General Docket United States Court of Appeals for District of Columbia Circuit

Court of Appeals Docket #: 18-3071 Docketed: 10/10/2018 In re: Grand Jury Subpoena Termed: 12/18/2018

Appeal From: United States District Court for the District of Columbia

Fee Status: Fee Paid

Case Type Information:

1) Grand Jury

2) Other Criminal

3)

Originating Court Information:

District: 0090-1 : <u>1:18-gj-00041-BAH</u>

Court Reporter: Elizabeth Saint-Loth, Court Reporter **Trial Judge:** Beryl A. Howell, U.S. District Judge

Date Filed: 08/16/2018

Date Order/Judgment:Date NOA Filed:10/05/201810/09/2018

Prior Cases:

None

Current Cases:

None

Panel Assignment:

Panel: DST TBG SFW

In re: Grand Jury Subpoena
In re

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In re: Grand Jury Subpoena,	
In re	

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10/10/2018	GRAND JURY CASE docketed. [18-3071] [Entered: 10/10/2018 10:23 AM]
10/10/2018	SEALED NOTICE OF APPEAL [1754466] seeking review of a decision by the U.S. District Court in 1:18-gj-00041-BAH filed by appellant. Appeal assigned USCA Case Number: 18-3071. [18-3071] [Entered: 10/10/2018 10:25 AM]
10/10/2018	SEALED NOTICE [1754520] received from the Clerk of the U.S. District Court for payment of the docketing fee. [18-3071] [Entered: 10/10/2018 01:25 PM]
10/10/2018	SEALED ENTRY OF APPEARANCE [1754566] filed by appellee. [18-3071] [Entered: 10/10/2018 03:51 PM]
10/10/2018	SEALED JOINT MOTION [1754568] to expedite and set briefing schedule filed by parties. [Service Date: 10/10/2018] Length Certification: 113 words. [18-3071] [Entered: 10/10/2018 03:53 PM]
10/12/2018	SEALED PER CURIAM ORDER [1755073] filed granting the joint motion to expedite and to set a briefing schedule [1754568-2]; setting briefing schedule: APPELLANT Brief due 10/23/2018. APPENDIX due 10/23/2018. APPELLEE Brief due on 11/07/2018. APPELLANT Reply Brief due 11/14/2018. Before Judges: Rogers, Srinivasan and Wilkins. [18-3071] [Entered: 10/12/2018 04:13 PM]
10/22/2018	SEALED CLERK'S ORDER [1756345] filed scheduling oral argument on Friday, 12/14/2018. [18-3071] [Entered: 10/22/2018 01:17 PM]
10/23/2018	SEALED ENTRY OF APPEARANCE [1756609] filed by appellee. [18-3071] [Entered: 10/23/2018 11:06 AM]
10/23/2018	SEALED APPELLANT BRIEF [1756693] filed by appellant [Service Date: 10/23/2018] Length of Brief: 12904 words. [18-3071] [Entered: 10/23/2018 01:49 PM]
10/23/2018	SEALED APPENDIX [1756695] filed [Volumes: 1] [Service Date: 10/23/2018] [18-3071] [Entered: 10/23/2018 01:51 PM]
