

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-CV-81294-CANNON

DONALD J. TRUMP,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

_____ /

MOTION TO FILE AFFIDAVIT UNDER SEAL

The United States of America moves the Court to file under seal one document, the United States' Affidavit Regarding Detailed Inventory (the "Affidavit"), which is made pursuant to the Special Master's Case Management Plan (DE 112). In support of the Motion, the government states:

1. Courts have inherent power to control access to papers filed with the courts. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978). Courts have traditionally been "highly deferential to the government's determination that a given investigation requires secrecy and that warrant materials be kept under seal." *Times Mirror Co. v. United States*, 873 F.2d 1210 (9th Cir. 1989). Therefore, courts have routinely granted government requests to seal warrant materials where there is a need for secrecy. *See Washington Post v. Robinson*, 935 F.2d 282, 289 (D.C. Cir. 1991).

2. In a hearing on September 20, 2022, the Special Master gave permission for the government to redact the name of the FBI Supervisory Special Agent making the

Affidavit. On September 26, 2022, the government filed on the public docket a Notice of Filing that attached the redacted version of the affidavit and indicated it had filed a motion to seal the unredacted version (DE 116).¹ The proposed sealed document is the unredacted version of the Affidavit. The redaction sought here will protect the identity of an FBI agent working on this investigation. This limited sealing is necessary because a number of the government personnel working on this investigation have, once their identities have been revealed publicly, been subject to threats and harassment.

CONCLUSION

WHEREFORE, for these reasons, the United States of America respectfully requests that the Court issue an Order permitting the government to file under seal the government's unredacted Affidavit Regarding Detailed Inventory.

Dated: September 28, 2022

Respectfully submitted,

/s/ Julie A. Edelstein
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¹ Pursuant to the Court's Order in Docket Entry 116 and Southern District of Florida Local Rule 5.4, the government now files on the public docket this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 28, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Julie A. Edelstein

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