

BILLY J. WILLIAMS, OSB #901366
United States Attorney
District of Oregon
ETHAN D. KNIGHT, OSB #992984
GEOFFREY A. BARROW
CRAIG J. GABRIEL, OSB #012571
PAMALA R. HOLSINGER, OSB #892638
Assistant United States Attorneys
ethan.knight@usdoj.gov
geoffrey.barrow@usdoj.gov
craig.gabriel@usdoj.gov
pamala.holsinger@usdoj.gov
1000 SW Third Ave., Suite 600
Portland, OR 97204-2902
Telephone: (503) 727-1000
Attorneys for United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

v.

AMMON BUNDY, *et al.*,

Defendants.

3:16-CR-00051-BR

**MOTION TO ENFORCE
PROTECTIVE ORDER**

**(EXPEDITED CONSIDERATION
REQUESTED)**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, through Ethan D. Knight, Geoffrey A. Barrow, Craig J. Gabriel, and Pamala R. Holsinger, Assistant United States Attorneys, hereby moves this Court for an order enforcing the Protective Order (ECF No. 342) against a third party illegally in possession of protected sensitive discovery materials in this case.

The United States has developed information, detailed in the Affidavit of Special Agent Ronnie Walker, that an individual named Gary Hunt, operating a website known as “outpost-of-freedom.com” has received discovery subject to this Court’s March 24, 2016, Protective Order. Third-party Gary Hunt is neither a defendant in this case, nor a person employed by an attorney of record to assist in the defense preparation of the case. Accordingly, Gary Hunt is not an individual authorized to receive or disseminate the discovery produced under this Court’s Protective Order.

This Court has jurisdiction to enjoin a non-party from disseminating confidential documents produced in reliance upon and subject to this Court’s Protective Order. *See Eli Lilly & Co. v. Gottstein*, 617 F.3d 186, 194-95 (2d Cir. 2010) (affirming district court injunction against non-party who aided and abetted party’s violation of court’s protective order).

Protective orders serve important functions and they cannot and should not be defeated either directly or indirectly by non-parties. *See, e.g., In re Special Proceedings*, 291 F. Supp. 2d 44, 50 (D.R.I. 2003) (holding protective order entered in criminal case was enforceable against a non-party post-trial). By letter dated January 4, 2017, third-party Gary Hunt received actual notice of this Court’s Protective Order (see attached letter). Gary Hunt failed to respond within twenty-four hours as requested, which prompted the United States to seek relief from this Court.

As explained in greater detail in Agent Walker’s affidavit, public dissemination of the material produced under this Court’s Protective Order could threaten ongoing investigations and the safety of government confidential human sources, informants or others.

Accordingly, the United States asks that this Court order relief similar to that directed in *Eli Lilly*: direct Gary Hunt to immediately remove all protected material from his website(s)

and enjoin Gary Hunt from further disseminating the documents subject to this Court's Protective Order.

Dated this 6th day of January 2017.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Pamala R. Holsinger

ETHAN D. KNIGHT, OSB #992984

GEOFFREY A. BARROW

CRAIG J. GABRIEL, OSB #012571

PAMALA R. HOLSINGER, OSB #892638

Assistant United States Attorneys