11/07/2018	SEALED APPELLEE BRIEF [1759161] filed [Service Date: 11/07/2018] Length of Brief: 12,970 words. [18-3071] [Entered: 11/08/2018 11:24 AM]
11/07/2018	SEALED MOTION [1759196] filed by appellee (Service Date: 11/07/2018 by mail) Length Certification: 2 pages. [18-3071] [Entered: 11/08/2018 01:02 PM]
11/07/2018	SEALED APPELLEE BRIEF [1759198] lodged [Service Date: 11/07/2018] Length of Brief: 12,970 words. [18-3071] [Entered: 11/08/2018 01:04 PM]
11/07/2018	SEALED MOTION [1759200] filed by appellee (Service Date: 11/07/2018 by US Mail) Length Certification: 2 pages. [18-3071] [Entered: 11/08/2018 01:05 PM]
11/07/2018	SEALED SUPPLEMENTAL APPENDIX [1759201] lodged. [Volumes: 1] [Service Date:11/07/2018] [18-3071] [Entered: 11/08/2018 01:06 PM]
11/14/2018	SEALED APPELLANT REPLY BRIEF [1759865] filed by appellant [Service Date: 11/14/2018] Length of Brief: 6,487 words. [18-3071] [Entered: 11/14/2018 01:11 PM]
11/15/2018	SEALED NOTICE [1760116] filed by appellant [Service Date: 11/15/2018] [18-3071] [Entered: 11/15/2018 02:44 PM]
11/20/2018	SEALED MOTION [1760866] filed by appellee (Service Date: 11/20/2018 by US Mail) Length Certification: 3,074 words. [18-3071] [Entered: 11/20/2018 03:49 PM]
11/26/2018	SEALED LETTER [1761358] pursuant to FRAP 28j filed by appellant [Service Date: 11/26/2018] [18-3071] [Entered: 11/26/2018 03:36 PM]
11/26/2018	SEALED RESPONSE IN OPPOSITION [1761361] to motion [1760866-2] filed by appellant [Service Date: 11/26/2018 by US Mail] Length Certification: 1609 words. [18-3071] [Entered: 11/26/2018 03:42 PM]
11/30/2018	SEALED PER CURIAM ORDER [1762343] filed allocating oral argument time as follows: Appellant - 15 Minutes, Appellee - 15 Minutes. One counsel per side to argue; directing party to file Form 72 notice of arguing attorney by 12/07/2018. The parties are advised that the oral argument will take place in a closed session. [18-3071] [Entered: 11/30/2018 12:38 PM]
12/03/2018	SEALED RESPONSE [1762725] to Rule 28j letter filed by appellee [1761358-2] [Service Date: 12/03/2018 by CM/ECF NDA] Length Certification: 2 pages [18-3071] [Entered: 12/03/2018 04:44 PM]
12/03/2018	SEALED REPLY [1762729] in support of motion to strike [1761361-2] filed by appellee [Service Date: 12/03/2018 by CM/ECF NDA] Length Certification: 8 pages. [18-3071] [Entered: 12/03/2018 04:48 PM]
12/06/2018	SEALED MOTION [1763162] filed by appellant (Service Date: 12/06/2018 by US Mail) Length Certification: 191 words. [18-3071] [Entered: 12/06/2018 03:20 PM]
12/10/2018	SEALED PER CURIAM ORDER [1763637] filed granting appellee's motion [1759200-2], granting

