

or device that can access, view, obtain, store, or transmit digital data. In order to determine compliance, you agree to submit to a search of your person and property, including digital devices, by Supervising Agency, which may be in conjunction with law enforcement.

22. All digital devices will be subject to monitoring by Supervising Agency. You must comply with the rules and regulations of the of the Computer Monitoring Program and must pay the cost of the Computer Monitoring Program.

First, the defendants request that the Court allow Lorenzo Nourafchan to use proceeds from the sale of his business to fund legal fees for his brother, Nicolo Nourafchan. The source of these funds is not tainted by any allegation in this case, and the requested modification would not undermine any legitimate pretrial release purpose.¹ The Government takes no position on this request. The request is based on the requirement of notice and consent in the current conditions of release, par 11, as to expenditures other than “attorney fees” and, to the extent there is any uncertainty as to whether Lorenzo Nourafchan can already pay “attorney fees” for his brother as well as himself, the undersigned is giving the Court notice and seeking either (1) the Court’s consent, (2) a ruling that the current conditions permit such payment of “attorney fees” for his brother, or (3) a revision of the condition to expressly allow such payment. The purpose of the request is so Nicolo Nourafchan can retain counsel of his choice. **The Government has informed the counsel for Nicolo Nourafchan that it takes no position on this request and defers to the Court.**

Second, the digital device conditions are unnecessary and excessive as presently written. The defendants reside in California while this case is pending in Massachusetts. Their ability to

¹ The funds would come from the sale of the business, which are not proceeds of any allegation in this case. At most, they would be substitute assets, which cannot be restrained pretrial. *See United States v. Boyer*, 58 F. Supp. 3d 173, 175 (D. Mass. 2014) (“a majority of Circuit Courts of Appeals agree that § 853(e) does not authorize the government to restrain substitute assets prior to a conviction ...”).

communicate with counsel necessarily depends on electronic devices, email, messaging applications, cloud storage, and remote document exchange. Broad device searches, password disclosure requirements, and continuous computer monitoring risk intruding on privileged attorney-client communications and work product. These conditions are not narrowly tailored to any demonstrated risk and impose substantial burdens on the defendants' ability to assist in their defense. **The Government has assented to this request to the extent of having Nicolò Nourafchan obtain a newly set-up email address for the sole purpose of facilitating his communicating in confidence with the undersigned or other attorneys working jointly with the undersigned and counsel has agreed to provide Pretrial Services with the email address so it is treated by Pre-Trial Services separate from other pre-existing accounts.**

WHEREFORE, the defendants respectfully request that this Court allow this motion and modify their conditions of release accordingly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Martin G. Weinberg, hereby certify that on this date, May 12, 2026, a copy of the foregoing document has been served via Electronic Court Filing system on all registered participants.

/s/ Martin G. Weinberg

Martin G. Weinberg