SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION — SPECIAL PROCEEDINGS

In the Matter of the Search of Information Associated with Facebook Accounts disruptj20, lacymacauley, and legba.carrefour That Is Stored at Premises Controlled by Facebook, Inc.	)))))	Special Proceedings Nos. 17-CSW-658, 17-CSW-659 & 17-CSW-660 Chief Judge Morin

MOTION TO RECONSIDER

In response to motions to intervene and to quash filed by three political activists whose Facebook accounts were targeted by government search warrants, this Court, by order of November 9 ("Order"), imposed substantial safeguards to protect privacy and First Amendment interests. As the Court rightly recognized, "incorporating additional protections into electronic search warrants are appropriate to minimize the possibility of abuse by the government." Order at 9.

As much as this Court did to protect the interests of third parties who communicated with the targeted accounts, the holders of the individual accounts, Lacy MacAuley and Legba Carrefour, received substantially less protection. Whereas the Court required that the government employ a Court-approved search protocol when searching the Facebook page disruptJ20, the Court required no such measures for the individual accounts, but rather approved the government's proposed "front-to-back" search of those accounts. Tr. of Proceedings, *In the Matter of the Search of Information Associated with Facebook Accounts disruptj20, lacymacauley, and legba.carrefour That Is Stored at Premises Controlled by Facebook, Inc.*, Special Proceedings Nos. 17-CSW-658, 17-CSW-659 & 17-CSW-660, at 56 (D.C. Super. Ct. Oct. 13, 2017).

The Court also denied the account holders' motion to intervene.

Account holders MacAuley and Carrefour respectfully move for reconsideration of these two aspects of the Court's November 9 order. The Court's allowance of thorough searches of the entire contents of individual Facebook accounts for a period of more than 90 days effectively leaves the account holders subject to a general search that is not particularized to the probable cause the government has demonstrated. In concrete terms, the Court's ruling means that, to find evidence related to an alleged riot on January 20, the government will be authorized to peruse MacAuley's and Carrefour's other political activities — which political events they attended and organized, and their political views themselves — along with private messages about deeply personal matters entirely unrelated to any alleged riot, such as Carrefour's psychiatric treatment and MacAuley's experiences with intimate partner violence including rape. As explained below, this result cannot be squared with the particularity requirement of the Fourth Amendment. Additionally, permitting formal intervention by the account holders is necessary to enable them to protect their interests fully and is neither futile nor likely to expose the courts to a flood of litigation.

ARGUMENT

I. The Court Should Require A Court-Approved Search Protocol For The Individual Accounts.

In considering what safeguards are appropriate in this case, the Court identified and persuasively analyzed the relevant principles, but its Order with respect to the individual accounts of Lacy MacAuley and Legba Carrefour did not fully give effect to those principles. Although the Court did protect some of MacAuley's and Carrefour's political associations by requiring redaction of the names of third parties, and the Court imposed important safeguards against the sharing and retention of communications that the government has not shown probable cause to seize, the Order left MacAuley's and Carrefour's own First Amendment-protected

activities (as opposed to their associations with others) and their personal and private information exposed to government perusal without a showing of probable cause that is particularized to that information.

A. Particularity and reasonableness both require a Court-approved search protocol.

The particularity requirement does not prevent the government from stumbling onto irrelevant information in the course of a proper search; that circumstance is inevitable. *See Andresen v. Maryland*, 427 U.S. 463, 482 n.11 (1976). Particularity does, however, require that the government be prohibited from searching an entire area where it has no reason to expect to find the material that it has probable cause to seize. *See, e.g.*, *Maryland v. Garrison*, 480 U.S. 79, 84 (1987) ("By limiting the authorization to search to the specific areas and things for which there is probable cause to search, the requirement ensures that the search will be carefully tailored to its justifications, and will not take on the character of the wide-ranging exploratory searches the Framers intended to prohibit."); *accord Arizona v. Gant*, 556 U.S. 332, 345 (2009) (rejecting rule that would entitle police to search "every purse, briefcase, or other container" in the car of "an individual … caught committing a traffic offense, when there is no basis for believing evidence of the offense might be found in the vehicle," because such a rule "creates a serious and recurring threat to … privacy" that "implicates the central concern underlying the Fourth Amendment — the concern about giving police officers unbridled discretion to rummage at will among a person's private effects").

