

EXHIBIT L

(Docket Entry No. 13)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
[REDACTED] AND
[REDACTED] WHICH ARE
STORED AT PREMISES CONTROLLED BY
GOOGLE

FILED *EX PARTE*

FILED UNDER SEAL

NO. 1:17-MJ-00619

GOVERNMENT'S MOTION FOR LIMITED UNSEALING

On April 17, 2019, the Court ordered the government to file a status report advising whether the Court's Memorandum Opinion dated November 9, 2017, may be unsealed in whole or in part. Pursuant to the Court's Order, the government files this Motion and respectfully requests that this Court issue an order unsealing the Court's Memorandum Opinion and Order, both dated November 9, 2017, in redacted form. The government requests that the Court's unredacted Memorandum Opinion and Order dated November 9, 2017, remain under seal. The government also requests that this Motion and any order on this Motion be placed under seal for all purposes. In support of its Motion, the government states as follows:

On November 7, 2017, the government filed an *ex parte*, sealed motion requesting authorization to review communications between George Higginbotham, who is an attorney, and Prakazrel Michel and his agents. The motion argued that this review was permissible notwithstanding Higginbotham's possible attorney-client relationship with Michel under the crime-fraud exception to the attorney-client privilege.

On November 9, 2017, this Court granted the motion and issued an Order and Memorandum Opinion stating that communications between Higginbotham and Michel (and their agents) "pertaining to the alleged schemes and crimes described in the government's motion are not privileged and, therefore, may be reviewed by the investigative team and used to confront the

subjects and targets of this investigation.” The Court also granted the government’s request to seal the crime-fraud motion and order.

On January 24, 2018, the Court granted a motion by the government to unseal the Court’s November 9, 2017, Order for the limited purpose of allowing the government to provide a copy of the Order to counsel for Higginbotham.

Since that time, Higginbotham pleaded guilty to one count of conspiracy to make false statements to a bank in violation of Title 18, United States Code, Section 371, on November 30, 2018, in the United States District Court for the District of Columbia. His plea agreement and factual basis was filed publicly (18-cr-343 (CKK)). On the same date, the government publicly filed a civil forfeiture complaint in the United States District Court for the District of Columbia seeking to forfeit millions of dollars the government previously seized during the course of its investigation of this matter (18-cv-2795). Given the public release of the information in those two cases, the government believes it is appropriate to unseal redacted versions of the Court’s Order and Memorandum Opinion dated November 9, 2017, which contain the same or substantially similar information to that made public in Higginbotham’s plea agreement and the civil forfeiture complaint.

The Court’s Memorandum Opinion dated November 9, 2017, however, also contains information that has not yet been made public in other proceedings, and that remains under investigation by the grand jury. As a result, the government believes that it is appropriate for that information to remain under seal consistent with the general rule of secrecy applicable to grand jury matters. *Cf. In re Sealed Case No. 98-3077*, 151 F.3d 1059, 1075 (D.C. Cir. 1998) (observing that “courts often use *in camera*, *ex parte* proceedings to determine the propriety of a grand jury

subpoena or the existence of a crime-fraud exception to the attorney-client privilege when such proceedings are necessary to ensure the secrecy of ongoing grand jury proceedings”).


Copies of the Court’s Order and Memorandum Opinion dated November 9, 2017, with the government’s proposed redactions are attached to this Motion as Exhibit A. The redactions in redline form are attached as Exhibit B.

Dated: May 17, 2019

Respectfully submitted,


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ORDER

Upon consideration of the government's Motion for Limited Unsealing, it is hereby

ORDERED that the government's motion is GRANTED; and it is further

ORDERED that this Court's Order and Memorandum Opinion dated November 9, 2017,
are unsealed in redacted format; and it is further

ORDERED that the Court's Order and Memorandum Opinion dated November 9, 2017,
in unredacted form, shall remain sealed for all other purposes; and it is further

ORDERED that this Order and the government's Motion for Limited Unsealing shall be
filed and maintained under seal, but such sealing is limited to permit disclosure by the government
to any parties to whom the government believes disclosure is required pursuant to law.

SO ORDERED.

Date: _____

THE HONORABLE BERYL A. HOWELL
Chief Judge