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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: PUBLIC FIRST LAW
CENTER

MISC. NO. 26-00198

MOTION TO SEAL AND FILE *EX*
PARTE UNITED STATES'
OPPOSITION TO MOTION TO
UNSEAL [ECF NO. 1]; EXHIBITS A
AND B; CERTIFICATE OF SERVICE

**MOTION TO SEAL AND FILE *EX PARTE* UNITED STATES'
OPPOSITION TO MOTION TO UNSEAL [ECF NO. 1]**

The United States, by and through undersigned counsel, as an interested party respectfully moves the Court for an order permitting the filing under seal and *ex parte* of its opposition (“Opposition”) to movant Public First Law Center’s motion to unseal (ECF No. 1).

The government’s Opposition refers to and discusses the Government’s Sealed Motion, Dkt. No. 68 (hereinafter “Sealed Motion 68”), filed in *United States v. Rudo*, No. 22-cr-00055-JAO (D. Haw.), which is the subject of Public First Law Center’s motion to unseal.

Accordingly, the United States seeks leave to file a redacted public version of its Opposition (attached as Exhibit A), which redacts content that would disclose the nature and substance of Sealed Motion 68, and to file an unredacted version under seal and *ex parte* (Exhibit B, to be provided to the Court separately).

DATED: May 27, 2026, at Honolulu, Hawaii.

Respectfully Submitted,

KENNETH M. SORENSON
United States Attorney
District of Hawaii

By: /s/ Mohammad Khatib
MOHAMMAD KHATIB
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below,
a true and correct copy of the foregoing was served electronically through
CM/ECF on the following at their last known addresses:

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Ronald N.W. Kim	rkim@yehandkim.com

DATED: May 27, 2026, at Honolulu, Hawaii.

/s/ Mohammad Khatib

United States Attorney's Office
District of Hawaii

Exhibit A

KENNETH M. SORENSON
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MISC. NO. 26-00198

UNITED STATES' OPPOSITION TO
MOTION TO UNSEAL [ECF NO. 1];
EXHIBIT A; CERTIFICATE OF
SERVICE

UNITED STATES' OPPOSITION TO MOTION TO UNSEAL

The United States, by and through undersigned counsel, as an interested party submits this opposition to movant Public First Law Center's motion to unseal (ECF No. 1). The United States opposes unsealing of the Government's Sealed Motion at ECF No.¹ 68 (hereinafter "Sealed Motion 68") filed in *United States v. Rudo*, No. 22-cr-00055-JAO (D. Haw.) (hereinafter the "*Rudo Case*").² The continued sealing of Sealed Motion 68 protects a compelling interest: the physical safety of a witness and his family. There is a risk Rudo may be harmed if Sealed Motion 68 is unsealed and there are no adequate alternatives to sealing given the risk. [REDACTED]

[REDACTED]

[REDACTED]

I. LEGAL STANDARD

"A qualified First Amendment right of public access attaches to in-court sentencing proceedings." *United States v. Doe*, 870 F.3d 991, 997 (9th Cir. 2017) ("*Doe (9th Cir.)*"); see also *In re Copley Press, Inc.*, 518 F.3d 1022 (9th Cir. 2008) (holding public has a qualified First Amendment right of access to: (1) a plea agreement cooperation addendum; (2) government's motion to seal the plea

¹ Unless otherwise stated, "Dkt." refers to the docket in *United States v. Rudo*, No. 22-cr-00055-JAO (D. Haw.).

² Portions of this opposition have been redacted to avoid disclosure of the nature and substance of Sealed Motion 68. An unredacted version will be filed under seal and *ex parte*.

agreement and memorandum in support of it; (3) district court's orders granting the government's motion to seal; (4) defendant's plea colloquy transcript; and (5) transcripts of those portions of hearings on the government's motion to seal that were open to the public). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

“Where the public has a qualified First Amendment right of access, criminal proceedings and documents may be closed to the public without violating the First Amendment only if three substantive requirements are satisfied: (1) closure serves a compelling interest; (2) there is a substantial probability that, in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would adequately protect the compelling interest. The court must not base its decision on conclusory assertions alone, but must make specific factual findings.” *Id.* at 998 (citation modified).

