

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON PATRICK, *ET AL.*,

Defendants.

3:16-cr-00051-BR

ORDER GRANTING
GOVERNMENT'S MOTION
(#1788) FOR ORDER TO
SHOW CAUSE

BROWN, Judge.

This matter comes before the Court on the government's Motion (#1788) for an Order to Show Cause as to Gary Hunt.

On January 6, 2017, the government filed a Motion (#1680) to Enforce Protective Order in which it alleged Gary Hunt, an individual residing in California, is publishing on an internet website material that is protected from public disclosure by the Court's Protective Order (#342) issued in this case on March 24, 2016.

By its January 11, 2017, Order (#1691), the Court granted in part the government's Motion to Enforce Protective Order; directed Hunt to remove all protected material from his website; and enjoined Hunt from any further dissemination of material covered by the Protective Order. That same day the Court issued a Supplement to Protective Order (#1692) making clear that "[a]ny individual or entity that obtains materials protected by the Courts Protective Order (#342) is prohibited from disseminating those materials or any information derived therefrom to any other individual or entity by any means." The Court directed the government to serve Hunt personally with a copy of the Protective Order (#342), the Supplement to Protective Order (#1692), and the Court's Order (#1691).

On January 12, 2017, the government filed a Certification of Service of Court Orders (#1697) in which the government certified that it had completed personal service on Hunt.

On January 30, 2017, the government filed its Motion (#1788) for Order to Show Cause together with the Affidavit (#1789) of FBI Special Agent Ronnie Walker in which the government seeks an order directing Hunt to appear to show cause why he has not yet complied with the Court's Order (#1691).

During a hearing on an unrelated motion on February 6, 2017, the Court directed the government to make a supplemental filing in support of its Motion (#1788) that addressed, *inter alia*,

(1) this Court's personal jurisdiction over Hunt to order him to appear in Oregon for the requested show-cause hearing and
(2) whether Hunt's conduct is protected by a privilege under the First Amendment to the United States Constitution, and, therefore is not subject to the requested show-cause proceedings.

The government filed its Supplemental Memorandum (#1840) in Support of its Motion for an Order to Show Cause on February 7, 2017. In its Supplemental Motion the government contends this Court has personal jurisdiction over Hunt and that venue is proper in the District of Oregon even though Hunt resides in California because the record reflects Hunt has aided and abetted another (over whom this Court has jurisdiction) to violate this Court's Protective Order. See *Myers v. United States*, 264 U.S. 95, 101 (1924). See also *Reebok Int'l Ltd. v. McLaughlin*, 49 F.3d 1387, 1390 (9th Cir. 1995). In addition, the government contends Hunt's conduct is not protected by any First Amendment privilege because a Court enforcing its own prohibition on the dissemination of discovery materials is not the type of prior restraint that requires exacting scrutiny (see *Seattle Times Co. v. Rhinehart*, 467 U.S. 20 (1984)) and because a qualified press privilege is not implicated by an order that prohibits Hunt from disseminating protected discovery materials.

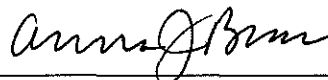
Although it would be premature for the Court to make any final analysis and ruling on the government's contentions, the

Court is satisfied the government has made a sufficient preliminary showing to justify directing Hunt to show cause why he should not be held in contempt as a result of his alleged knowing violation of this Court's Orders.

On this record, therefore, the Court **GRANTS** the government's Motion (#1788) for an Order to Show Cause to the extent that the Court issues an Order to Show Cause to Hunt. The Court directs the government to effect personal service of the Order to Show Cause on Hunt and to file proof of such service in this case.

IT IS SO ORDERED.

DATED this 16th day of February, 2017.



ANNA J. BROWN
United States District Judge