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April 15, 2022

Via ECF

The Honorable Patrick J. Schiltz
United States District Court
300 South Fourth Street
Courtroom 14E
Minneapolis, MN 55415

Re: *In re Application of the Reporters Committee for Freedom of the Press to Unseal Certain Search Warrant Materials*, Case No. 20-mc-82-PJS-TNL

Dear Judge Schiltz:

Petitioner Reporters Committee for Freedom of the Press (the “Reporters Committee”) writes to apprise the Court of recent developments in the United States District Court for the Southern District of New York (“S.D.N.Y.”) regarding how that court plans to docket various government applications to engage in surveillance, including types of surveillance applications at issue in this case. The Government does not object to the filing of this letter.

The changes to the S.D.N.Y. practices described below result from negotiations between the Reporters Committee, the S.D.N.Y. Clerk’s Office, and the United States Attorney’s Office for the Southern District of New York that followed the filing of litigation similar to this case. *See In re Appl. of Reporters Comm. for Freedom of the Press to Unseal Certain Search Warrant Appls. & Related Judicial Docs.*, No. 18-mc-320-KPF (S.D.N.Y. filed on July 3, 2018).

The Reporters Committee has been informed that, by the summer of 2022, the S.D.N.Y. Clerk’s Office anticipates launching a pilot project requiring the electronic filing of, and the creation of real-time public dockets and docket entries on PACER/ECF, for:

- Applications for pen register and trap and trace devices, 18 U.S.C. § 3123; and
- Applications for orders issued pursuant to 18 U.S.C. § 2703(d).

The Reporters Committee has also been informed that within a year of the project's initial rollout, the S.D.N.Y. Clerk's Office anticipates that it will begin creating real-time public dockets and docket entries on PACER/ECF for:

- Applications for warrants issued pursuant to the Stored Communications Act, 18 U.S.C. § 2703;
- Applications for warrants issued pursuant to Fed. R. Crim. P. 41; and
- Certain other applications for electronic surveillance materials not at issue in this case.

The Reporters Committee shares this information as an example of how other courts are operationalizing the kind of relief the Reporters Committee seeks here.

Respectfully submitted,

s/ Megan Graham

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