In assessing the likelihood of harm, “it is the government that is in the position to know the effects of defendants’ provided information.” *Id.* at 999 (quoting *United States v. Ressam*, 679 F.3d 1069, 1092–93 (9th Cir. 2012)) (citation modified). While mere speculation or conclusory assertions are

insufficient to prevent disclosure of sealed filings, “direct threats are not ‘a strict condition precedent to a district court’s granting of a closure motion.’” *Id.*

(quoting *United States v. Doe*, 63 F.3d 121, 130 (2d Cir. 1995)); [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *cf. In re Civ. Beat L. Ctr. for Pub. Int.*, No. 21-MC-00298-DKW-KJM, 2021 WL 4898660, at *5 (D. Haw. Oct. 14, 2021) (ordering unsealing of plea agreement where defendant presented only “counsel’s conclusory assertions that disclosure of the plea agreement would endanger [defendant] and his family because it contemplated his cooperation with the Government”).

The mere fact that a “[d]efendant’s cooperation has technically been available to the public” does not mean his cooperation is “already a matter of public record” where there is no suggestion that the defendant’s cooperation has been reported in the media. *Doe (4th Cir.)*, 962 F.3d at 151.

II. ARGUMENT

Sealed Motion 68 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] was filed in connection with Rudo's sentencing. *See* Sealed Motion 68; Dkt. 73 (scheduling hearing on Sealed Motion 68 for date of Rudo's sentencing hearing). The motion describes [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] To provide the public – including the defendant's co-conspirators [REDACTED]

[REDACTED], and those in the community who remain loyal to the defendant's co-conspirators or simply upset with Rudo for his actions – with this information would measurably heighten the danger faced by Rudo and possibly his family.

A. There Is a Substantial Probability that the Compelling Interest of Protecting Witness Safety Would Be Harmed in the Absence of Closure³

[REDACTED]

[REDACTED]

[REDACTED]

³ Because of the substantial overlap under the facts here, the United States addresses together the first two requirements for overcoming a qualified First Amendment right of access. *See also Doe (9th Cir.)*, 870 F.3d at 998 (same).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Absent continued sealing of Sealed Motion 68, there is a risk of harm to Rudo given (1) the multiple individuals who were prosecuted in connection with the conspiracy; (2) the significant financial debt that co-conspirators now owe as a result of the prosecution, providing a continuing basis for retribution;⁵ and (3) Rudo's likely entry into a prison environment. The harm is not merely speculative. The unfortunate reality is that prison can be a dangerous place for particular inmates.

⁵ In *Doe (9th Cir.)*, the Ninth Circuit identified financial loss to a drug trafficking organization as a factor contributing to a heightened risk to a cooperating defendant. 870 F.3d at 998-99 (“district court’s conclusion that the risks to Doe and his family were speculative is contradicted by the evidence in the record about Doe’s involvement with a wealthy, international cartel . . . which lost roughly half a million dollars as a result of Doe’s arrest”).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

B. There Are No Alternatives to Closure that Would Adequately Protect Witness Safety

There are no adequate alternatives to sealing that would adequately protect the safety of Rudo and his family. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

