

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

STEPHEN JIN-WOO KIM,

Defendant.

**Criminal No. 10-225 (CKK)**

**ORDER**  
(June 4, 2013)

The Court held a status hearing in this matter on June 4, 2013. The Defendant was present and represented by counsel. This order briefly sets forth some of the issues discussed on the record during the status hearing.

The Defendant shall submit any revised discovery requests to the Government relating to the discovery that was the subject of the Defendant's motions to compel by no later than **June 14, 2013**. The Defendant shall file a courtesy copy of his revised requests with the Court. The Government shall produce any discovery ordered by the Court in the orders resolving the parties' discovery motions on or before **July 2, 2013**. To the extent possible, the Government shall also respond to the Defendant's revised discovery requests by no later than **July 2, 2013**, and if appropriate, file a motion for a protective order. The parties shall file a joint status report regarding any outstanding discovery on or before **July 5, 2013**.

With respect to proceedings under section 5 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3 § 5, the Defendant contends the Government should be required to submit all documents marked "treat as" classified but that do not otherwise contain classification markings for final classification review before the Defendant files a section 5 notice with respect

to those documents. The Court instructed the parties to continue conferring regarding this issue, but indicated the Government may do well to begin the final classification review of these documents while discussions are ongoing. By no later than **July 30, 2013**,<sup>1</sup> the Defendant shall file his CIPA section 5 notice regarding the “core documents” which have undergone final classification review and all documents produced in discovery that contain classification markings other than the “treat as” designation from the Government.

Defense counsel has requested access to classified CIPA-related pleadings filed by the same defense attorneys in an unrelated prosecution in the United States District Court for the Eastern District of Virginia, which are maintained by the Litigation Security Group of the Department of Justice. The Court suggests that defense counsel provide the docket numbers for the pleadings counsel seeks to review, and expects that the parties shall continue to confer regarding this issue.

Both parties indicated the desire to have redacted versions of their pleadings available on the public docket. The Court shall coordinate this issue with Litigation Security, and issue a formal order concerning the review of the pleadings if necessary.

The Court set a further status hearing for **July 9, 2013 at 1:00 PM**. Upon inquiry from the Court, the Defendant agreed to waive his Speedy Trial Act rights from June 4, 2013, until July 9, 2013. In light of the complex nature of classified discovery in this case, and the parties’ ongoing discussions regarding issues relating to forthcoming CIPA proceedings, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the Defendant in a speedy trial. Therefore the Court grants a continuance of Defendant’s Speedy

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<sup>1</sup> As indicated during the hearing, the July 30, 2013, deadline is a “target date” that may need to be revised.

