

## Haynes and Boone Wins Ruling Suppressing Evidence in Benjamin Wey Case

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June 14, 2017 Barry McNeil, Joseph Lawlor, Phong Tran

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PRACTICES Litigation

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Partner David Siegal and a team of Haynes Boone lawyers won a key federal court ruling June 13 on behalf of client Benjamin Wey, a high-profile private equity executive indicted for alleged securities fraud and other charges.

U.S. District Judge Alison Nathan granted Wey's motion to suppress evidence obtained by the U.S. government in 2012 searches of Wey's apartment and offices. The judge concluded that the government's searches violated Wey's Fourth Amendment right against illegal searches and seizures. In a 92-page ruling, the judge wrote that the search warrants "were plainly lacking the basic features called for by the Fourth Amendment's particularity requirement and whose scope, partially as a result, grossly exceeded the probable cause showing ultimately made to the Magistrate Judge."

"We are extremely pleased with the court's ruling," Siegal said. "The FBI made a clean sweep of Mr. Wey's home and office, scooping up virtually every document and electronic device in sight, including family medical records, x-ray films, PSAT score reports, photos of rural landscapes and college diplomas. The Judge properly rejected the Government's strained explanations as to why these items were seized. Judge Nathan's thoughtful, thorough analysis reaffirms that the Constitution protects citizens from invasive and abusive conduct by law enforcement."

The ruling has received extensive media coverage.

[Siegal told Reuters](#) that the government has "some hard decisions to make" in the wake of the ruling. A trial is scheduled for October.

Siegal has been assisted in the matter by a Haynes Boone team comprised of Dallas Senior Counsel [Barry McNeil](#), New York Associates Sarah Jacobson and [Joseph Lawlor](#) and Dallas Associate [Phong Tran](#).

### Links to coverage:

[Law360](#) (subscription required)

[New York Law Journal](#) - Executing Search Warrants in the Digital Age: 'United States v. Wey' (subscription required)

[New York Law Journal](#) - Federal Judge Grants Sweeping Suppression Motion in Wey Fraud Case (subscription required)

[New York Law Journal](#) - Nathan Order Adds to 'Mini-Tidal Wave' of Concern Over Warrants (subscription required)

[The New York Times](#) - F.B.I. Botched Evidence Collection in Fraud Case, Judge Rules

[The New York Times](#) - Mishandle a Fraud Search, and All That Fine Evidence Could Be for Nothing

[Reuters](#)