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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 21-00061 JAO
	)	
Plaintiff,	)	STIPULATED MOTION SEEKING
	)	PROTECTIVE ORDER PURSUANT
vs.	)	TO FED.R.CRIM.P. 16(d);
	)	PROPOSED ORDER;
MARTIN KAO,	)	CERTIFICATE OF SERVICE
	)	
	)	
Defendant.	)	
	)	

**STIPULATED MOTION SEEKING PROTECTIVE ORDER
PURSUANT TO FED.R.CRIM.P. 16(d)**

The United States of America, through its counsel, hereby moves this Honorable Court for a protective order pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure.

1. This matter involves charges of wire fraud and money laundering arising out of applications by defendant for Small Business Administration Paycheck Protection Program loans. The applications were made in the names of companies owned and controlled by defendant. Although defendant remains the owner of those companies, defendant has been replaced as CEO. Defendant and his companies have separate legal counsel in connection with this matter.

2. The government anticipates that discovery in this matter will include financial and other sensitive documents relating to defendant's companies and other third parties. The unrestricted dissemination of such materials could adversely affect the privacy interests of third parties, necessitating a protective order.

3. The government has conferred with counsel for defendant. By signature of defense counsel below, defendant stipulates to this Motion and consents to entry of the proposed protective order.

For the above stated reasons, the government respectfully moves this Court to enter the proposed protective order relating to discovery produced by the government in this matter.

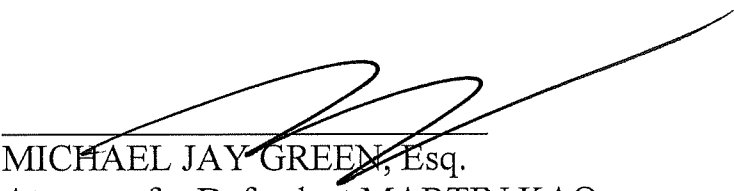
DATED: May 17, 2021, at Honolulu, Hawaii.

Respectfully Submitted,

JUDITH A. PHILIPS
Acting United States Attorney
District of Hawaii

By */s/ Craig S. Nolan*
CRAIG S. NOLAN
Assistant U.S. Attorney

On behalf of Defendant Martin Kao, I stipulate to this Motion and consent to entry of the proposed protective order.



MICHAEL JAY GREEN, Esq.
Attorney for Defendant MARTIN KAO

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date noted below, the true and correct copy of the foregoing was served electronically through CM/ECF:

Michael Jay Green, Esq.
Attorney for Defendant Martin Kao

DATED: May 17, 2021, at Honolulu, Hawaii.

/s/ Craig S. Nolan
Craig S. Nolan
Assistant U.S. Attorney
U.S. Attorney's Office
District of Hawaii

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FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 21-00061 JAO
	)	
Plaintiff,	)	
	)	PROTECTIVE ORDER
vs.	)	
	)	
MARTIN KAO,	)	
	)	
	)	
Defendant.	)	
	)	

PROTECTIVE ORDER

This matter is before the Court on the Motion of the United States seeking a protective order pursuant to Federal Rule of Criminal Procedure 16(d). Defendant

stipulates to the Motion and consents to entry of the proposed protective order.

The Court, having considered the Motion and being otherwise sufficiently advised, hereby GRANTS the Motion.

IT IS HEREBY ORDERED:

1. All of the materials provided by the United States in preparation for, or in connection with, any stage of the proceedings in this case (collectively, “the materials”) are subject to this protective order and may be used by defendant and defendant’s counsel (defined as counsel of record in this case) solely in connection with the defense of this case, and for no other purpose, and in connection with no other proceeding, without further order of this Court.

2. Defendant and defendant’s counsel shall not disclose the materials or their contents directly or indirectly to any person or entity other than persons employed to assist in the defense, persons who are interviewed as potential witnesses, counsel for potential witnesses, and other persons to whom the Court may authorize disclosure (collectively, “authorized persons”). Potential witnesses and their counsel may be shown copies of the materials as necessary to prepare the defense, but may not retain copies without prior permission of the Court. The materials and their contents shall not be disclosed either directly or indirectly to

any person or entity outside of the United States without prior authorization from the Court.

3. Defendant, defendant's counsel, and other authorized persons shall not copy or reproduce the materials except in order to provide copies of the materials for use in connection with this case by the defendant, defendant's counsel, and other authorized persons. Such copies and reproductions shall be treated in the same manner as the original materials.

4. Defendant, defendant's counsel, and other authorized persons shall not disclose any notes or records of any kind that they make in relation to the contents of the materials, other than to authorized persons, and all such notes or records are to be treated in the same manner as the original materials.

5. Before providing materials to an authorized person, defense counsel must provide the authorized person with a copy of this Order and require the authorized person to sign a statement acknowledging that the authorized person has received a copy of and reviewed this Order, and has agreed to be bound by its terms and conditions subject to sanctioning by the Court for any violations of this Order. Defense counsel shall maintain a copy of the signed statement of each authorized person for a period of twelve months after the conclusion of all stages

of this case, and shall provide copies of the signed statement of each authorized person to the government upon request.

6. Upon conclusion of all stages of this case, all of the materials and all copies made thereof shall be disposed of in one of three ways, unless otherwise ordered by the Court. The materials may be (a) destroyed; (b) returned to the United States; or (c) retained in defense counsel's case file. The Court may require a certification as to the disposition of any such materials. In the event that the materials are retained by defense counsel, the restrictions of this Order continue in effect for as long as the materials are so maintained, and the materials may not be disseminated or used in connection with any other matter without further order of the Court.

7. The restrictions set forth in this Order do not apply to documents that are or become part of the public court record, including documents that have been received in evidence at other trials, nor do the restrictions in this Order limit defense counsel in the use of discovery materials in judicial proceedings in this case, except that any document filed by any party that attaches or otherwise discloses specially identified sensitive information by the United States shall be filed under seal to the extent necessary to protect such information, absent prior permission from this Court.

8. Nothing contained in this Order shall preclude any party from applying to this Court for further relief or for modification of any provision hereof.

DATED: May __, 2021, at Honolulu, Hawaii.

UNITED STATES v. MARTIN KAO
Cr. No. 21-00061 JAO
“Protective Order”