Thus, for instance, in a physical search of a home, if the government has probable cause to search for a car, the court should issue a warrant for the garage, not the bedroom or the medicine cabinet. A Court-approved search protocol — which the Court did not find overly burdensome with respect to the far more public disruptJ20 page — is the equivalent of a room-

based limitation that provides particularity for an electronic search warrant. Without such a safeguard, the Court is effectively authorizing an intrusion into MacAuley's bedroom and Carrefour's medicine cabinet without any suggestion by the government that the objects of its inquiry will be found in those places.

The specific information that will be revealed to the government under the warrants is significant. Although the identities of individuals with whom MacAuley and Carrefour associate will be redacted, the political events that MacAuley and Carrefour have attended and their political commentary over a period of 90 days will not be. *See* Decl. of Lacy MacAuley ¶¶ 5-6 (Ex. C to account holders' original motion); Second Decl. of Lacy MacAuley ¶ 5 (Ex. E to account holders' supplemental brief); Decl. of Legba Carrefour ¶¶ 5-6 (Ex. D to account holders' original motion); Second Decl. of Legba Carrefour ¶ 5 (Ex. F to account holders' supplemental brief). Knowing that the very administration that activists are protesting may have access to their organizing communications online is likely to chill future political communications. *See Clark v. Library of Cong.*, 750 F.2d 89, 93 (D.C. Cir. 1984) (recognizing chilling effect of government investigation into its employee's political activities); *see also* Order at 5 ("[T]he government must show that it has a compelling interest to justify even a subtle interference with an individual's ability to freely associate." (citing *NAACP v. Alabama*, 357 U.S. 449, 463 (1958)); Order at 11 (recognizing that production of "protected political and associational material[] implicat[es] the privacy and First Amendment rights of the account holders and other third parties who interacted or communicated with the targeted accounts").

Equally important, MacAuley and Carrefour have identified specific, very personal communications that are both subject to the warrants as currently drawn and yet obviously far removed from the subject of the government's investigation (and presumably its probable cause

showing): events in downtown D.C. on January 20. For instance, Legba Carrefour's private communications included discussions of his psychiatric treatment and a particular medication he was prescribed. *See* Decl. of Legba Carrefour ¶ 4 (Ex. D); Second Decl. of Legba Carrefour ¶ 5 (Ex. F). Lacy MacAuley's private communications included discussions with romantic partners and discussion of her own and others' experience with domestic violence. *See* Decl. of Lacy MacAuley ¶ 4 (Ex. C); Second Decl. of Lacy MacAuley ¶ 5 (Ex. E). MacAuley's Third Declaration provides even more detail about the information that would be revealed. MacAuley explains that some of her non-public Facebook communications during the period covered by the warrant for her account include discussions regarding a period of several months in early 2016 during which she was verbally, emotionally, physically, and sexually abused by a man she lived with in Turkey — a man who repeatedly raped her. *See* Third Decl. of Lacy MacAuley (attached to this motion as Ex. G) ¶¶ 3-5. Although she has discussed this experience publicly online, her private Facebook communications about her experience in Turkey, including communications during the period November 1, 2016 to February 9, 2017, were more personal and emotionally revealing than what she has posted in public and included additional details. *See id.* ¶ 7. These communications were part of the process by which MacAuley tried to work through her experience and heal from it. *See id.* Some of her communications also discuss traumatic events in the lives of others, including a family member. *See id.* ¶ 8. The thought of government officials reading these communications, which are irrelevant to any alleged "riot" in Washington, D.C., on January 20, 2017, is deeply painful to MacAuley. *See id.* ¶¶ 9-10.

Like rooms in a house where the object of a search could not reasonably be found, these subject areas should be off-limits to the government unless their probable cause showing is particularized as to these areas. For instance, if the government had made a showing that

MacAuley's discussion of her traumatic experiences in Turkey were either related to, or code to conceal, plans involving a "riot" in Washington, D.C., on January 20, then the search could extend to those topics. But without such a showing, going into every communication Lacy MacAuley sent on every subject she discussed is no less a generalized search than the fishing expedition the Supreme Court condemned in *Stanford v. Texas*, 379 U.S. 476 (1965).

