

EMPOWER OVERSIGHT

Whistleblowers & Research



EMPOWR.us

November 30, 2023

Via Electronic Transmission: MRUFOIA.Requests@USDOJ.Gov

U.S. Attorney's Office for the District of Columbia
Executive Office of U.S. Attorneys
601 D Street, NW
Washington, DC 20579
Phone: (202) 252-7566

RE: FOIA Request for Records Regarding Subpoena of U.S. Senate and U.S. House Attorney's Communication Records

Dear FOIA Officer:

INTRODUCTION

Empower Oversight Whistleblowers & Research ("Empower Oversight") is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seek to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

On October 19, 2023, Jason Foster, Founder of Empower Oversight, received a notification that the U.S. Department of Justice ("DOJ") had served legal process on Google in 2017 for records of a Google Voice telephone number that connected to his family's telephones. In 2017, Mr. Foster was Chief Investigative Counsel to U.S. Senate Judiciary Committee Chairman Chuck Grassley, directing congressional oversight investigations into waste, fraud, abuse, and misconduct at DOJ pursuant to the Senate's authorities under the U.S. Constitution.

Google provided a redacted copy of the subpoena issued on September 12, 2017 by the U.S. District Court for the District of Columbia, which compelled the release of records related to other customers' Google accounts (redacted in the copy produced by Google). Empower Oversight has information indicating that the other accounts listed in the subpoena belonged to other attorneys, both Republicans and Democrats, for U.S. House and Senate committees also engaged in oversight investigations of DOJ at the time, pursuant to their authorities under the U.S. Constitution.

For each of the listed telephone and email accounts, the subpoena compelled Google to release customer or subscriber information, as well as subscribers' names, addresses, local and long-distance telephone connection records, text message logs, records of session times and durations, length of service, and types of service utilized for the period from December 1, 2016 to May 1, 2017. So, not only did the subpoena compel the release of identifying information of the subscriber to each account, but it also compelled the release of records indicating with whom the user was communicating.

The subpoena number was GJ2017091241939, with USAO #2017R01896. *See* Exhibit A.¹ Also attached to this letter is a copy of one of the Google notices Mr. Foster received, which states: "A court order previously prohibited Google from notifying you of the legal process. We are now permitted to disclose the receipt and provide the attached copy of the legal process to you." *See* Exhibit B.²

Other attorneys have publicly referenced receiving similar notices, including former U.S. House of Representatives Permanent Select Committee on Intelligence ("HPSCI") staffer Kashyap Patel.³ Deputy Attorney General Rod Rosenstein had threatened to subpoena HPSCI staffers' personal records during a confrontation over the Justice Department's failure to comply with that committee's compulsory process.⁴ But the targets were not limited to Republican staff. Democrats in Congress have called for investigations into the targeting of their communications as well, which reportedly included subpoenas to Apple for information about HPSCI aides and their families, including one account belonging to a child.⁵ According to its website, the Justice Department's Office of Inspector General is "reviewing the DOJ's use of subpoenas and other legal authorities to obtain communication records of Members of Congress and affiliated persons, and the news media in connection with recent investigations of alleged unauthorized disclosures of information to the media[.]"⁶

There appears to have been an extensive and far-reaching effort to use grand jury subpoenas and perhaps other means to gather the personal communications records of innocent congressional attorneys and their families with little or no legitimate predicate. For example, the number listed in the subpoena that Google disclosed to Mr. Foster was actually used by his wife, who never communicated with the media on that phone number or any other.

On October 24, 2023, Empower Oversight submitted a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, to shed light on DOJ's use of grand jury subpoenas to investigate congressional staff members. After submitting that request, Empower Oversight obtained additional information that may relate to the basis for DOJ's subpoena of Mr. Foster's records. According to court records, DOJ filed a motion to unseal search warrant materials related to Mr. James Wolfe, former Security Director for the U.S. Senate Select Committee on Intelligence. Assistant U.S. Attorney ("AUSA") Tejpal S. Chawla signed the

¹ For privacy purposes, Empower Oversight has redacted the specific phone number from the attached subpoena. Should any DOJ component need that number in order to process this FOIA request, Empower Oversight is willing to provide it upon request.

