



Wall Street Journal: Kobre & Kim Files Motion Challenging DOJ Use of Foreign-Evidence Requests

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The Wall Street Journal has reported on a motion filed by Kobre & Kim lawyers to force the Department of Justice to turn over information about their mutual legal-assistance treaty requests, or MLATs, after it was revealed by a former prosecutor that the DOJ may have been abusing these requests to buy themselves more time.

The lawyers said in their motion: “If these allegations are true, it would mean that, in a troubling display of hubris, the government perpetrated a fraud on this court while it purported to investigate the defendants for fraud.” By filing an application for foreign evidence, federal prosecutors could get federal judges to suspend the statute of limitations and give themselves more time to build a case, even when they had access to the information through other channels.

In this case, the firm is representing two former precious-metals traders at Bank of America Merrill Lynch accused of spoofing. This case is one of the ones mentioned by the former prosecutor as involving the misuse of MLAT. If the judge approves the motions and Kobre & Kim is able to uncover evidence supporting the allegations against the DOJ, then the government’s case could be severely damaged.

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