

NOS. 13-15957, 13-16731

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

UNDER SEAL,

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

v.

LORETTA E. LYNCH, Attorney General; UNITED STATES DEPARTMENT
OF JUSTICE; and FEDERAL BUREAU OF INVESTIGATION,

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

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, Senior District Judge

**JOINT MOTION TO UNSEAL SUPPLEMENTAL DOCUMENTS (ECF
NOS. 95, 96, 97, 99 IN CASE NO. 13-15957 AND ECF NOS. 93, 94, 95, 97 IN
CASE NO. 13-16731)**

Cindy Cohn, Esq.
David Greene, Esq.
Lee Tien, Esq.
Kurt Opsahl, Esq.
Jennifer Lynch, Esq.
Nathan Cardozo, Esq.
Andrew Crocker, Esq.
ELECTRONIC FRONTIER
FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Telephone: (415) 436-9333
Facsimile: (415) 436-9993

Richard R. Wiebe, Esq.
LAW OFFICE OF RICHARD R.
WIEBE
One California Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

Counsel for UNDER SEAL

Petitioner-Appellee-Appellant and the government Respondents-Appellants-Appellees hereby jointly request that this Court unseal the government's Rule 28(j) letter submitted on June 3, 2015 (ECF No. 95 in Case No. 13-15957 and ECF No. 93 in Case No. 13-16731); this Court's Order requesting supplemental briefing on the USA FREEDOM Act issued on June 5, 2015 (ECF No. 96 in Case No. 13-15957 and ECF No. 94 in Case No. 13-16731); Petitioner-Appellee-Appellant's Supplemental Brief filed under seal on July 6, 2015 (ECF No. 99 in Case No. 13-15957 and ECF No. 97 in Case No. 13-16731); Respondents-Appellants-Appellees' Supplemental Brief filed under seal on July 6, 2015 (ECF No. 97 in Case No. 13-15957 and ECF No. 95 in Case No. 13-16731); and this motion. The parties are in agreement that the supplemental documents contain only public information. 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)).

Dated: July 10, 2015

Respectfully submitted,

 /s/ Kurt Opsahl
Kurt Opsahl, Esq.
Cindy Cohn, Esq.
David Greene, Esq.
Lee Tien, Esq.
Jennifer Lynch, Esq.
Nathan D. Cardozo, Esq.
Andrew Crocker, Esq.

ELECTRONIC FRONTIER
FOUNDATION
815 Eddy Street
San Francisco, CA 94109

Richard R. Wiebe, Esq.
LAW OFFICE OF RICHARD R. WIEBE
One California Street, Suite 900
San Francisco, CA 94111

Counsel for UNDER SEAL

Dated: July 10, 2015

Respectfully submitted,

/s/ Katherine T. Allen
Katherine T. Allen, Esq.
Benjamin C. Mizer, Esq.
Douglas N. Letter, Esq.
Scott R. McIntosh, Esq.
Attorneys, Appellate Staff
Civil Division, Room 7325
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
Telephone: (202) 353-0169

*Counsel for Government Respondents-
Appellants-Appellees*

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 July 10, 2015.

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: July 10, 2015

By: /s/ Kurt Opsahl
Kurt Opsahl

Counsel for UNDER SEAL