² Emphasis in exhibit added. For privacy purposes, Empower Oversight has redacted the domain name in the notice.

³ Patel filed suit in the U.S. District Court for the District of Columbia against current and former federal officials, after receiving a similar notice from Google. *See Patel v. Liu*, No. 23-02699-APM (D.D.C. Sept. 14, 2023) (Complaint) [ECF Doc. 1]. The subpoena for Mr. Patel's records was issued by the U.S. District Court for the District of Columbia on November 20, 2017, about two months after the subpoena for Mr. Foster's records. The Patel subpoena number was GJ2017112043546, with USAO #2017R01887.

⁴ Catherine Herridge, *Rosenstein threatened to 'subpoena' GOP-led committee in 'chilling' clash over records, emails show*, FOX NEWS (Jun. 12, 2018), available at <https://www.foxnews.com/politics/rosenstein-threatened-to-subpoena-gop-led-committee-in-chilling-clash-over-records-emails-show> (last visited Oct. 23, 2023).

⁵ Myah Ward, *Adam Schiff calls for investigation after report of his phone records being seized by Trump DOJ*, POLITICO (Jun. 10, 2021), available at <https://www.politico.com/news/2021/06/10/adam-schiff-investigation-trump-doj-493343> (last visited Oct. 23, 2023).

⁶ *Ongoing Work*, Justice Department Inspector General, available at <https://oig.justice.gov/ongoing-work> (last visited Oct. 23, 2023).

motion, and Channing D. Phillips was Acting United States Attorney for the District of Columbia at the time.⁷ On June 7, 2018, Wolfe was indicted for making false statements to federal officials.⁸ According to the indictment, the investigation into Mr. Wolfe began during 2017, and Federal Bureau of Investigation agents met with Wolfe about the investigation on or about October 30, 2017.⁹ Based upon the timing of the Wolfe investigation, AUSA Chawla and then-Acting U.S. Attorney Phillips were likely involved in the decision to issue a subpoena for House and Senate attorneys' communications records during September 2017, with no notice to Legislative Branch authorities.

Because the subpoena for Mr. Foster's records raises serious public interest questions about the basis for such intrusion into the personal communications of attorneys advising congressional committees conducting oversight of DOJ, Empower Oversight submitted a second FOIA request on October 30, 2023, to obtain information about the circumstances of the issuance of the subpoena.

On November 10, 2023, Google provided Mr. Foster with copies of the nondisclosure orders it received regarding the subpoena for his records. *See* Exhibit C. Nondisclosure orders were filed in the U.S. District Court for the District of Columbia on September 14, 2017; August 23, 2018; August 16, 2019; September 3, 2020; and August 26, 2021. All of the orders were issued pursuant to applications from DOJ under 18 U.S.C. § 2705(b). That statute allows a governmental entity to obtain an order commanding a communications provider not to notify any other person of the existence of a warrant, subpoena, or court order if the court determines that there is reason to believe that notification will result in: "(1) endangering the life or physical safety of an individual; (2) flight from prosecution; (3) destruction of or tampering with evidence; (4) intimidation of potential witnesses; or (5) otherwise seriously jeopardizing an investigation or unduly delaying a trial."

The limited circumstances under which a court may issue an order under § 2705(b) raises the question of whether the claims DOJ made to the court were true and whether those claims actually support the orders. Furthermore, the subpoena for Mr. Foster's records appears to have been issued as part of the same investigation that resulted in the prosecution of Mr. Wolfe. The case against Mr. Wolfe ended on December 20, 2018, when he was sentenced to two months imprisonment after he was prosecuted by AUSA Chawla, AUSA Jocelyn Ballantine, and Special AUSA Laura Ingersoll. Mr. Wolfe admitted to disclosing only *unclassified* information to reporters and lying to the Federal Bureau of Investigation about his contacts with reporters.¹⁰ However, he did not admit to, and the government did not charge him with, leaking classified information.