		appellee's motion [1759196-2]; The Clerk is directed to file the lodged supplemental appendix [1759201-2], The Clerk is directed to file Appellee's lodged brief [1759198-2] Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 12/10/2018 04:37 PM]
12/10/2018		SEALED PER CURIAM ORDER [1763645] filed granting appellant's motion [1763162-2] . Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 12/10/2018 05:10 PM]
12/10/2018		PER ABOVE ORDER lodged Appellee brief [1759198-2] is filed [18-3071] [Entered: 12/10/2018 05:42 PM]
12/10/2018		PER ABOVE ORDER lodged supplemental appendix [1759201-2] is filed [18-3071] [Entered: 12/10/2018 05:42 PM]
12/13/2018		SEALED LETTER [1764060] pursuant to FRAP 28j filed by appellant [Service Date: 12/13/2018] [18-3071] [Entered: 12/13/2018 11:14 AM]
12/14/2018		ORAL ARGUMENT HELD before Judges Tatel, Griffith and Williams. Argument closed to public. [18-3071] [Entered: 01/07/2019 12:37 PM]
12/17/2018		SEALED LETTER [1764417] pursuant to FRAP 28j filed by appellant [Service Date: 12/17/2018] [18-3071] [Entered: 12/17/2018 11:09 AM]
12/18/2018	3 pg, 245.89 KB	PER CURIAM JUDGMENT [1764819] filed that the judgment of the District Court appealed from in this cause is hereby affirmed. The Clerk is directed to issue the mandate forthwith. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 12/18/2018 04:59 PM]
12/18/2018	1 pg, 38.67 KB	MANDATE ISSUED to Clerk, U.S. District Court. [18-3071] [Entered: 12/18/2018 05:08 PM]
12/20/2018		SEALED MOTION [1765234] filed by appellant (Service Date: 12/20/2018 by Email) Length Certification: 3931 words. [18-3071] [Entered: 12/20/2018 02:17 PM]
12/20/2018		SEALED PER CURIAM ORDER [1765302] filed. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 12/20/2018 04:19 PM]
12/21/2018		SEALED RESPONSE [1765390] to motion [1765234-2] filed by appellee [Service Date: 12/21/2018 by Email] Length Certification: 5,190 words. [18-3071] [Entered: 12/21/2018 11:29 AM]
12/21/2018		SEALED CORRECTED RESPONSE [1765436] to motion [1765234-2] filed by appellee [Service Date: 12/21/2018 by Email] [18-3071] [Entered: 12/21/2018 12:49 PM]
12/21/2018		SEALED REPLY [1765485] filed by appellant to response [1765436-2] [Service Date: 12/21/2018 by Email] Length Certification: 2,530 words. [18-3071] [Entered: 12/21/2018 02:40 PM]
12/21/2018		SEALED PER CURIAM ORDER [1765553] filed denying motion [1765234-2] Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 12/21/2018 04:13 PM]
01/08/2019	28 pg, 273.32 KB	PUBLIC REDACTED OPINION [1767507] filed PER CURIAM OPINION (Pages: 23), OPINION CONCURRING IN PART and CONCURRING IN THE JUDGMENT (Pages: 5) by Judge Williams [18-3071] [Entered: 01/08/2019 04:15 PM]
01/09/2019	33 pg, 174.16 KB	MOTION [1767730] to unseal filed by Reporters Committee for Freedom of the Press (Service Date: 01/09/2019 by CM/ECF NDA) Length Certification: 5187. [18-3071] (Boutrous, Theodore) [Entered: 01/09/2019 04:13 PM]
01/16/2019		SEALED MOTION [1768733] filed by appellant (Service Date: 01/16/2019 by Email) Length Certification: 246 words. [18-3071] [Entered: 01/16/2019 04:58 PM]
01/16/2019	4 pg, 121.28 KB	RESPONSE [1771650] to motion to unseal [1767730-2] filed by appellant [Service Date: 01/16/2019 by Email] Length Certification: 86 words. [18-3071] [Entered: 02/01/2019 05:35 PM]
01/17/2019		SEALED MOTION [1768946] filed by appellee (Service Date: 01/17/2019 by CM/ECF NDA) Length Certification: 495 words. [18-3071] [Entered: 01/17/2019 03:48 PM]
01/22/2019		SEALED PER CURIAM ORDER [1769542] filed granting appellee's motion [1768946-2]. Before Judges: Williams, Tatel and Griffith. [18-3071] [Entered: 01/22/2019 02:53 PM]
01/22/2019		SEALED LETTER [1769855] received from the Clerk of the Supreme Court of the United States notifying this court of the following activity in the case before it: A petition for writ of certiorari was filed and placed on the docket on 01/22/2019 as No. 18-948. [18-3071] [Entered: 01/23/2019 04:17 PM]
01/23/2019		SEALED RESPONSE IN OPPOSITION [1769748] to motion [1768733-2] filed by appellee [Service Date: 01/23/2019 by mail] Length Certification: 1,696 words. [18-3071] [Entered: 01/23/2019 01:03 PM]
01/23/2019		SEALED REPLY [1769845] filed by appellant to response [1769748-2] [Service Date: 01/23/2019 by Email] Length Certification: 1,146 words. [18-3071] [Entered: 01/23/2019 04:08 PM]
01/25/2019		SEALED SUPPLEMENT [1770319] to reply [1769845-2] filed by appellant [Service Date: 01/25/2019] [18-3071] [Entered: 01/25/2019 04:00 PM]