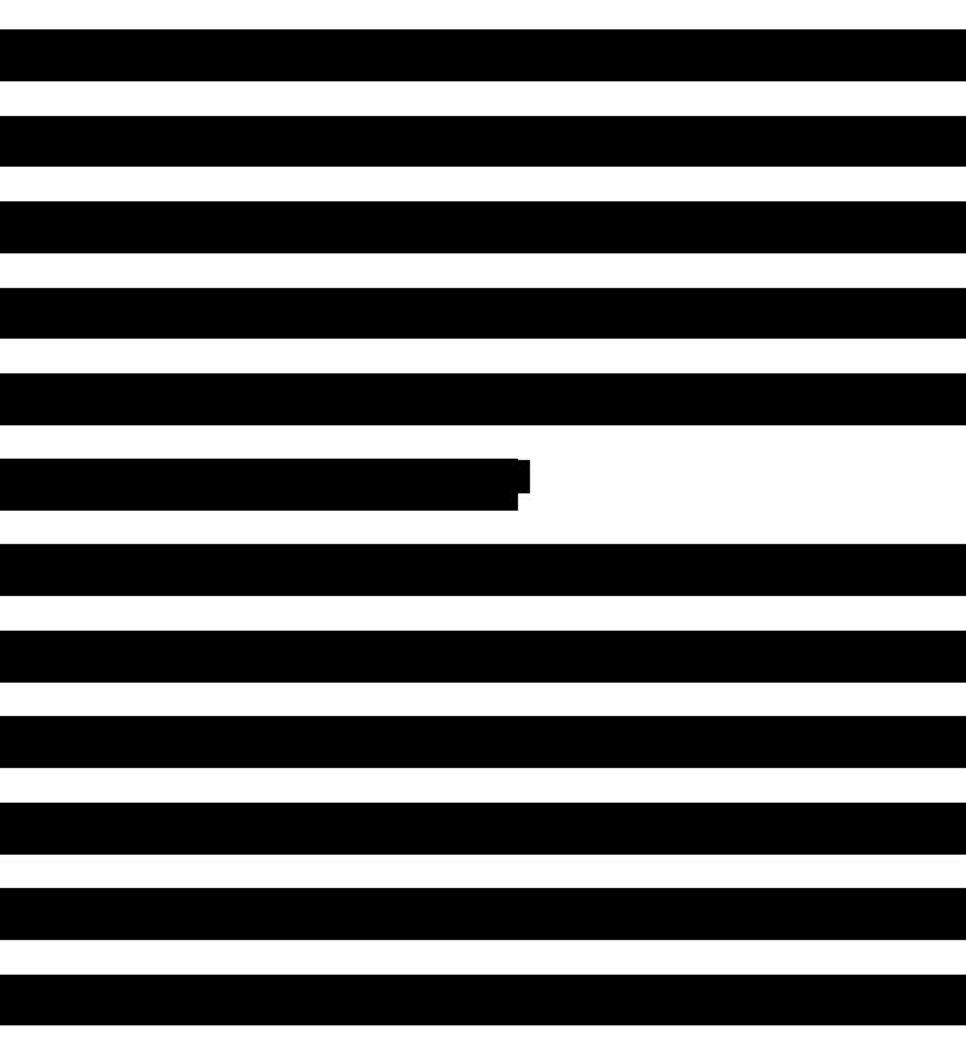
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



6 To the extent the Court disagrees with continued sealing of Sealed Motion
68 and believes some portion should be unsealed, the United States respectfully
requests that, at a minimum, Sections V and VI (pages 7-8) of the motion – [REDACTED]
[REDACTED] –
[REDACTED] –
should remain redacted and under seal.

[REDACTED]

[REDACTED]

[REDACTED]

III. CONCLUSION

For the foregoing reasons, movant's Motion to Unseal should be denied and Sealed Motion 68 should remain sealed.

DATED: May 27, 2026, at Honolulu, Hawaii.

Respectfully Submitted,

KENNETH M. SORENSON
United States Attorney
District of Hawaii

By: /s/ Mohammad Khatib
MOHAMMAD KHATIB
Assistant U.S. Attorney

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Ronald N.W. Kim	rkim@yehandkim.com

DATED: May 27, 2026, at Honolulu, Hawaii.

/s/ Mohammad Khatib
United States Attorney's Office
District of Hawaii

Exhibit B

(provided to the Court separately)