The particularity requirement for a warrant is separate from the probable cause and serves a distinct function. *See Dalia v. United States*, 441 U.S. 238, 255 (1979) (enumerating three distinct requirements of a valid warrant: issuance by a neutral magistrate, probable cause, and particularity). Whereas the probable cause requirement tests the quantum of suspicion the government has to justify a search, particularity tests the relatedness of the government's suspicion to the object of the search. *See Garrison*, 480 U.S. at 84; *accord Buckner v. United States*, 615 A.2d 1154, 1155 (D.C. 1992) ("The particularity requirement prohibits sweeping, exploratory searches[.]") *see generally Marcus v. Search Warrants*, 367 U.S. 717, 729 n.22 (1961) ("A [Founding-era] London pamphlet summed up the widespread indignation against the use of the general warrant for the seizure of papers: 'In such a party-crime, as a public libel, who can endure this assumed authority of taking all papers indiscriminately? * * * where there is even a charge against one particular paper, *to seize all, of every kind, is extravagant, unreasonable and inquisitorial*. It is infamous in theory, and downright tyranny and despotism in practice.'" (quoting Father of Candor, A Letter Concerning Libels, Warrants, and the Seizure of Papers 48 (2d ed. 1764, J. Almon printer)) (emphasis added)).

If the government showed probable cause to believe that MacAuley used her account for nothing but riot-planning, then a search of the entire account would be sufficiently particular. *Cf. United States Postal Serv. v. C.E.C. Servs.*, 869 F.2d 184, 187 (2d Cir. 1989) ("When the

criminal activity pervades that entire business, seizure of all records of the business is appropriate, and broad language used in warrants will not offend the particularity requirements."). By contrast, if the government's probable cause showing consists of probable cause to believe only that MacAuley was friends with a particular defendant in one of the criminal cases and was otherwise completely unconnected to the alleged "riot," then the warrant should be limited to MacAuley's communications with that particular individual. These examples are not offered as specific proposals to tailor the warrants at issue here; the account holders, obviously, do not know the contents of the sealed papers justifying the search. What these examples should show is that a search must not only be justified by probable cause but also tailored to the areas to which the government's showing of probable cause relates — in other words, there must be a reasonable relationship between the items sought and the areas searched. In terms of the two-step process for electronic searches, particularity means a reasonable relationship between the universe of material "disclosed" in step one and the universe "seized" in step two. In physical terms, the government doesn't get a warrant for the bedroom when it has probable cause to seize a car. The electronic analogue to that limitation is a keyword search.

A Court-approved search protocol may be as broad as the government's showing of probable cause allows. The government's showing may justify a search protocol that demands querying the accounts using 5, 10, 50 or even 100 keywords, be they "riot" or "Inauguration" or secret words that the government has reason to believe some of the alleged "perpetrators" of the alleged "riot" used. The search warrant may justify looking at every communication between Lacy MacAuley and the defendants in the criminal prosecution, and perhaps others the government can identify. The breadth of the search might cover a sizable percentage of her communications over the warrant period, or it might not. The crucial factor from the Fourth

Amendment standpoint is that a search protocol enables the tailoring of the search so that the material "disclosed" to the government at step one of the two-step procedure is not an undifferentiated data dump that facilitates and encourages the type of "exploratory rummaging" that the Supreme Court has condemned. *Andresen*, 427 U.S. at 479; *accord* Order at 12 ("[W]hile the government has the right to execute its warrants, it does not have the right to rummage through the information contained on the Facebook accounts….").

A Court-approved search protocol is not a radical step here; on the contrary, that is precisely the remedy that the Court imposed for the threatened incursions into the First Amendment-protected activities of third parties who interacted with the disruptJ20 Facebook page. Order at 13. Several courts have imposed or affirmed such a safeguard, *see United States v. Matter of Search of Info. Associated With Fifteen Email Addresses Stored at Premises Owned Maintained, Controlled or Operated By 1&1 Media, Inc., Google, Inc., Microsoft5 Corp. and Yahoo! Inc.*, 2017 WL 4322826, at *8 (M.D. Ala. Sept. 28, 2017); *In re Search Warrant*, 71 A.3d 1158, 1182-83 (Vt. 2012); *In the Matter of the Search of www.disruptj20.org That Is Stored at Premises Owned, Maintained, Controlled, or Operated by Dreamhost*, Spec. Proc. No. 17 CSW 3438, slip op. at 6-7 (D.C. Super. Ct. Oct. 10, 2017), or recognized its appropriateness, *see United States v. Comprehensive Drug Testing, Inc.*, 621 F.3d 1162, 1179-80 (9th Cir. 2010) (Kozinski, C.J., concurring); *In re Applications for Search Warrants for Info. Associated with Target Email Accounts/Skype Accounts*, 2013 WL 4647554, at *10 (D. Kan. Aug. 27, 2013); *In re Search of Info. Associated with the Facebook Account Identified by the Username Aaron.Alexis*, 21 F. Supp. 3d 1, 11 (D.D.C. 2013). And as the Court has itself noted, "current technological capabilities allow law enforcement in some circumstances to execute electronic searches of online email and social media accounts in a more targeted manner than is possible on

