

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR  
ORDER PURSUANT TO FED. R. CRIM.  
P. 6(E)(3)(e)(i) FOR LIMITED  
DISCLOSURE OF MATTER  
OCCURRING BEFORE A GRAND JURY

NO. 22-GJ-37

FILED UNDER SEAL AND EX PARTE

ORDER

Before the Court is an emergency application of the United States of America seeking the Court's authorization to disclose certain grand jury material "in connection with a judicial proceeding" pursuant to Fed. R. Crim. P. 6(e)(3)(E)(i). Specifically, the government seeks to disclose the existence of a grand jury subpoena out of this district issued to the Custodian of Records for the Office of Donald J. Trump on May 11, 2022, as well as the existence of another grand jury subpoena out of this district issued to the Trump Organization on June 24, 2022, in connection with *Trump v. United States of America*, No. 9:22-cv-81294-AMC, pending in the Southern District of Florida. The Court finds as follows:

- (1) As contemplated by Fed. R. Crim. P. 6(e)(3)(F), because the government is the petitioner, this Court may proceed *ex parte*;
- (2) Pursuant to Fed. R. Crim. P. 6(e)(3)(G), because this Court is able to reasonably determine whether disclosure is proper, it does not need to transfer the government's application to the Southern District of Florida, where the relevant "judicial proceeding" is pending;
- (3) The government has established that a "judicial proceeding" is pending, that it seeks disclosure of a matter occurring before a grand jury "in connection with" that proceeding, and that it has a "particularized need" for the grand jury material, *see In re Capitol Breach Grand Jury Investigations*, 339 F.R.D. 1, 23 (D.D.C. 2021), insofar as it needs to be able to reference the grand jury subpoenas issued by a grand jury sitting in this district, as well as correspondence and actions related to those subpoenas, which have already been disclosed by the recipient of one of the subpoenas, in order meaningfully to respond to a judicial order issued in the judicial proceeding pending in the Southern District of Florida, which proceeding was initiated by the recipient of one of the grand jury subpoenas;

In light of those findings, and having reviewed the government's applications and the attachments thereto, the Court hereby ORDERS that the government is authorized pursuant to Fed. R. Crim. P. 6(e)(3)(E)(i) to make the limited disclosure of a grand jury material set forth in its application. In particular, the government is permitted to discuss, in its filings and at any hearing in *Trump v. United States of America*, No. 9:22-cv-81294-AMC (S.D. Fla.), the grand jury subpoena seeking documents bearing classification markings described in its application here, as well as any correspondence or communications directly flowing from that subpoena, including the attachments to the government's application, as well as the existence of the subpoena for video surveillance footage, both subpoenas having been disclosed publicly by the petitioner in the Southern District of Florida matter.

It is further ORDERED that the government shall, by September 2, 2022, provide proposed redactions, if any, to its application and the attachments thereto, so that this matter may be unsealed, or that it show good cause for continued sealing.

DONE AND ORDERED in Washington, D.C., this 29<sup>th</sup> day of August, 2022.



*Beryl A. Howell*

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HON. BERYL A. HOWELL  
CHIEF UNITED STATES DISTRICT JUDGE