

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES)	
)	
)	
v.)	Case No. 1:21-cr-525-ABJ
)	
SAMUEL LAZAR,)	
)	
Defendant.)	
_____)	

**DEFENDANT’S RESPONSE TO MINUTE ORDER
REGARDING VIDEO EXHIBIT RELEASE**

Defendant Samuel Lazar, by and through counsel, in accordance with the Court’s Minute Order dated August 20, 2021, submits the following response regarding petitioners’ request to access video exhibits submitted to the Court.

The defense does not object to petitioners’ request to access Video Exhibit # 2: “YouTube admission video,” as it is already in the public domain having been obtained from YouTube.

However, with respect to Exhibit # 1, the defense asserts that the *Hubbard*¹ factors weigh in favor of non-disclosure. Counsel submits: 1) typically the video contained in Exhibit #1, obtained from body-worn camera (BWC) is disclosed by the government pursuant to a protective order that prevents dissemination to the press; 2) counsel is unaware of prior public disclosure of Exhibit #1; 3) the defense objects to the disclosure of Exhibit #1, and expands that objection to

¹ The *Hubbard* test balances the following factors: “(1) the need for public access to the documents at issue; (2) the extent of previous public access to the documents; (3) the fact that someone has objected to disclosure, and the identity of that person; (4) the strength of any property and privacy interests asserted; (5) the possibility of prejudice to those opposing disclosure; and (6) the purposes for which the documents were introduced during the judicial proceedings.” *Leopold v. v. United States*, 964 F.3d 1121, 1131 (D.C. Cir. 2020) (quoting *MetLife, Inc. v. Fin. Stability Oversight Council*, 865 F.3d 661, 665 (D.C. Cir. 2017)).

request that Exhibit #1 be sealed; 4) if the BWC footage were made public, the potential for prejudice to Mr. Lazar is great, particularly with respect to potential jurors if this case proceeds to trial.

Therefore, Samuel Lazar respectfully objects to the public disclosure of Video Exhibit #

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August 2021, a true copy of the foregoing Defendant's Notice of Filing was served via the CM/ECF system upon Assistant United States Attorney Douglas G. Collyer, United States Attorney's Office, 14 Durkee Street, Suite 340, Plattsburgh, New York 12901.

_____/s/_____
David Benowitz