There are serious questions about how DOJ justified its application for orders under § 2705(b) to mandate the nondisclosure of the subpoena for Mr. Foster's records in 2019, 2020, and 2021. It would have been impossible on the dates of the renewal requests for Mr. Foster to destroy the records initially sought because Google had already produced them to the government years earlier. It raises the question of whether DOJ was forthright to the court when seeking the orders, and whether DOJ, as a matter of law enforcement policy, routinely applies for extensions to conceal such orders regardless of whether it has any legitimate basis to do so—

⁷ See *In the Matter of the Search of: Samsung Galaxy S5 with IMEI No. Beginning with [Redacted]*, No. 17-mj-793 (BAH) (D.D.C.) (Motion to Unseal with Redactions), *available at* <https://www.dcd.uscourts.gov/sites/dcd/files/17-mj-793%20Redacted%20Motion%20to%20Unseal.pdf> (last visited Oct. 26, 2023).

⁸ U.S. Attorney's Office for the District of Columbia, Press Release, *Former U.S. Senate Employee Indicted on False Statements Charges* (June 7, 2018) *available at* <https://www.justice.gov/usao-dc/pr/former-us-senate-employee-indicted-false-statements-charges> (last visited Oct. 26, 2023).

⁹ *United States v. Wolfe*, No. 18-00170-KBJ (D.D.C. June 7, 2018) (Indictment) [ECF Doc. 1] ¶¶ 3, 5.

¹⁰ U.S. Attorney's Office for the District of Columbia, Press Release, *Former U.S. Senate Employee Sentenced to Prison Term on False Statements Charge* (Dec. 20, 2018) *available at* <https://www.justice.gov/usao-dc/pr/former-us-senate-employee-sentenced-prison-term-false-statements-charge> (last visited Nov. 13, 2023).

or whether it did so in this instance merely to conceal its broad, unsupported dragnet approach for the personal communications of Congressional Members and staff for as long as possible to the avoid the very controversy now arising, with multiple letters from Capitol Hill oversight authorities¹¹ and an active Inspector General investigation ongoing.

RECORDS REQUEST

In order to shed light on possible DOJ wrongdoing as well as law enforcement policy, specifically DOJ's application for nondisclosure orders under 18 U.S.C. § 2705(b), Empower Oversight requests the following records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

1. Any and all applications for court orders under 18 U.S.C. § 2705(b) prohibiting Google from notifying anyone of the subpoena at Exhibit A. For reference, the orders DOJ obtained are included as Exhibit C.
2. All communications, calendar entries, and notes of meetings, phone calls, or messages of AUSA Tejpal Chawla, AUSA Jocelyn Ballantine, and/or Special AUSA Laura Ingersoll discussing subpoena number GJ2017091241939, USAO investigation number 2017R01896, congressional Members or staff whose accounts were targeted in the subpoena, Jason Foster, and/or the investigation for which subpoena number GJ2017091241939 was issued for the following periods:
 - a. August 31, 2017 through September 17, 2017;
 - b. August 9, 2018 through August 28, 2018;
 - c. August 2, 2019 through August 22, 2019;
 - d. August 20, 2020 through September 8, 2020; and
 - e. August 12, 2021 through September 1, 2021.

Mr. Foster has executed a Form DOJ-361 authorizing the release of information to Empower Oversight, which is attached as Exhibit D. The requests are listed in order of priority and should be processed accordingly.

DEFINITIONS

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters,

¹¹ See Letter from Rep. Jordan to Attorney General Merrick Garland (Oct. 31, 2023) *available at* https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-10-31-jdj-to-doj-re-congressional-staff-subpoenas.pdf?_gl=1%2A1a1hzt3%2A_ga%2AMTgzMjkzMzg3My4xNjc5Njg0NTkz%2A_ga_1818ZEQW81%2AMTY5ODg3MjUxOC4yMS4xLjE2OTg4NzI4NjkuMC4wLjA. (last visited Nov. 29, 2023); Letter from Sen. Grassley to DOJ Inspector General Michael Horowitz (Nov. 2, 2023) *available at* [https://www.grassley.senate.gov/imo/media/doc/grassley to doj oig - congressional subpoena.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley%20to%20doj%20oig%20-%20congressional%20subpoena.pdf) (last visited Nov. 29, 2023).

diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive.

The singular form shall include the plural form and vice versa.

The present tense shall include the past tense and vice versa.

In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request.

If you have any questions about this request, please contact Mike Zummer by e-mail at [REDACTED].

FEE WAIVER REQUEST

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of the Department’s handling of allegations that it or its employees was negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity, and transparency. In the latter regard, the information that that Empower Oversight receives that

tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
President

UNITED STATES DISTRICT COURT
for the
District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Custodian Of Records
Google
1600 Amphitheatre Parkway
Mountain View, CA 94043

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
U.S. Courthouse, 3rd Floor Grand Jury # 16-3
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Date and Time:
Tuesday, September 26, 2017 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

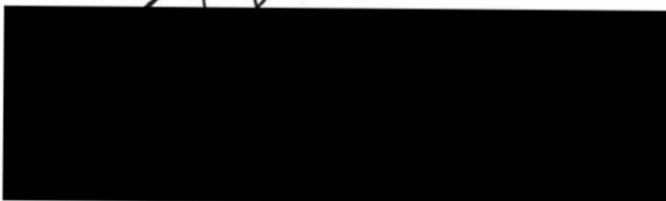
PLEASE SEE ATTACHMENT

Date: September 12, 2017

CLERK OF COURT


Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant United States Attorney, who requests this subpoena, are:



Subpoena #GJ2017091241939
USAO #2017R01896



Exhibit A

ATTACHMENT
Google/ Google Voice

All customer or subscriber account information for any and all accounts associated with the following identifiers listed below from: **December 1, 2016 to May 1, 2017**:

- [REDACTED] This phone number redacted by Empower Oversight, all other redactions by Google.



In addition, for each such account, the information shall include the subscriber's:

1. Names (including subscriber names, user names, and screen names);
2. Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses);
3. Local and long distance telephone connection records;
4. Text message logs;
5. Records of session times and durations;
6. Length of service (including start date) and types of service utilized;

From: usernotice@google.com

Date: October 19, 2023 at 1:02:19 AM EDT

To: usernotice-noreply@google.com

Subject: [6-0465000035288] Notification from Google



Hello,

You are receiving this email because you are listed as an administrator of the Google Workspace domain [REDACTED].com. Google received and responded to a legal process issued by the United States Department of Justice compelling the release of information for an account associated with that Google Workspace domain. A court order previously prohibited Google from notifying you of the legal process. We are now permitted to disclose the receipt and provide the attached copy of the legal process to you.

For more information about how Google handles legal processes, please see <https://policies.google.com/terms/information-requests> or view our transparency report at <https://transparencyreport.google.com/user-data/overview>.

Please reply directly to this email in any further communications regarding this matter. Any communications not sent as a direct reply to this email must contain the subject line "Attention Google Legal Investigations Support," reference the case identification number, and be sent to usernotice@google.com in order to ensure the appropriate routing and processing.

Google is not in a position to provide you with legal advice or discuss the substance of the legal process. If you have such questions regarding this matter, you may wish to contact an attorney. We require an emailed statement sent from your account authorizing us to communicate with your attorney about the Google Workspace domain for which you are listed as an administrator.

Regards,
Legal Investigations Support
Google LLC

Exhibit B

FILED

SEP 14 2017

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

**IN RE APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN ORDER
PURSUANT TO 18 U.S.C. § 2705(b)**

Case: 1:17-mc-02272
Assigned To : Meriweather, Robin M.
Assign. Date : 9/13/2017
Description: Misc.

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Google, Inc., an electronic communication and/or remote computing service provider located in Mountain View, CA, not to notify any other person of the existence of subpoena number GJ2017091241939 issued by the United States on behalf of a federal Grand Jury empanelled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation.

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), Google and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for Google for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order) or until further court order, whichever is sooner.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

9/13/17
Date


UNITED STATES MAGISTRATE JUDGE

Robin M. Meriweather
U.S. Magistrate Judge

U.S. District and Bankruptcy Courts
for the District of Columbia
A TRUE COPY

By: 
Deputy Clerk

Exhibit C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN ORDER
PURSUANT TO 18 U.S.C. § 2705(b)
CONCERNING LEGAL PROCESS
DIRECTED AT GOOGLE FOR
INVESTIGATION 2017R01896

FILED

AUG 23 2018

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

Case: 17-mc-02272

Filed Under Seal

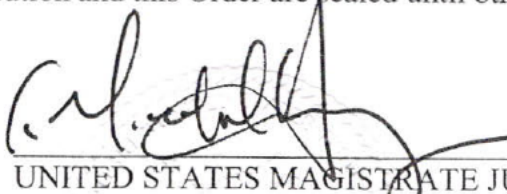
ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing Google LLC., an electronic communication and/or remote computing service provider located in Mountain View, CA, not to notify any other person of the existence of legal process previously issued pursuant to 18 U.S.C. §§ 2703 and 2705(b) having tracking and subpoena number GJ2017091241939 (the "Legal Request"), the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation.

