

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED *WJ*
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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 V.)
)
 ERIC ROBERT RUDOLPH,)
)
 Defendant.)

Case No. CR-00-S-422-S

DEFENDANT’S REQUEST TO SEAL SUBPOENAS

In ruling on the Government’s Motion to Quash three subpoenas duces tecum, the Court directed that the three subpoenas and the briefs of the parties regarding the Motion to Quash be unsealed on Tuesday, May 25, 2004. *See* Doc. 223. However, the Court left open the question of whether the subpoenas should be sealed from the public.¹ Without waiving any objection previously made and with regard to the Order granting access, the defendant requests that the Court continue to seal the subpoenas from the public while permitting the “government” access to the subpoenas in much the same way and for similar reasons as the Court ordered release to the government of the *in camera* submission of the defense in connection with the laboratory related discovery motion. *See* Doc. 225 (“The Government may obtain from the Clerks a copy of the *in camera* submission . . . Otherwise the submission shall remain sealed pending further order.”).²

¹ *See* Doc. 223, fn. 4 at page 6.

² The Court has previously ordered that documents received pursuant to defense *ex parte* applications be placed under seal when provided to the Court. *See* Order, 4/2/04 (granting defendant’s request to file responses to subpoenas *ex parte* and under seal).

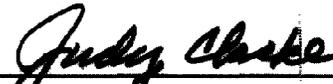
Should this Court deny this request and unseal these three subpoenas as to the public, the defendant requests that the unsealing of subpoenas be limited to the three specific subpoenas which are the subject of this Court's order of May 14, 2004, [Doc. 223] and that this Court enter an order to that effect, clarifying that same order of May 14th. The unsealing of any other subpoena should, at the very least, be addressed on the basis of each individual subpoena. Defendant makes this request in order to maintain the privacy interests of the subpoenaed persons and to prevent disclosure of his work product and potential trial strategy to the general public.

Dated: May 24, 2004

Respectfully Submitted,

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Bill Bowen
Judy Clarke
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon the following by mailing the same by facsimile transmission and by first class United States mail, properly addressed and postage prepaid, on this 24th day of May, 2004 to:

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This document was also emailed to Mr. Ragland at ed.ragland@usdoj.gov.

Bill Bowen

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