a hard drive or computer." Order at 10. "Such requests can feasibly be narrowed to particular individuals suspected of taking part in the alleged crime, or where unknown, limiting data production by types of files or communication topics." Order at 11.

The government has not shown anywhere in its briefing or argument that a "front to back" search of MacAuley's and Carrefour's Facebook accounts is necessary or that a particularized search protocol wouldn't work just as well. On the contrary, as government counsel argued, "A search of the Facebook account, Your Honor, can be done fairly quickly. We're really looking for evidence of one particular criminal activity." Tr. of Proceedings, *In the Matter of the Search of Information Associated with Facebook Accounts disruptj20, lacymacauley, and legba.carrefour That Is Stored at Premises Controlled by Facebook, Inc.*, Special Proceedings Nos. 17-CSW-658, 17-CSW-659 & 17-CSW-660, at 10 (D.C. Super. Ct. Oct. 13, 2017).

The safeguard of an approved search protocol is urgently needed to protect both MacAuley's and Carrefour's political activities and their personal communications about issues such as psychiatric treatment and rape. There is no reason why it cannot be implemented just as well for these individual accounts as for the disruptJ20 page. And as the Court has recognized, should the Court-approved search protocol yield probable cause for a different or broader search, the government remains free to seek further warrants. Order at 16.

Reasonableness is the touchstone of the Fourth Amendment, *Riley v. California*, 134 S. Ct. 2473, 2482 (2014), and the exposure of MacAuley's and Carrefour's non-Inauguration Day political activities and their private communications on subjects far removed from any alleged "riot" is unreasonable. The government does not need to read about MacAuley's abuse in Turkey by a Turkish man in the early part of 2016 in order to conduct a full investigation of an alleged

"riot" in Washington, D.C. in January 2017 that took place in connection with demonstrations against the inauguration of a President not even elected until months after MacAuley left Turkey. Given the nature of the government's investigation, its lack of connection to the private contents in the accounts at issue, and the feasibility of extending the safeguard (a Court-approved search protocol) that the Court has already imposed on a related warrant, permitting a generalized, exploratory, "front-to-back" search in this case would be unreasonable.

B. The Order's reasons for affording the individual accounts less protection than the disruptJ20 page are unpersuasive.

The Court quite rightly imposed carefully tailored safeguards for the political associations of third parties in light of the First Amendment. But those protections do not address all the interests at stake here. The Fourth Amendment protects "[t]he right of the people to be secure in *their* persons, houses, papers, and effects, against unreasonable searches and seizures" (emphasis added). The right is personal to MacAuley and Carrefour. Protecting third parties' identities is appropriate but insufficient.

The Court found the account holders' own interest less in need of protection on the ground that, "[a]ssuming that any alleged evidence is intermingled with unrelated information, that intermingling exists because [MacAuley and Carrefour] chose to store their data with a third party, Facebook, in that manner." Order at 15. Additionally, the Court implicitly distinguished MacAuley and Carrefour from the "innocent persons," who communicated with them, Order at 15, and the Court reasoned that MacAuley and Carrefour were protected by the government's original showing of probable cause, Order at 14-15. Respectfully, these rationales do not withstand scrutiny.

The suggestion that MacAuley and Carrefour forfeited any privacy in communications that they "intermingled" on Facebook with information of legitimate interest to the government,

Order at 15, contradicts the courts of appeals' recognition that people enjoy a reasonable expectation of privacy in their electronic communications conveyed via third-party internet providers like Facebook, *see In re Grand Jury Subpoena,* 828 F.3d 1083, 1090 (9th Cir. 2016); *Vista Marketing, LLC v. Burkett*, 812 F.3d 954, 969 (11th Cir. 2016); *United States v. Warshak*, 631 F.3d 266, 288 (6th Cir. 2010). The courts' recognition of this reasonable expectation of privacy means that "intermingling" information on a "third party platform" does not divest it of Fourth Amendment protection — rather, the government must satisfy the Fourth Amendment requirement of particularity for the entirety of its search of a protected area.

