms. Geiss's counsel appeared and argued at the telephonic hearing held on August 2, 2018, at which the Court permitted Mr. Weinstein to use certain e-mails in defense of the criminal charges against him. She again appeared and argued at the telephonic hearing held on November 27, 2018, at which the Court granted Mr. Weinstein further use of all the e-mails produced to him in connection with his defense of the criminal charges brought against him. Prior and subsequent to the November 27 hearing, Ms. Geiss's counsel was included in Mr. Weinstein's efforts to confer and reach a consensual agreement and order permitting the use of the e-mails produced by the Debtors. At each juncture, Ms. Geiss's position has only been to insist that the Court prevent Mr. Weinstein from using exculpatory evidence to defend himself from the civil and criminal allegations levied against him. At no point has Ms. Geiss cited or asserted any privilege or other legal principal on which this Court, or any other, could restrict the use of the e-mails. Her goal is simply to prevent Mr. Weinstein from introducing evidence that would undermine her claims.

Subsequently—and notwithstanding the pendency of the Motion before this Court—on December 12, 2018, Ms. Geiss's counsel filed *Plaintiffs' Motion for Protective Order Regarding Victims' Communications Produced by the Weinstein Company to Harvey Weinstein* (the "**Motion for Protective Order**") in the S.D.N.Y.¹ By the Motion for Protective Order, Ms. Geiss asks the S.D.N.Y. to (i) order Mr. Weinstein to "produce all documents he received from Debtor[sic] relating to Plaintiffs and class members to [Ms. Geiss's counsel]" and (i) enter a "protective order" restricting Mr. Weinstein's use of materials produced to him under his Court's previous orders.

Mr. Weinstein believes that the filing of the Motion for Protective Order prior to this Court's adjudication of the Motion raises a number of troubling issues, including, without limitation: (i) whether this Court has jurisdiction over e-mails stored on the Debtors' servers, which this Debtors have argued are property of their estates; (ii) whether Ms. Geiss has violated the automatic stay by seeking an order in a different court restricting the use of such estate property; (iii) whether, by filing the Motion to for Protective Order in the S.D.N.Y. instead of this Court, Ms. Geiss is attempting to make an end run around this Court's ruling on the Motion; and (iv) whether the S.D.N.Y. has jurisdiction to issue a ruling affecting the property of the Debtors' estates.

¹ A copy of the Motion for Protective Order, and the memorandum of law and declaration in support thereof are attached to this letter as Exhibit A.

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Should the Court have any questions or concerns, undersigned counsel to Mr. Weinstein is available at the Court's convenience, including at the omnibus hearing currently scheduled to go forward on October 17, 2018 at 10:30 a.m.

Very truly yours,

/s/ Scott D. Cousins

Scott D. Cousins

Deadline