

EXHIBIT T

(Docket Entry No. 21)

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

Misc. Action No. 17-mj-619 (BAH)
Chief Judge Beryl A. Howell

ORDER

On November 9, 2017, a sealed Memorandum Opinion (“2017 Decision”) was filed in the instant sealed matter resolving the government’s motion to review certain communications. 2017 Decision, ECF No. 10. After limited unsealing, at the government’s request, of the 2017 Decision to certain targets of an ongoing investigation, *see* Order (Jan. 25, 2018), ECF No. 12, the Court directed the government to submit, by May 17, 2019, a status report advising whether the 2017 Decision may be unsealed to the public in whole or in part, Minute Order (Apr. 17, 2019). On May 20, 2019, the 2017 Decision was ordered partially unsealed, with a redacted version released to the public, after the government reported that certain information had become publicly available following the entry of a guilty plea and the filing of a civil forfeiture complaint involving individuals named in the 2017 Decision. Minute Order (May 20, 2019) (citing Gov’t’s Mot. for Limited Unsealing, ECF No. 13).

Six months later, on November 25, 2020, further unsealing of the 2017 Decision was ordered, with a redacted version released to the public, after the government reported that certain information had become publicly available following the entry of two guilty pleas involving individuals named in the 2017 Decision. Order (Nov. 25, 2020), ECF No. 17 (citing Gov’t’s Status Report Regarding Further Unsealing, ECF No. 16, and directing government to report by

November 25, 2021, or earlier, when further public disclosure obviated the need for continued sealing).

A year later, on November 29, 2021, the 2017 Decision was ordered unsealed in its entirety, after the government reported such unsealing was appropriate in light of the public disclosure of conduct referenced in still sealed parts of the 2017 Decision. Order (Nov. 29, 2021), ECF No. 19 (citing Gov't's Status Report Regarding Further Unsealing, ECF No. 18). The government was directed to advise, by December 2, 2021, whether this case could be unsealed and, if so, whether any docket entries should remain under seal, with any redacted version of such filing provided for posting on the public docket. Minute Order (Nov. 29, 2021). In response, the government requests (1) the case be unsealed with redactions of the email addresses listed in the caption and almost every filing and docket entry on the docket, (2) certain documents be redacted to protect the identities of individuals and conduct that has not been charged by the grand jury, including proposed redactions to the 2017 Decision, which the Court, on November 29, 2021, had ordered fully unsealed based on the government's report, (3) permission to file an additional status report after further review of filed versions of documents for evaluation and additional potential proposed redactions, and (4) permission to file another status report if any public disclosure in any related matter obviates the need for continued sealing. Gov't's Status Report Regarding Further Unsealing at 6, ECF No. 20.

The government's motion is **GRANTED IN PART** and **DENIED IN PART**. The government's motion is denied as to its request to unseal the case since the case caption, which contains two email addresses, cannot be modified on the Court's Case Management-Electronic Case Management ("CM/ECF") system. For this reason, in 2018, the Clerk of the United States District Court for the District of Columbia and the Criminal Division of the U.S. Department of

Justice entered into a Memorandum of Understanding designed, in part, to prevent this caption issue from arising in cases involving sealed applications for orders for electronic communications and records by setting forth procedures to standardize the format of case captions for sealed applications without including personal information, such as email addresses, in case captions. To keep sealed the case caption containing email addresses, as the government requests, a new matter must be opened on a public docket with a case caption that may be publicly accessible.

Accordingly, upon consideration of the Government's Status Report Regarding Further Unsealing, ECF No. 20, it is hereby

ORDERED that the Court's November 29, 2021 Order, ECF No. 19, unsealing the 2017 Decision in its entirety be **VACATED**; and it is further

ORDERED that the Clerk of the Court open a new matter designated as a Stored Communications Act case type, *i.e.*, "SC" case type, with the case caption "***In Re Redacted Filings in Sealed 17-mj-619***"; and it is further

ORDERED that the government submit in the new SC docket captioned "***In Re Redacted Filings in Sealed 17-mj-619***" a filing containing, as separate exhibits, each docket entry in sealed 17-mj-619, with any appropriate redactions; and it is further

ORDERED that the government shall file in this case, 17-mj-619, when any public disclosure obviates the need for further sealing, a status report advising the Court whether the docket may be further unsealed and proposing any redactions to be made prior to submitting the filing in the in the new SC docket for ***In Re Redacted Filings in Sealed 17-mj-619***.

SO ORDERED.

Date: December 7, 2021



Beryl A. Howell

BERYL A. HOWELL
Chief Judge