

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
No. 20-mc-00082 (PJS/TNL)

IN THE MATTER OF THE APPLICATION
OF THE REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS TO UNSEAL
CERTAIN SEARCH WARRANT
MATERIALS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**JOINT REQUEST FOR
STATUS CONFERENCE AND
TO EXTEND TIME TO
RESPOND TO PETITION**

The Respondent, by and through its attorneys, Erica H. MacDonald, United States Attorney for the District of Minnesota, and David W. Fuller, Assistant United States Attorney, hereby requests, on behalf of both parties, that the Court set this matter on for a status conference and extend the time to respond to the Petition until March 22, 2021, and to reply until April 21, 2021. The following good cause supports this request:

1. This matter involves an Application (construed by the Court as a Petition) seeking an order directing the Clerk of Court to unseal certain materials relating to warrant applications under the Stored Communications Act (“SCA”). (Doc. No. 1).

2. Other similar actions have been filed in various districts, including in the District of Columbia (*see In the Matter of the Application of Leopold to Unseal Certain Electronic Surveillance Applications and Orders*, Case No. 1:13-mc-712 (BAH); *see also Leopold v. United States*, No. 18-5276, 964 F.3d 1121 (D.C. Cir. 2020)); the Southern

District of New York (*see Reporters Committee v. U.S. Attorney's Office*, Case No. 1:18-mc-320 (KPF)); the Western District of Washington (*see In re Petition of Index Newspapers LLC d/b/a The Stranger to Unseal Electronic Surveillance Dockets, Application, and Orders*, Case No. 17-mc-145 (RSL)); and the Northern District of California (*see In re Petition of Granick and Pfefferkorn to Unseal Technical Assistance Orders and Materials*, Case No. 4:16-mc-80206 (PJH)).

3. Presenting the government's position in these matters has generally necessitated communications between the U.S. Attorney's Office and the Clerk of Court. Moreover, in the Southern District of New York and elsewhere, the parties (including the Reporters Committee for Freedom of the Press) have engaged in discussions and reached resolution as to some aspects of the cases. *See, e.g.*, 1:18-mc-00320-KPF (S.D.N.Y.), Doc. No. 26.

4. Given the need to pursue such communications in this District, and to attain clarity regarding certain other aspects of this matter, the United States seeks a status conference in the near future to address:

- Whether the Court understands the U.S. Attorney's Office to be representing the Clerk's Office in this matter;
- Ground rules for any discussions with the Clerk's Office with respect to the issues raised in this matter; and
- Any other pertinent issues it would be helpful to clarify at this phase of the proceedings.

5. In addition, the United States requests 30 more days to respond to the Petition and memorandum in support, and for Petitioner to reply. The response is currently due on Friday, February 19, 2021, and Petitioner's reply in support due on Monday, March 22.

See January 13, 2021 Order (Doc. No. 18). Granting this request would cause the response to be due on March 22, and the reply to be due on April 21.

6. The undersigned counsel has conferred with Petitioners' counsel concerning this request. Petitioners' counsel indicated their agreement to both the desirability of a status conference, particularly to clarify the basis for any discussions involving the Clerk of Court, and the additional time to respond and reply.

7. A proposed order is being submitted along with this joint request.

Dated: February 17, 2021

ERICA H. MacDONALD
United States Attorney

s/ David W. Fuller

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