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**UNITED STATES DISTRICT COURT**

**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:16-CR-00051-BR**

**v.**

**GOVERNMENT'S MOTION FOR AN  
ORDER TO SHOW CAUSE**

**AMMON BUNDY, et al.,**

**Defendants.**

The United States of America, by Billy J. Williams, United States Attorney for the District of Oregon, through Ethan D. Knight, Geoffrey A. Barrow, Craig J. Gabriel, and Pamala R. Holsinger, Assistant United States Attorneys, hereby moves this Court pursuant to Federal Rules of Criminal Procedure 42 and 18 U.S.C. § 401 for an order directing third-party Gary Hunt to appear in the District Court for the District of Oregon and show cause as to why he should not be held in contempt.

The government became aware that from November 15, 2016, through December 28, 2016, a third party, Gary Hunt, began disclosing information verbatim from Federal Bureau of Investigation (FBI) FD-1023 reports that contained information from FBI Confidential Human Sources (CHSs). In addition to disclosing the details of the reports, Hunt identified the names of people he believed to be the CHSs working for the FBI. These reports were provided in discovery to the 26 defendants being prosecuted in *United States v. Bundy, et al.*, Case No. 3:16-CR-00051-BR. The reports were provided in discovery pursuant to a Protective Order (ECF No. 342), and each page of those reports were marked “Dissemination Limited by Court Order” in the lower left hand corners. The Protective Order prohibited dissemination beyond defendants and persons employed by the attorneys of record who are necessary to assist in preparation for trial.

On January 5, 2017, FBI Special Agent Matthew Catalano met with Hunt and provided him with a letter from the United States Attorney’s Office advising Hunt that he was in possession of discovery material in violation of a Protective Order. The letter enclosed a copy of this Court’s Protective Order. The letter requested Hunt cease and desist from publicly disseminating the material. The letter also directed Hunt to remove the protected material from his website. The letter also advised that should he not comply with the requests in the letter the government would seek a court order compelling his compliance. Hunt told SA Catalano that he did not intend to comply with the terms of the letter. Hunt stated he had two more articles outing CHSs; those articles were in their final review stage before he planned to upload them. Hunt stated it was necessary to out the CHSs so they could serve as defense witnesses in the next trial—currently set for February 14, 2017.

On January 6, 2017, the government filed a Motion to Enforce Protective Order. (*See* Motion with the attached Cease and Desist letter (ECF No. 1680), Affidavit of Special Agent Ronnie Walker (ECF No. 1681).) The Affidavit of Special Agent Walker set forth the background and details of Hunt's blog and disclosure of CHS identities.

On January 9, 2017, this Court ordered the government to file a supplemental memorandum addressing three questions. (ECF No. 1685.) On January 10, 2017, the government filed a Supplemental Memorandum (ECF No. 1689), along with a second Affidavit of SA Walker (ECF No. 1690). As part of that Memorandum the government updated the Court with information that the violation of the protective order was ongoing. A Facebook account of a defendant pending trial indicated that Gary Hunt was "working with our lawyers." (*See* ECF Nos. 1689 and 1690.)

On January 11, 2017, this Court issued an Order Granting in Part Government's Motion to Enforce Protective Order (ECF No. 1691). In that five-page written Order, this Court directed Hunt to remove all protected material from his website within 24 hours. The Court enjoined Hunt from further disseminating material covered by the Protective Order. The Order further directed the government to serve Hunt personally with the original Protective Order (ECF No. 342), the new Order (ECF No. 1691), and the Supplement to the original Protective Order (ECF No. 1692) and to certify to the Court the personal service. The Order states that in the event Hunt fails to comply with the Order after he is served, the government may initiate contempt or other enforcement proceedings.

On January 12, 2017, the government filed a Certification advising the Court Hunt had been personally served with all three Orders as directed (ECF No. 1697).

On January 12, 2017, Hunt posted a lengthy article about the January 11, 2017, meeting with SA Catalano, in which he quoted extensively from each of the three Orders (ECF Nos. 342, 1690, and 1691) and acknowledged he received copies of the Orders.

As of January 30, 2017, Hunt has failed to comply with this Court's January 11, 2017, Order (ECF No. 1691) directing him to remove all material from his website Outpost of Freedom blog at <http://outpost-of-freedom.com> within 24 hours and enjoining Hunt from further disseminating material covered by the Protective Order. Hunt has failed to remove the protected discovery material and disseminated additional discovery material in violation of the Court's January 11, 2017, Order and January 11, 2017, Supplement to Protective Order. See affidavit of Special Agent Walker, filed concurrently.

Accordingly, the United States asks that this Court order third-party Gary Hunt to appear in the United States District Court for the District of Oregon and show cause as to why this Court should not hold him in contempt.

Dated this 30th day of January 2017.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

s/ Pamala R. Holsinger  
ETHAN D. KNIGHT, OSB #992984  
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This matter came before the Court on the government's Motion for an Order to Show Cause. The Court, pursuant to Federal Rule of Criminal Procedure 42 and Title 18 U.S.C. § 401(3), states the following facts:

Third-party Gary Hunt is not an individual authorized to receive or disseminate the discovery produced under this Court's Protective Order (ECF No. 342). By letter dated January 4, 2017, Gary Hunt received actual notice of this Court's Protective Order and failed to respond to the government as requested.

On January 11, 2017, this Court issued an Order Granting in Part Government's Motion to Enforce Protective Order (ECF No. 1691). In that five-page written Order, this Court directed Hunt to remove all protected material from his website within 24 hours. The Court enjoined Hunt from further disseminating material covered by the Protective Order. The Order further directed the government to serve Hunt personally with the original Protective Order (ECF No. 342), the new Order (ECF No. 1691), and the Supplement to the original Protective Order

(ECF No. 1692) and to certify to the Court the personal service. The Order states that in the event Hunt fails to comply with the Order after he is served, the government may initiate contempt or other enforcement proceedings.

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**THE COURT HEREBY ORDERS** and **DIRECTS** Gary Hunt to appear in the United States District Court for the District of Oregon on \_\_\_\_\_, 2017, at \_\_\_\_\_.m., Courtroom 14A and show cause why he should not be held in contempt.

**IT IS SO ORDERED** this \_\_\_\_\_ day of January 2017.

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**THE HONORABLE ANNA J. BROWN**  
United States District Judge  
District of Oregon

Presented by:

BILLY J. WILLIAMS  
United States Attorney

*s/ Pamala R. Holsinger*  
\_\_\_\_\_  
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