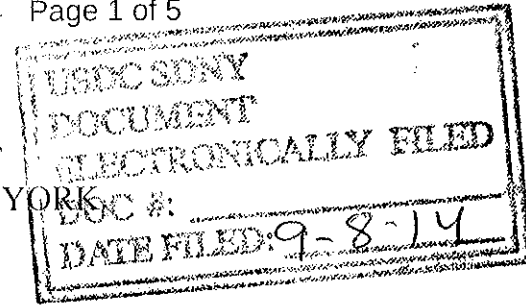


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



In the Matter of a Warrant to Search a
Certain E-Mail Account Controlled and
Maintained By Microsoft Corporation

Case Nos. 13-MAG-2814; M9-150

STIPULATION REGARDING CONTEMPT ORDER

In response to the Court's order of August 29, 2014, lifting the stay in execution of the July 31, 2014 order, the parties to this proceeding, Microsoft Corporation and the United States of America, hereby jointly stipulate:

1. Microsoft has not fully complied with the Warrant, and Microsoft does not intend to so comply while it in good faith seeks further review of this Court's July 31 decision rejecting Microsoft's challenge to the Warrant.
2. While Microsoft continues to believe that a contempt order is not required to perfect an appeal, it agrees that the entry of an order of contempt would eliminate any jurisdictional issues on appeal. Thus, while reserving its rights to appeal any contempt order and the underlying July 31 ruling, Microsoft concurs with the Government that entry of such an order will avoid delays and facilitate a prompt appeal in this case.
3. The parties further agree that contempt sanctions need not be imposed at this time. The Government, however, reserves its right to seek sanctions, in

addition to the contempt order, in the case of (a) materially changed circumstances in the underlying criminal investigation, or (b) the Second Circuit's issuance of the mandate in the appeal, if this Court's order is affirmed and Microsoft continues not to comply with it.


Accordingly, to facilitate appellate review of this Court's July 31 ruling, the parties jointly request that the Court enter the attached order.

Dated: September 4, 2014
New York, New York

Respectfully submitted,

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United States Attorney

By:


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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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Case Nos. 13-MAG-2814; M9-150

ORDER

In accord with the parties' joint stipulation, and to permit prompt appellate review of this Court's July 31 ruling, this Court holds Microsoft Corporation in contempt for not complying in full with the Warrant, and imposes no other sanctions at this time. The Government may seek sanctions in the case of (a) materially changed circumstances in the underlying criminal investigation, or (b) the Second Circuit's issuance of the mandate in the appeal, if this Court's order is affirmed and Microsoft continues not to comply with it.

SO ORDERED.

Dated: September 8, 2014

New York, New York


LORETTA A. PRESKA
Chief United States District Judge

CERTIFICATE OF SERVICE

Justin Anderson affirms, under penalty of perjury, that he is employed in the Office of the United States Attorney for the Southern District of New York, and that, on today's date, he caused a copy of this submission to be served by this Court's electronic filing system on counsel of record in this matter.

Dated: September 4, 2014
New York, New York


JUSTIN ANDERSON
Assistant United States Attorney
Tel: (212) 637-1035