

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In Re:

PUBLIC FIRST LAW CENTER,

Movant.

Case No. 1:24-mc-00215-TMB-NC

ORDER ON PUBLIC FIRST LAW
CENTER'S MOTION TO UNSEAL
COURT RECORDS
(Dkts. 1, 9)

ORDER

Before the Court is Public First Law Center's ("Public First") Motion to Unseal Court Records (the "Motion to Unseal") and Letter to the Court (the "Letter").¹ Public First seeks to unseal several documents in Case No. 1:22-00048-TMB-NC, *United States v. Keith Mitsuyoshi Kaneshiro, Dennis Kuniyuki Mitsunaga, Terri Ann Otani, Aaron Shunichi Fujii, Chad Michael McDonald, and Sheri Jean Tanaka*.² For the following reasons, the Court GRANTS the Motion to Unseal and DIRECTS the Clerk of Court to unseal relevant documents consistent with this Order.

On April 5, 2024, Public First filed a motion to unseal several court records in this case that had been sealed for good cause under Federal Rule of Criminal Procedure

¹ Dkt. 1 (Public First Law Center's Motion to Unseal); Dkt. 9 (Letter to Judge Timothy M. Burgess).

² Dkt. 1 at 4.

(“Rule”) 6(e).³ After the close of evidence in Case No. 1:22-00048-TMB-NC, Public First filed a follow-up Letter inquiring about the status of the Motion to Unseal.⁴

On May 29, 2024, the Court directed the United States and Defendants in Case No. 1:22-00048-TMB-NC to reexamine certain filings, confer, and jointly determine whether each filing: (1) should remain sealed to the public; (2) may be unsealed in its entirety; or (3) may be un-redacted in part, and if so, to what extent.⁵ On June 6, 2024, the Court again directed the parties to confer and submit relevant filings,⁶ and the parties jointly responded the following day.

The parties agreed that the following documents may be unsealed entirely:

1. Dkt. 421: Defendants’ Response to United States’ Motion *in Limine* No. 5;
2. Dkt. 422: United States’ Response to Defendants’ Motion *in Limine* No. 12;
3. Dkt. 423: United States’ Motion *in Limine* No. 5;
4. Dkt. 511: Order on Defendants’ Motions *in Limine* No. 12-13 and United States’ Motion *in Limine* No. 5;
5. Dkt. 581: United States’ Motion *in Limine* No. 9;
6. Dkt. 606: Defendant Terri Ann Otani’s Motion *in Limine* No. 20;
7. Dkt. 615: United States’ Motion *in Limine* No. 12;
8. Dkt. 618: Defendants’ Response to United States’ Motion *in Limine* No. 9;
9. Dkt. 652: United States’ Response to Defendants’ Motion *in Limine* No. 20;
10. Dkt. 654: United States’ Brief on Attorney-Client Privilege;

³ Dkt. 1.

⁴ Dkt. 9 (Letter to Judge Timothy M. Burgess).

⁵ Dkt. 10 (Text Order).

⁶ Dkt. 11 (Text Order).

11. Dkt. 666: Order on United States' Motion *in Limine* No. 9;
12. Dkt. 686: United States' Response in Opposition to Defendants' Motion to Compel;
13. Dkt. 714: United States Motion *in Limine* No. 13;
14. Dkt. 732: Order on United States' Motion *in Limine* No. 13; and
15. Dkt. 758: United States' Response in Opposition to Defendants' Motion *in Limine* No. 23.

The parties also agreed that the following document should remain partially redacted to protect confidential medical information, and Defendant Mitsunaga submitted to the Court a proposed partially un-redacted version: Dkt. 724: Dennis Mitsunaga Motion re: OSC Why Pretrial Release Should Not be Revoked.

Considering the parties' agreement to either unseal or partially un-redact sealed documents in Case No. 1:22-00048-TMB-NC, and noting that the preservation of grand jury secrecy under Rule 6(e) is no longer a concern given the close of evidence and the conclusion of trial in that case, the Court hereby:

1. GRANTS Public First's Motion to Unseal at Docket 1 consistent with this Order;
2. DIRECTS the Clerk of Court to unseal the following documents in their entirety, including all exhibits, in Case No. 1:22-00048-TMB-NC:
 - Dkt. 421: Defendants' Response to United States' Motion *in Limine* No. 5;
 - Dkt. 422: United States' Response to Defendants' Motion *in Limine* No. 12;
 - Dkt. 423: United States' Motion *in Limine* No. 5;
 - Dkt. 511: Order on Defendants' Motions *in Limine* No. 12-13 and United States' Motion *in Limine* No. 5;
 - Dkt. 581: United States' Motion *in Limine* No. 9;
 - Dkt. 606: Defendant Terri Ann Otani's Motion *in Limine* No. 20;

- Dkt. 615: United States' Motion *in Limine* No. 12;
 - Dkt. 618: Defendants' Response to United States' Motion *in Limine* No. 9;
 - Dkt. 652: United States' Response to Defendants' Motion *in Limine* No. 20;
 - Dkt. 654: United States' Brief on Attorney-Client Privilege;
 - Dkt. 666: Order on United States' Motion *in Limine* No. 9;
 - Dkt. 686: United States' Response in Opposition to Defendants' Motion to Compel;
 - Dkt. 714: United States Motion *in Limine* No. 13;
 - Dkt. 732: Order on United States' Motion *in Limine* No. 13; and
 - Dkt. 758: United States' Response in Opposition to Defendants' Motion *in Limine* No. 23;
3. DIRECTS the Clerk of Court to post Defendant Mitsunaga's partially un-redacted version of Docket 724, Dennis Mitsunaga Motion re: OSC Why Pretrial Release Should Not be Revoked, retaining redactions for confidential medical information. **All Exhibits to Dkt. 724 shall remain sealed in their entirety** as they discuss confidential medical records or contain personal identifying information; and
4. DIRECTS the Clerk of Court to post a copy of this Order in Case No. 1:22-00048-TMB-NC.

IT IS SO ORDERED.

Dated this 15th day of July, 2024.

/s/ Timothy M. Burgess
TIMOTHY M. BURGESS
UNITED STATES DISTRICT JUDGE