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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:16-CR-00051-BR

v.

**GOVERNMENT'S STATUS REPORT
REGARDING 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 provides this Court a status report in advance of the show cause hearing scheduled for Friday March 10, 2017, at 1:00 p.m.

On February 16, 2017, this Court granted the Government's Motion for an Order to Show Cause and ordered third-party Gary Hunt to appear on March 10, 2017, at 1:00 p.m., in

Courtroom 14A of the Mark O. Hatfield United States Courthouse, 1000 SW Third Avenue, Portland, Oregon, to show cause, if any there be, why he should not be held in civil contempt for his alleged failure to comply with the Court's Order (#1691), the Court's Protective Order (#342), and the Supplement to Protective Order (#1692). (ECF No. 1901).

The Order to Show Cause ordered third-party Hunt to file a memorandum no later than March 3, 2017, in response to the Order explaining why the Court should not hold him in contempt. As of March 9, 2017, the government is not aware of any filing by Hunt as ordered. As of March 9, 2017, Hunt has failed to comply with the Court's January 11, 2017, Order directing Hunt to remove all protected material from his website within 24 hours and enjoining Hunt from further disseminating material covered by the Protective Order (#1691).

At the show cause hearing on March 10, 2017, the government will ask the Court based upon the unrefuted clear and convincing evidence described below, to find Gary Hunt in civil contempt and issue an arrest warrant pursuant to Fed. R. Civ. P. 4.1, to be served by the United States Marshal pursuant to 28 U.S.C. § 566.

The Government Has Established by Clear and Convincing Evidence That Gary Hunt Is Violating This Court's Lawful and Direct Orders

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 (#342), and each page of those reports was 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 to 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, which began on 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 (#1689), along with a second Affidavit of

SA Walker (#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 charged defendant Duane Ehmer 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. This 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 (#342), the new Order (#1691), and the Supplement to the original Protective Order (#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 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 (#342, #1691, and #1692) and acknowledged he received copies of the Orders.

As of January 30, 2017, Hunt had failed to comply with this Court’s January 11, 2017, Order (#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. On January 30, 2017, the government filed a Motion

for an Order to Show Cause (#1788) together with the Affidavit of FBI Special Agent Ronnie Walker (#1789) seeking an order directing Hunt to appear to show cause why he has not yet complied with the Court's Order (#1691). On February 7, 2017, the government filed a Supplemental Memorandum (#1840) addressing the proper venue for this Court to enforce its own Orders and presenting evidence that Hunt was aiding and abetting another in the violation of the Court's original Protective Order.

On February 16, 2017, this Court granted the Government's Motion for an Order to Show Cause and ordered third-party Gary Hunt to appear on March 10, 2017 at 1:00 p.m., in Courtroom 14A of the Mark O. Hatfield United States Courthouse, 1000 SW Third Avenue, Portland, Oregon, to show cause, if any there be, why he should not be held in civil contempt for his alleged failure to comply with the Court's Order (#1691), the Court's Protective Order (#342), and the Supplement to Protective Order (#1692). (ECF Nos. 1900, 1901).

On February 24, 2017, FBI Special Agent Matthew Catalano met with third-party Gary Hunt and personally served Hunt with a copy of the Order to Show Cause. Agent Catalano had previously sent the Order by Federal Express and Hunt acknowledged he had previously seen the Order. (Certification of Service, ECF No. 1946).

On March 2, 2017, Hunt was interviewed on an internet-based radio talk show at <http://www.blogtalkradio.com/longlivetherepublic/2017/02/10/we-the-people>. The radio show lasts for two hours and forty-nine seconds. During the radio show Hunt discussed the protected material and named seven people he alleged to be FBI CHSs. During the course of the radio show, Hunt stated that he does not recognize the Court's jurisdiction, nor does he intend to comply with the Court's Protective Order. Hunt stated he would not make an appearance as

directed by the Order to Show Cause, because if he does **he would have “submitted himself to the jurisdiction of the Court and I ain’t gonna do that.”** See affidavit of FBI Special Agent Jason Kruger filed concurrently herewith.

As of the date of this status report, Hunt has not removed the protected material from his website. Hunt is currently in violation of the Court’s January 11, 2017, Order directing him to remove the material from his website within 24 hours (#1691).

The government has presented unrefuted clear and convincing evidence through sworn Affidavits of Special Agent Walker (previously filed #1681, #1690, #1789) and Special Agent Kruger that prove Hunt is continuing to violate this Court’s Orders.

Accordingly, at the March 10, 2017, hearing the United States will ask this Court to find that there is clear and convincing evidence that third-party Hunt should be held in civil contempt and issue a warrant for his arrest to be served by the United States Marshal.

Dated this 9th day of March 2017.

Respectfully submitted,

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s/ Pamala R. Holsinger
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