

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**IN RE PRESS APPLICATION FOR
ACCESS TO THE GOVERNMENT'S
MOTION FOR IMMUNITY
DETERMINATIONS IN CASE NO. 23-
CR-357, UNITED STATES OF
AMERICA V. DONALD J. TRUMP**

Misc. Action No. 24-122 (TSC)

ORDER

Applicants are a coalition of media and press organizations seeking access to filings that the Special Counsel's Office submitted under seal in *United States v. Trump*, No. 23-cr-257-TSC (D.D.C.). In that case, the Office requested leave to redact personally identifying information and other sensitive information from its Motion for Immunity Determinations ("Motion") and accompanying Appendix, explaining that those redactions would allow maximum public access to the filings while still protecting potential witnesses and other sensitive materials. *Id.*, Government's Mot. for Leave to File Unredacted Mot. Under Seal, and to File Redacted Mot. on Public Docket, ECF No. 246. On October 2, 2024, the court granted that leave with respect to the Motion for Immunity Determinations, and publicly docketed the Motion with the Government's proposed redactions. *Id.*, Op. & Order, ECF No. 251 ("Mot. Redactions Op."). On October 10, 2024, the court granted leave with respect to the accompanying Appendix, but stayed its public docketing for seven days to permit Defendant, who objected to any further unsealing, to "evaluate litigation options." *Id.*, Order at 1–2, ECF No. 260 ("Appendix Order").

The court's orders in *Trump* partially granted the relief sought by Applicants here. They claim that, under governing First Amendment precedent, the court must

(1) immediately unseal the Motion for Immunity Determinations and Appendix in the redacted form that the government has proposed; and (2) as promptly as possible

further unseal those filings with only those redactions that are both “essential to preserve higher values” and “narrowly tailored to serve that interest.”

Press Appl. for Access to Government’s Mot. for Immunity Determinations at 1–2, ECF No. 1 (quoting *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 510 (1984)). The first half of Applicants’ request is now largely moot, as the court has agreed to unseal the Motion and Appendix with the Government’s proposed redactions.

In all other respects, however, the court will deny this Application. In ruling on the Government’s proposed redactions to its Motion, the court explained that they were consistent with both the common-law and First Amendment rights of public access to judicial proceedings. *See* Mot. Redactions Op. at 2–3. The court incorporated that explanation in approving the corresponding redactions in the Motion’s Appendix. Appendix Order at 1. Applicants’ reliance here on the First Amendment is therefore unavailing; it does not compel unsealing any of the redactions that the court has approved.

For these reasons, and in the manner described above, this Application is hereby GRANTED in part and DENIED in part.

Date: October 11, 2024

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge