

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

UNITED STATES OF AMERICA,

v.

DOMINIC PEZZOLA, WILLIAM PEPE, and
MATTHEW GREENE,

Defendants.

CABLE NEWS NETWORK, INC., et al.,

Proposed Intervenors.

Case No. 21-cr-52-TJK

**THE PRESS COALITION’S REPLY MEMORANDUM IN
FURTHER SUPPORT OF ITS MOTION TO INTERVENE**

The Press Coalition respectfully submits this Reply in further support of its motion to intervene to challenge a proposed protective order. On October 29, 2021, the Government opposed the Motion on grounds that the Coalition lacked standing to intervene and stated the proposed protective order would not call for categorical designation of “Sensitive” or “Highly Sensitive” videos as automatically sealed upon filing. *See* United States’ Opp. to Press Coalition’s Mot. to Intervene, Dkt. 91. Case law establishes the Coalition does, in fact, have standing to intervene. *See* Mot. at 3-4 (citing cases); *United States v. Blagojevich*, 612 F.3d 558, 559 (7th Cir. 2010) (instructing district court to grant press motion to intervene and holding that third party has standing to intervene in a criminal case “when the potential intervenor has a legitimate interest in the outcome and cannot protect that interest without becoming a party”).

The Press Coalition appreciates the Government’s clarification regarding the process for sealing exhibits. Nevertheless, the Coalition requests that the Court direct the parties to file a notice to the public on the public docket when video exhibits are submitted. Moreover, it is now

the Chief Judge’s standard practice to require parties submitting video exhibits to state the parties’ positions regarding whether the videos may be released to the public in accordance with Standing Order 21-28. *E.g.*, Minute Order, *United States v. Mattice*, 21-mj-622-ZMF (D.D.C. Oct. 19, 2021) (ordering the Government to submit a report of the videos it must make available to the court for its review, and directing the parties to “provide their positions by [the following day] whether this video evidence may be made publicly available without restriction”); *id.*, Minute Order of Oct. 22, 2021 (ordering the Government to release the video exhibits “after consultation with and consent of the parties”); *see also* Minute Order, *United States v. Griffith*, 21-cr-204-BAH (D.D.C. Oct. 9, 2021); *id.*, Minute Order of October 13, 2021. The Press Coalition respectfully requests that the Court similarly order the parties in this case to inform the Court whether they consent to public release of any video exhibits submitted in order to streamline public release of these judicial records.

Dated: October 29, 2021

Respectfully submitted,

BALLARD SPAHR LLP

/s/ Charles D. Tobin

Charles D. Tobin (#455593)

Maxwell S. Mishkin (#1031356)

Lauren Russell (#1697195)

1909 K Street, NW, 12th Floor

Washington, DC 20006

Telephone: (202) 661-2200

Fax: (202) 661-2299

tobinc@ballardspahr.com

mishkinm@ballardspahr.com

russelll@ballardspahr.com

Counsel for the Press Coalition