If a Facebook message contained both criminal plans and unrelated personal information, the government would have probable cause to seize the message and therefore would be able to read both types of information. But where, as here, relevant communications can be segregated from irrelevant ones by a keyword search, there is no justification to search other communications simply because they occurred on the same platform. To return to the physical search analogy: if the government has probable cause to seek a car in a particular garage, and the owner stores medicine or political posters in the garage, then the government will see them — they are truly "intermingled." *Cf. Horton v. California*, 496 U.S. 128, 135 (1990) ("An example of the applicability of the 'plain view' doctrine is the situation in which the police have a warrant to search a given area for specified objects, and in the course of the search come across some other article of incriminating character." (citation and internal quotation marks omitted)). But the Court should not authorize explorations of parts of the house where it is unreasonable to expect to find the object for which the government has demonstrated probable cause. Even if it is theoretically possible that a car could be concealed under a trap door beneath a basement bedroom, a court should not authorize a search of the bedroom unless there is some reason to

suspect such a possibility. Law enforcement is not entitled to maximum access to ensure that no stone is unturned, only reasonable access that is particularized to its probable cause showing. Thus, a court would not deem the contents of an entire house to be "intermingled" simply because they are all in the house, regardless of their proximity or relation to the legitimate objects of the government's search. That would be the logic of general warrants, not the Fourth Amendment.

The Court's implicit distinction of MacAuley and Carrefour from the "innocent persons" with whom they communicate is both based on surmise (neither MacAuley nor Carrefour has been charged with a crime, and both would be presumed innocent in any event) and irrelevant, as the Fourth Amendment protection "extends to the innocent and guilty alike." *McDonald v. United States*, 335 U.S. 451, 453 (1948). If the likely possession of relevant evidence is enough to strip a person of the protection of the particularity requirement of the Fourth Amendment, then particularity has lost its independent meaning, and probable cause to search *anything* a person has can metastasize into probable cause to search *everything* she has. Relatedly, the view that MacAuley and Carrefour have all the protection they need because of the original probable cause finding subordinates particularity to probable cause and ignores the crucial and independent functions of each in carrying out the central goal of the Fourth Amendment: to prohibit general searches. *See Garrison*, 480 U.S. at 84; *see also United States v. Otero*, 563 F.3d 1127, 1132 (10th Cir. 2009) (McConnell, J.) ("The modern development of the personal computer and its ability to store and intermingle a huge array of one's personal papers in a single place increases law enforcement's ability to conduct a wide-ranging search into a person's private affairs, and accordingly makes the particularity requirement that much more important.").

Ultimately, the Fourth Amendment does not demand perfection from a warrant. It does not rule out that authorities will, in the course of carrying out a search, stumble upon items or information that they were not seeking. The Fourth Amendment does, however, require that courts protect individuals from broad, generalized searches that range beyond what the government has probable cause to look for. Particularly where, as here, the contents at stake include both First Amendment-protected activity and deeply private matters wholly unrelated to the "things to be seized," and where, as here, the tools exist to ensure that the government appropriately tailors its search, permitting a "front to back" search of MacAuley's and Carrefour's Facebook accounts is inconsistent with the Fourth Amendment. It is neither particularized nor reasonable.

This Court summarized the circumstances best:

> There are circumstances in this case which allow the court to consider limitations on the government's search while also protecting its legitimate need to prosecute criminal activity. Here, the information sought by the February 2017 Warrants has been preserved by Facebook so that there is no risk of its destruction. … Facebook currently has the technological capabilities to enable execution of the Warrants in a manner that also protects innocent users' privacy and First Amendment interests. … Any evidence in the production of data will likely be co-mingled with personal information and otherwise protected political and associational material, implicating the privacy and First Amendment rights of the account holders and other third parties who interacted or communicated with the targeted accounts. Given the potential breadth, the Warrants in their execution may intrude upon the lawful and otherwise innocuous online expression of innocent users. Therefore, the court deems it appropriate in this case to implement procedural safeguards to preserve the First Amendment and Fourth Amendment freedoms at stake and ensure that only data containing potential incriminating evidence is disclosed to the government.