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), Google and its employees shall not disclose the existence of the Legal Request to any other person (except attorneys for Google for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order) or until further court order, whichever is sooner.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

8/22/18
Date


UNITED STATES MAGISTRATE JUDGE

U.S. District and Bankruptcy Courts
for the District of Columbia
A TRUE COPY

By: 
Deputy Clerk

Exhibit C

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN ORDER
PURSUANT TO 18 U.S.C. § 2705(b)
CONCERNING LEGAL PROCESS
DIRECTED AT GOOGLE LLC FOR
INVESTIGATION 2017R01896**

Misc. No. 17-mc-02272

Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting the extension of an order directing Google LLC (“PROVIDER”), an electronic communication and/or remote computing service provider located in Mountain View, California, not to notify any other person of the existence of legal process previously issued under the following case numbers pursuant to 18 U.S.C. §§ 2703 and 2705(b), in connection with an ongoing investigation: subpoena number GJ2017091241939 and case number 17-mc-02272, collectively the “Legal Request,” the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2705(b), that PROVIDER and its employees shall not disclose the existence of the Legal Request or any related Order of this Court to any other person (except attorneys for PROVIDER for the purpose of receiving legal

advice) for an additional period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.



A handwritten signature in black ink, appearing to read "Richard A. Lloret".

Digitally signed by Richard
A. Lloret

Date: 2019.08.16 10:41:42

~~04'00'~~

UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN ORDER
PURSUANT TO 18 U.S.C. § 2705(b)
CONCERNING LEGAL PROCESS
DIRECTED AT GOOGLE LLC FOR
INVESTIGATION 2017R01896**

Misc. No. 17-mc-02272

Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting the extension of an order directing Google LLC (“PROVIDER”), an electronic communication and/or remote computing service provider located in Mountain View, California, not to notify any other person of the existence of legal process previously issued under the following case numbers pursuant to 18 U.S.C. §§ 2703 and 2705(b), in connection with an ongoing investigation: subpoena number GJ2017091241939 and case number 17-mc-02272, collectively the “Legal Request,” the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2705(b), that PROVIDER and its employees shall not disclose the existence of the Legal Request or any related Order of this Court to any other person (except attorneys for PROVIDER for the purpose of receiving legal

advice) for an additional period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.



Elizabeth D. Hey

2020.09.02

19:48:11

UNITED STATES MAGISTRATE JUDGE

10400

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE APPLICATION OF THE UNITED
STATES OF AMERICA FOR AN ORDER
PURSUANT TO 18 U.S.C. § 2705(b)
CONCERNING LEGAL PROCESS
DIRECTED AT GOOGLE LLC FOR
INVESTIGATION 2017R01896**

Misc. No. 17-mc-02272

Under Seal

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting the extension of an order directing Google LLC (“PROVIDER”), an electronic communication and/or remote computing service provider located in Mountain View, California, not to notify any other person of the existence of legal process previously issued under the following case numbers pursuant to 18 U.S.C. §§ 2703 and 2705(b), in connection with an ongoing investigation: subpoena number GJ2017091241939 and case number 17-mc-02272, collectively the “Legal Request,” the Court finds reasonable grounds to believe that such disclosure will result in flight from prosecution, destruction of or tampering with evidence, and serious jeopardy to the investigation.

IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. § 2705(b), that PROVIDER and its employees shall not disclose the existence of the Legal Request or any related Order of this Court to any other person (except attorneys for PROVIDER for the purpose of receiving legal

advice) for an additional period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.



Richard A. Lloret

2021.08.26 13:12:49

04'00'

UNITED STATES MAGISTRATE JUDGE