

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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UNDER SEAL,

PETITIONER-APPELLEE (No. 13-15957),  
PETITIONER-APPELLANT (No. 13-16731),

v.

ERIC H. HOLDER, JR., Attorney General; UNITED STATES DEPARTMENT  
OF JUSTICE; and FEDERAL BUREAU OF INVESTIGATION,

RESPONDENT-APPELLANTS (No. 13-15957),  
RESPONDENT-APPELLEES (No. 13-16731)

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On Appeal from the United States District Court  
for the Northern District of California  
Case Nos. 11-cv-2173 SI, 13-mc-80089 SI  
Honorable Susan Illston, District Judge

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**JOINT MOTION TO UNSEAL GOVERNMENT'S CORRESPONDENCE  
TO THE COURT DATED NOVEMBER 6, 2014 (ECF NO. 86 IN CASE  
NO. 13-15957 AND ECF NO. 84 IN CASE NO. 13-16731)**

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Petitioner-Appellee-Appellant and the government Respondents-Appellants-Appellees hereby jointly request that this Court unseal Respondents-Appellants-Appellees' letter filed under seal on November 6, 2014 (ECF No. 86 in Case No. 13-15957 and ECF No. 84 in Case No. 13-16731) and this motion. The letter and exhibit attached thereto contain only public information and offer a correction to statements made at the public oral argument in this matter. Therefore unsealing is proper, reflecting the "general right to inspect and copy public records and documents, including judicial records and documents." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citing *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). It is especially important to unseal this letter because it corrects a statement that is already on the public record, that, if left uncorrected, could lead to confusion.

Dated: November 10, 2014

Respectfully submitted,

/s/ Cindy Cohn

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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on November 10, 2014.

I certify that all parties in the cases are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: November 10, 2014

By: /s/ Cindy Cohn  
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