Order at 11.

Now the Court should apply this persuasive analysis not only to the third parties but also to account holders MacAuley and Carrefour, who are, after all, the individuals whose Fourth Amendment rights are primarily at risk. The Court should reconsider its November 9 Order and

restrict the government to a Court-approved search protocol for the individual accounts just as for the disruptJ20 page.

II. The Court Should Reconsider Intervention.

As the account holders have demonstrated in their briefing, intervention to challenge an electronic search warrant's lack of particularity, where the electronic information in question has been preserved, is not foreclosed by any governing decision or rule of court and is permissible. The Court did not hold that intervention was impermissible, only that it would exercise its discretion not to permit it here. Order at 16, 21. The Court recognized a number of factors favoring intervention, including the First and Fourth Amendment rights of the account holders, the absence of a risk of destruction of evidence, and similar circumstances in which an opportunity to contest warrants on First Amendment grounds was required by the Supreme Court. *See* Order at 17-18 (citing *A Quantity of Books v. Kansas*, 378 U.S. 205, 210 (1964); *Marcus v. Search Warrants*, 367 U.S. 717, 734-38 (1961)). Nonetheless, the Court denied intervention because it feared "open[ing] the floodgates to pre-execution warrant challenges resulting in a strain on court resources," Order 18 (citation and internal quotation marks omitted), because intervention "would unduly compound litigation," Order at 18, and because "the movants have been heard and their positions taken into account so that they have received the practical benefit that any formal intervention would provide." Order at 20. Respectfully, the first two considerations should not trouble the Court, and the third point weighs in favor of granting, not denying, intervention.

With respect to the dangers of opening floodgates or compounding litigation, the dearth of precedent on the issue of intervention in these precise circumstances (as demonstrated by the parties' initial briefing) shows just how rare this scenario is, and so it is unlikely that the Court

would be deluged with requests to intervene. And assuming, as the Court does, that intervention is a matter of discretion, courts have it in their power to control the floodgate itself and to prevent undue complications. In this particular case, far from "unduly compound[ing] litigation," Order at 18, the Court has found the account holders' participation "informative," Order at 20.

The fact that the Court has heard and taken the account holders' arguments into account is a factor supporting intervention, not demonstrating that it is futile. In a functional sense, the Court has already allowed the account holders to participate as if they were parties. The effects of the Court's decision to deny intervention in that circumstance are to invite ambiguity about the roles of parties and non-parties in future cases and to hinder unnecessarily MacAuley's and Carrefour's ability to protect their own interests further through appeal if they feel they need to. Indeed, the possibility of an appeal is the clearest reason that permitting intervention would not be futile: intervention would instead provide account holders with an important procedural right.

Given the account holders' strong personal interests at stake, the feasibility of intervention, and their functional participation in the proceedings thus far, granting intervention is most consistent with the Court's handling of this matter and the interests of justice.

CONCLUSION

The motion to reconsider should be granted. The Court should allow the movants to intervene and should require that the government use a Court-approved search protocol to search MacAuley's and Carrefour's Facebook accounts.

November 16, 2017

Respectfully submitted,

Scott Michelman (D.C. Bar No. 1006945)
Arthur B. Spitzer (D.C. Bar No. 235960)
Shana Knizhnik (D.C. Bar No. 1020840)
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street NW, Second Floor*
Washington, D.C. 20005
(202) 457-0800
smichelman@acludc.org

Counsel for Movants

*Please note counsel's change of address since counsel's most recent filing.

CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of November 2017, I caused copies of the foregoing Motion to Reconsider along with a proposed order to be served on all counsel by first-class mail, postage prepaid, as well as by email, as follows:

John Roche
Perkins Coie LLP
700 Thirteenth Street NW Suite 600
Washington, D.C. 20005-3960
JRoche@perkinscoie.com

John Borchert
U.S. Attorney's Office
555 Fourth Street NW
Washington, D.C. 20530
john.borchert@usdoj.gov

Paul Alan Levy
Public Citizen Litigation Group
1600 20th Street NW
Washington, D.C. 20009
plevy@citizen.org

Scott Michelman (D.C. Bar No. 1006945)
American Civil Liberties Union Foundation
of the District of Columbia
915 15th Street NW, Second Floor
Washington, D.C. 20005
(202) 457-0800
smichelman@acludc.org

Counsel for Movants