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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
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13 In the Matter of an Application of the United)
States for Authorization to Obtain Physical)
14 Location Data)

CASE NO. 3:21-mj-70011-AGT
UNITED STATES' OPPOSITION TO MOTION
OF NON-PARTY MEDIA ENTITY THE NEW
YORK TIMES COMPANY FOR AN
ORDER TO INTERVENE AND FOR AN
ORDER UNSEALING COURT RECORDS

) Date: May 4, 2021
) Time: 10:00 a.m.
) Location: Courtroom A — 15th Floor

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19 The United States hereby requests that the Court deny the motion of non-party media entity, the
20 New York Times Company, to unseal the court records in the above-captioned matter. The application
21 of the United States in this matter is entirely unrelated to the court records sought by the New York
22 Times in its motion. Specifically, the New York Times “seeks access to judicial records reflecting the
23 government’s efforts to obtain location data for smartphone users who were in the United States Capitol
24 on January 6.” ECF Dkt. 6, p. 2. The records in the above-captioned matter pertain to a search warrant
25 sought and issued in an undercover investigation of drug trafficking activities in the Northern District of
26 California, the subject of which bears no relationship to the events at the United States Capitol on
27 January 6, 2021. Thus, it appears that the New York Times has mistakenly identified this case as a
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1 relevant target for its motion to unseal.

2 The records in this case were sealed by the Court at the government’s request due to the sensitive
3 nature of the information contained in the application and the risk that disclosure would jeopardize the
4 ongoing investigation and prosecution of this case. Furthermore, the records in this case are currently
5 subject to a court protective order in an active criminal matter due to the danger that disclosure of these
6 records to third parties or the public could endanger the safety of confidential informants and other
7 personnel involved in this case. The motion of the New York Times fails to provide a sufficient basis
8 for unsealing the sensitive records in this case or explain how this case is relevant to the records it seeks.
9 As such, the United States opposes the motion and respectfully requests that it be denied.

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DATED: April 15, 2021

Respectfully submitted,

STEPHANIE M. HINDS
Acting United States Attorney

/s/ Anne C. Hsieh
ANNE C. HSIEH
Assistant United States Attorney