UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

WAIVER

- V. -

18 Cr. 602 (WHP)

MICHAEL COHEN,

Defendant.

I, Michael D. Cohen, hereby declare:

- 1. I am the defendant in the above-captioned case.
- 2. I was previously represented by the law firm of McDermott, Will & Emery ("MW&E") in connection with the investigation that preceded this case (the "SDNY Investigation"), as well as in connection with investigations into alleged Russian influence in the 2016 presidential election.
- 3. During the period in which I was represented by MW&E, I was approached by Robert Costello, Esq., of the law firm of Davidoff, Hutcher & Citron, LLP ("DHC"). Costello sought to represent me in connection with the SDNY Investigation and presented me with a retainer agreement. I declined to sign the retainer agreement and informed him that I was already represented. Although I subsequently had several other conversations and communications with Costello, at no time did I

sign a retainer or otherwise agree to retain Costello, nor did I ever consider Costello (or any lawyer at DHC) to be my attorney.

- 4. Although I do not believe that any of my communications with Costello or other lawyers at DHC are subject to attorney-client privilege, I hereby waive whatever attorney-client or other privilege that might be argued have attached to such communications.
- 5. I have discussed the foregoing with my current counsel, and make this waiver knowingly and voluntarily.

Dated: February 7, 2019 New York, New York

MICHAEL COH

Michael Monico, Esq.

Attorney for MICHAEL COHEN