

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

UNITED STATES

v.

JEFFREY ALEXANDER STERLING,

Defendant.

No. 1:10cr485 (LMB)

UNOPPOSED MOTION FOR A
SEALING ORDER

For the reasons set forth in the accompanying Declaration of Joel Kurtzberg, dated June 20, 2011, James Risen hereby moves this Court for an Order granting him permission to file the unredacted versions of the Memorandum of Points and Authorities in Opposition to the Government's Motion *In Limine* and in Support of the Motion of James Risen to Quash Subpoena and/or for a Protective Order, and supporting affidavits of James Risen and Joel Kurtzberg (collectively, the "Motion to Quash Papers") under seal, and requiring the unredacted version of the Motion to Quash Papers to remain under seal until further Order of this Court, with access thereto to be provided only to the Court and to the Government.

June 21, 2011

Respectfully submitted,

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**UNITED STATES DISTRICT COURT
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v.

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Defendant.

No. 1:10cr485 (LMB)

**DECLARATION OF JOEL
KURTZBERG IN SUPPORT OF
MOTION TO SEAL**

I, JOEL KURTZBERG, declare under penalty of perjury as follows:

1. I am a member of the bar of the State of New York and a partner in the firm of Cahill Gordon & Reindel LLP, attorneys for James Risen, a reporter for *The New York Times* and the author of *State of War: The Secret History of the CIA and the Bush Administration* (“*State of War*”).

2. I have been admitted to practice before this Court *pro hac vice* in this case. My client is not a party to this action, but I was brought into this case by the issuance of a subpoena by the Government for testimony from James Risen in connection with his work as an investigative journalist on Chapter 9 of his book, *State of War*.

3. I submit this declaration in support of Mr. Risen’s unopposed motion for an Order granting him permission to file the unredacted versions of the Memorandum of Points and Authorities in Opposition to the Government’s Motion *In Limine* and in Support of the Motion of James Risen to Quash Subpoena and/or for a Protective Order, and supporting affidavits of James Risen and Joel Kurtzberg (collectively, the “Motion to Quash Papers”) under seal.

4. The Motion to Quash Papers refer to, discuss, and attach grand jury material provided to counsel for Mr. Risen in *In Re Grand Jury Subpoena to James Risen*, as more fully set forth in the portions of my separate affidavit in support of the Motion to Quash that we seek to file under seal.

5. By this motion, we seek to file under seal only those materials (and references to them) that remain under seal in *In Re Grand Jury Subpoena to James Risen*, as necessary to comply with the existing sealing orders.

6. In advance of this motion, I corresponded with counsel for the Government and with counsel for the defendant, Jeffrey Sterling, regarding this motion. Counsel for both parties confirmed that they do not oppose this motion, provided that it is without prejudice to their ability to later contest any of the proposed redactions.

7. No previous application for similar relief has been made in this action.

Executed this 20th day of June, 2011 at New York, New York.


Joel Kurtzberg

**UNITED STATES DISTRICT COURT
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UNITED STATES

v.

JEFFREY ALEXANDER STERLING,

Defendant.

No. 1:10cr485 (LMB)

[PROPOSED] SEALING ORDER

Upon the motion of James Risen for an Order to file the unredacted versions of the Memorandum of Points and Authorities in Opposition to the Government's Motion *In Limine* and in Support of the Motion of James Risen to Quash Subpoena and/or for a Protective Order, and supporting affidavits of James Risen and Joel Kurtzberg (collectively, the "Motion to Quash Papers") under seal, and for good cause shown, it is hereby:

ORDERED that James Risen is granted leave to file the unredacted versions of the Motion to Quash Papers under seal and that the unredacted versions of the Motion to Quash Papers will remain under seal until further Order of this Court, with access thereto to be provided only to the Court and to the Government.

Dated: Alexandria, Virginia
June __, 2011

United States District Judge