01/28/2019		[UNSEALED PER ORDER OF 2/13/19] SUPPLEMENT [1770420] to motion to unseal [1767730-2] filed by
	73 pg, 2.09 MB	Reporters Committee for Freedom of the Press [Service Date: 01/28/2019] [18-3071] (Boutrous, Theodore) [Entered: 01/28/2019 11:01 AM]
01/28/2019		SEALED RESPONSE [1770465] to supplement [1770319-2] filed by appellee [Service Date: 01/28/2019 by Email] Length Certification: 137 words. [18-3071] [Entered: 01/28/2019 01:13 PM]
01/29/2019		SEALED PER CURIAM ORDER [1770797] filed. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 01/29/2019 01:32 PM]
01/29/2019		SEALED RESPONSE [1771117] filed by apellant (Service Date: 01/29/2019 by US Mail) [18-3071] [Entered: 01/30/2019 03:43 PM]
01/31/2019		SEALED RESPONSE [1771251] filed by appellee (Service Date: 01/31/2019 by Email) [18-3071] [Entered: 01/31/2019 11:16 AM]
02/01/2019	1 pg, 39.85 KB	PER CURIAM ORDER [1771648] filed granting appellant's motion for leave to file publicly its response [1768733-2]. The Clerk is directed to file publicly the response (Exhibit A) that was filed under seal on January 16, 2019. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 02/01/2019 05:29 PM]
02/04/2019	42 pg, 1.63 MB	[UNSEALED PER ORDER OF 2/13/19] REPLY [1771904] filed by Reporters Committee for Freedom of the Press to response [1771650-2] [Service Date: 02/04/2019 by CM/ECF NDA] Length Certification: 1088 words. [18-3071] (Boutrous, Theodore) [Entered: 02/04/2019 06:27 PM]
02/05/2019		SEALED ENTRY OF APPEARANCE [1772069] filed by appellee. [18-3071] [Entered: 02/05/2019 04:33 PM]
02/05/2019	9 pg, 345.63 KB	[UNSEALED PER ORDER OF 2/13/19] RESPONSE [1772071] to motion to unseal [1767730-2] filed by appellee [Service Date: 02/05/2019 by Email] Length Certification: 1275 words. [18-3071] [Entered: 02/05/2019 04:37 PM]
02/05/2019		SEALED MOTION [1772073] filed by appellee (Service Date: 02/05/2019 by Email) Length Certification: 364 words. [18-3071] [Entered: 02/05/2019 04:40 PM]
02/06/2019	3 pg, 116.59 KB	[UNSEALED PER ORDER OF 2/13/19] MOTION [1772174] filed by appellee (Service Date: 02/06/2019 by Email) Length Certification: 3 pages. [18-3071] [Entered: 02/06/2019 11:14 AM]
02/06/2019	9 pg, 41.53 KB	[UNSEALED PER ORDER OF 2/13/19] REPLY [1772302] filed by Reporters Committee for Freedom of the Press to response [1772071-2] [Service Date: 02/06/2019 by CM/ECF NDA] Length Certification: 590 words. [18-3071] (Boutrous, Theodore) [Entered: 02/06/2019 10:14 PM]
02/13/2019	1 pg, 40.53 KB	PER CURIAM ORDER [1773150] filed that the government's response filed February 5, 2019 be unsealed. It is FURTHER ORDERED, on the court's own motion, that the following documents be unsealed: (1) the government's motion to unseal filed February 6, 2019; (2) the Reporters Committee's supplement filed January 28, 2019; (3) the Reporters Committee's reply filed February 4, 2019; and (4) the Reporters Committee's reply in further support of motion to unseal filed February 6, 2019. The Clerk is directed to docket publicly the aforementioned documents unsealed by this order. It is FURTHER ORDERED that appellant file under seal a copy of its opening and reply briefs with proposed redactions by 4:00 p.m. on February 22, 2019. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 02/13/2019 11:00 AM]
02/22/2019		SEALED RESPONSE [1774454] filed by appellant (Service Date: 02/22/2019 by Email) Length Certification: 36 words. [18-3071] [Entered: 02/22/2019 12:20 PM]
03/08/2019		SEALED REPLY [1776746] filed by appellee to response [1774454-2] [Service Date: 03/08/2019] [18-3071] [Entered: 03/08/2019 02:42 PM]
03/20/2019	1 pg, 40.02 KB	PER CURIAM ORDER [1778521] filed directing appellant to file a response under seal to the government's proposed redactions to the government's brief and the additional redactions to appellant's briefs as well as the government's redactions to the the oral argument transcript [1776746-2]. Response due by 4:00 p.m. on Wednesday, March 27, 2019. Appellant is directed to hand deliver its submission to the court by the time and date due. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 03/20/2019 03:15 PM]
03/25/2019	1 pg, 62.58 KB	LETTER [1779639] received from the Clerk of the Supreme Court of the United States notifying this court of the following activity in case No. 18-948: The petition for writ of certiorari was denied on 03/25/2019. [18-3071] [Entered: 03/26/2019 07:01 PM]
03/27/2019		SEALED RESPONSE [1779879] to order [1778521-2] filed by appellant (Service Date: 03/27/2019 by Email) Length Certification: 786 words. [18-3071] [Entered: 03/27/2019 04:27 PM]
04/23/2019	3 pg, 63.9 KB	PER CURIAM ORDER [1784227] filed directing government show cause, by 4:00 p.m. on Friday, May 3, 2019, why the information listed in the Sealed Appendix to this order should not be unsealed. The Corporation is permitted, but not required, to file a response by 4:00 p.m. on Tuesday, May 7, 2019. The government and the Corporation are directed to file any submission(s) under seal. Further Ordered that the Reporters Committee's request to unseal the record be referred to the district court. It is, further ordered that the government file proposed redactions by 4:00 pm, Friday, May 3, 2019 and the Corporation may file
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a reply to response due by 4:00 pm, Tuesday, May 7, 2019 (See order for further detail). Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 04/23/2019 12:54 PM] 05/03/2019 SEALED EX PARTE RESPONSE [1786020] to order [1784227-2], [1784227-3] filed by appellee (Service Date: 05/03/2019 by Email) Length Certification: 531 words. [18-3071] [Entered: 05/03/2019 05:08 PM] 05/03/2019 SEALED RESPONSE [1786021] to order [1784227-2], [1784227-3] filed by appellee (Service Date: 05/03/2019 by Email) Length Certification: 451 words. [18-3071] [Entered: 05/03/2019 05:12 PM] 06/07/2019 PER CURIAM ORDER (with Sealed and Sealed Ex Parte Appendices attached) [1791658] filed granting in part and denying in part the Reporters Committee motion to unseal [1767730-2]; It is FURTHER 4 pg, 140.69 KB ORDERED that, by 4:00 p.m. on Friday, June 21, 2019, the government publicly file its proposed redacted versions of its merits brief and the oral argument transcript. The government is instructed to unredact the information listed in the sealed appendix to this order. The government need not unredact any portion of the index to the transcript. It is FURTHER ORDERED that, by 4:00 p.m. on Friday, June 21, 2019, the government publicly file its proposed redacted version of the Letter from Government to Corporation's Counsel (July 30, 2018), J.A. 31. It is FURTHER ORDERED that, by 4:00 p.m. on Friday, June 21, 2019, the government publicly file the government's proposed redacted versions of the Corporation's merits briefs. The government is instructed to unredact the information listed in the sealed appendix to this order. It is FURTHER ORDERED that, by 4:00 p.m. on Friday, July 12, 2019, the government propose redactions to the transcript from the ex parte session. The government may request additional time. The government is directed to file the proposed redactions in accordance with the directions in the sealed ex parte appendix to this order. It is FURTHER ORDERED that, by 4:00 p.m. on Friday, June 21, 2019, the government publicly file its proposed redacted versions of the (1) Government's Opposition to Motion for Leave to File Public Response to Motion to Unseal (Jan. 23, 2019); (2) Government's Response to Supplemental Reply in Support of Motion for Leave to File Public Response to Motion to Unseal (Jan. 28, 2019); (3) Government's Supplemental Response to Motion for Leave to File Public Response to Motion to Unseal (Jan. 31, 2019); (4) Country A's Motion to File Publicly its Response to the Reporters Committee for Freedom of the Press's Motion to Unseal (Jan. 16, 2019); (5) Country A's Reply Supporting its Motion for Leave to File Response Not Under Seal (Jan. 23, 2019); and (6) Country A's Supplement to Reply Brief Supporting its Motion for Leave to File Response Not Under Seal (Jan. 25, 2019). It is FURTHER ORDERED that the Reporters Committee's request that the court instruct the government and the Corporation to refrain from redacting the Corporation's identity be denied without prejudice. Before Judges: Tatel, Griffith and Williams. [18-3071] [Entered: 06/07/2019 12:48 PM] NOTICE [1793898] Notice of filing of public, redacted versions of briefs and other specified materials filed 06/21/2019 by Appellee [Service Date: 06/21/2019] [18-3071] (Hansford, Eric) [Entered: 06/21/2019 11:55 AM] 4 pg, 52.16 KB REDACTED APPELLANT BRIEF [1793963] filed by appellant [Service Date: 10/23/2018] Length of Brief: 06/21/2019 12,904 words. [18-3071] [Entered: 06/21/2019 02:06 PM] 73 pg, 3.24 MB 06/21/2019 鹽 REDACTED APPELLEE BRIEF [1793970] filed by appellee [Service Date: 11/07/2018] Length of Brief: 12,970 words. [18-3071] [Entered: 06/21/2019 02:12 PM] 95 pg, 1.54 MB REDACTED APPELLANT REPLY BRIEF [1793972] filed by appellant [Service Date: 11/14/2018] Length of 06/21/2019 | | | | | | | | Brief: 6,487 words. [18-3071] [Entered: 06/21/2019 02:17 PM] 43 pg, 3.94 MB 06/21/2019 REDACTED TRANSCRIPT [1793973] of sealed oral argument. [18-3071] [Entered: 06/21/2019 02:19 PM] 45 pg, 22.47 MB REDACTED LETTER [1793977] from appellee to appellant's counsel (J.A. 31) [18-3071] [Entered: 06/21/2019 三 06/21/2019 02:29 PM] 3 pg, 688.21 KB REDACTED MOTION [1793978] to file publically its response to the Reporters Committee for Freedom of 06/21/2019 | | | | | | | the Press's motion for leave to unseal filed by appellant (Service Date: 01/16/2019 by Email) Length 4 pg, 2.15 MB Certification: 246 words. [18-3071] [Entered: 06/21/2019 02:33 PM] 06/21/2019 薑 REDACTED RESPONSE IN OPPOSITION [1793980] to motion for leave to file public response to motion to unseal [1793978-2] filed by apellee [Service Date: 01/23/2019 by US Mail] Length Certification: 1,696 10 pg, 2.59 MB words. [18-3071] [Entered: 06/21/2019 02:36 PM] REDACTED REPLY [1793983] filed by appellant to response [1793980-2] to motion for leave to file public 薑 06/21/2019 response to motion to unseal [Service Date: 01/23/2019 by Email] Length Certification: 1,146 words. [18-8 pg, 4.69 MB 3071] [Entered: 06/21/2019 02:40 PM] 06/21/2019 REDACTED SUPPLEMENT [1793986] to reply to motion for leave to file public response to motion to unseal [1793983-2] filed by appellant, [Service Date: 01/25/2019] [18-3071] [Entered: 06/21/2019 02:43 4 pg, 1.95 MB PM1 06/21/2019 REDACTED RESPONSE [1793988] to supplement [1793986-2] filed by appellee [Service Date: 01/28/2019 by Email Length Certification: 137 words. [18-3071] [Entered: 06/21/2019 02:49 PM] 4 pg, 1.33 MB REDACTED SUPPLEMENTAL RESPONSE [1793989] to motion for leave to file public response to motion 06/21/2019 三 蓋 to unseal [1793978-2] filed by appellee [Service Date: 01/31/2019 by Email] Length Certification: 254 4 pg, 989.73 KB words. [18-3071] [Entered: 06/21/2019 02:53 PM]

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