

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

JUDGE WILLIAM ALSUP

Date: July 20, 2006

Case No.: CR 06-90064

Title: In re Grand Jury Subpoena Dated Feb. 1, 2006; Joshua Wolf, Subpoenaed Party

Appearances:

For the Government: Jeffrey Finigan

For the Subpoenaed Party: Jose Luis Fuentes

Interpreter: n/a Probation Officer: n/a Time in Court: 1:21 p.m.- 2:16 p.m.

Deputy Clerk: Edward Butler Court Reporter: Joan Columbini

PROCEEDINGS - NOT UNDER SEAL

1) Hearing re: pending motions:

- A. Government's Request for Order to Show Cause why Subpoenaed Party should not be held in Civil Contempt
- B. Joshua Wolf's Motion to Seal Document for in camera review
- C. Joshua Wolf's Request for extension of time.
- D. Joshua Wolf's Motion for Immunity.
- E. Joshua Wolf's Points of Opposition to the Order to Show Cause.
- F. Joshua Wolf's Motion for Ex Parte Application open hearing and public record.

2) As a preliminary matter, members of the press are present requesting a camera be allowed in the court and picture(s) taken. The request is DENIED, as the taking of photographs is prohibited under Federal Rule 53.

ORDERED AFTER HEARING:

1. Joshua Wolf's Motion for Ex Parte Application open hearing and public record. The Motion is GRANTED in part and DENIED in part. The motion is Granted to the extent that the court is conducting an open hearing. The matter is Denied to the extent that the materials concerning the Grand Jury will remain under seal.
2. Joshua Wolf's Request for extension of time. With respect to the issue of seeking more time to have this case heard by other members of this court, Mr. Wolf is free to file motions with other members of this court seeking that this case be heard by other members, however, he is to do so promptly.

3. Joshua Wolf's Motion for Immunity. The court requires further briefing on the issue of the impact of a grant of federal immunity on potential state prosecution.
4. Re: Joshua Wolf's Points of Opposition to the Order to Show Cause:
 - A. That tapes are irrelevant. Court's decision: Party Wolf's Opposition is Overruled.
 - B. Newsman's privilege. Court's decision – Party Wolf's Opposition is Overruled.
 - C. 4th Amendment defense. Court's decision – the Matter is Submitted.
 - D. 1st Amendment privilege. Court's decision – further briefing required.

The Government is directed to file a response to the defendants' brief and the 5th Amendment issues by noon, 7/25/06. Mr. Wolf is to file a reply by noon, 7/28/06.

4. This matter is CONTINUED for hearing at 9:00 a.m. to noon, Tuesday, 8/1/06.
5. Mr. Wolf is specifically ordered by the court to return for the 8/1/06 hearing at 9:00 a.m. He is ordered to continue to retain all materials currently subpoenaed.