

IN THE SUPREME COURT OF THE UNITED STATES

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Nos. 18A669 & 18-948

IN RE GRAND JURY SUBPOENA

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ON APPLICATION FOR A STAY TO THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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MOTION OF THE UNITED STATES FOR LEAVE TO FILE  
REDACTED PUBLIC COPIES OF THE APPLICATION, RESPONSE, AND REPLY

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The Solicitor General, on behalf of the United States of America, respectfully requests the Court to grant leave for the filing of public, redacted versions of the documents filed in the above captioned matter.

The filings in this matter were originally made under seal in order to protect matters occurring before the grand jury. See Fed. R. Crim. P. 6(e)(6) ("Records, orders, and subpoenas relating to grand-jury proceedings must be kept under seal to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand jury."). On January 22, 2019, the Court granted the applications for leave to file the application for a stay, the response, and the reply under seal (No. 18A669). On the same day, the Court granted the motion for

leave to file a related petition for a writ of certiorari under seal with redacted copies for the public record (No. 18M93). In view of the public filing of the redacted petition, and the court of appeals' issuance of a redacted opinion, the government believes that redacted versions of the stay filings in this Court may now be made on the public record without compromising grand jury secrecy.

To that end, the government is attaching a proposed redacted response to the stay application. The government requests that applicant be directed to file similar redacted filings, after affording the government the opportunity to review its proposed redacted filings, as it did with respect to the proposed redacted petition for certiorari. See United States v. Index Newspapers LLC, 766 F.3d 1072, 1097 (9th Cir. 2014) (remanding for unsealing of contempt-stage unsealing filings, with the direction that "[t]he government shall be given an opportunity to propose redactions before these filings are unsealed").

It is therefore respectfully submitted that this motion to file redacted application, response, and reply for the public record be granted. The applicant should be directed to submit proposed redacted filings to the government no later than ten days after the Court's entry of an appropriate order, and the government is to suggest additional redactions that are necessary to protect grand jury secrecy no later than ten days thereafter.

Respectfully submitted.

NOEL J. FRANCISCO  
Solicitor General  
Counsel of Record

JANUARY 2019