

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-3001**September Term, 2022****1:22-sc-02144-BAH****Filed On:** February 16, 2023

In re: Sealed Case,

BEFORE: Henderson, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motion of the Reporters Committee for Freedom of the Press (“Reporters Committee”) to unseal judicial records, the responses thereto, and the reply, it is

ORDERED that the motion be granted in part. Oral argument on Thursday, February 23, 2023, will proceed first in open session, followed by a session closed to the public. During the public session of the argument, the parties should be prepared to discuss the following issues:

(1) Whether this court has jurisdiction under 28 U.S.C. § 1291, the collateral order doctrine, mandamus, or some other theory;

(2) Whether the Speech or Debate Clause of the Constitution protects informal legislative fact-finding by individual members of Congress in the absence of official authorization; and

(3) Whether the Speech or Debate Clause’s non-disclosure privilege extends to communications between members of Congress and either private parties or members of the Executive Branch.

It is **FURTHER ORDERED** that consideration of the Reporters Committee’s request to unseal the orders and filings in this appeal be deferred pending further order of the court.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk