UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	**CASE NO: 3:22-CR-09**
	)	
GLADYS HARUN	)	

UNITED STATES' MOTION FOR A
PROTECTIVE ORDER GOVERNING DISCOVERY

The United States seeks a protective order concerning the discovery in this case given the voluminous amount of third-party financial account information and sensitive personally identifiable information, along with information regarding individuals' cooperation with law enforcement, contained in the discovery of this financial fraud case.

Federal Rule of Criminal Procedure 16(d)(1) allows the Court to regulate discovery by issuing protective orders upon good cause. The Supreme Court has sanctioned the use of protective orders as a mechanism by which trial courts are to apply Fed. R. Crim. P. 16(d). *See Alderman v. United States*, 394 U.S. 165, 185 (1969) ("[T]he trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect.") (citation omitted). In addition, Rule 16.1 of the Local Rules for Criminal Cases for the Southern District of Georgia prohibits dissemination of discovery material beyond that necessary to the preparation of the defendant's defenses.

While the exchange of discovery is critical to the efficient and just resolution of this matter, the production of information in this type of case nonetheless contains inherent risks to privacy and safety interests of the parties and persons who are not parties to the litigation, such as witnesses, victims, and cooperators, including but not limited to the disclosure of sensitive personally identifiable information. In addition, Defendant's efforts to dissuade others from speaking with law enforcement warrants placing limits on the disclosure of information in this case.

This case involves allegations of financial fraud by Defendant, who owns and operates tax preparation businesses. Discovery in this case is voluminous, containing several gigabytes of data and over 2,000 electronic files thus far, which is likely to expand in this ongoing investigation. The discovery contains third party tax records and personal identifiers such as home addresses and social security numbers; the discovery is in electronic form with voluminous amount of victim personal identifying information that cannot practically be redacted in its entirety. Further, the discovery contains information on individuals' efforts to meet with and provide information to law enforcement.

The disclosure of such information carries inherent risks against such individuals. The risk is particularly acute in this case. At the detention hearing, the Court heard testimony and reviewed text messages submitted into evidence in which Defendant contacted a witness who had been interviewed by law enforcement. Defendant instructed the witness—who interpreted the messages to be threatening—not to speak to law enforcement writing, "don't discuss tax stuff" and "don't talk to them people anymore" and "don't take yourself to the slaughter house [sic]." Therefore, there is a good cause for entry of a protective order in this case.

The United States respectfully requests that all discovery provided:

(1) Be used by counsel of record only for purposes of representing the defendant in this action;

(2) Be maintained in a safe and secure manner by counsel of record;

(3) Not be possessed by the defendant, except in the presence of the defendant's counsel; and

(4) Not be disclosed in any format outside of this action.

Such discovery material may be disclosed by counsel only to the following designated persons:

(1) Investigative, secretarial, clerical, and paralegal personnel;

(2) Independent expert witnesses, investigators, or advisors retained by counsel of record in connection with this action; and

(3) Other witnesses testifying to the contents of the document or material.

In addition, discovery may be provided to such other persons authorized by the Court upon motion of either party. The United States requests that counsel of record shall provide a copy of the protective order to any designated person to whom they disclose discovery material. Prior to disclosure of discovery material to any designated person, such designated person shall agree to be subject to the terms of the protective order.

The United States further requests the parties comply with Federal Rule of Criminal Procedure 49.1 with respect to any document they intend to use as an exhibit at trial, or they provide in public filings.

WHEREFORE, the United States respectfully requests the Court enter a protective order governing the disclosure of discovery in this case.

Respectfully submitted,

DAVID H. ESTES
UNITED STATES ATTORNEY

/s/ Chris Howard

Chris Howard
Assistant United States Attorney
N.Y. Bar Number 4935938

Post Office Box 8970
Savannah, Georgia 31412
Telephone: (912) 201-2594
Facsimile: (912) 652-4388