UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:
APPLICATION OF FOURTEEN PRESS ORGANIZATIONS FOR ACCESS TO SEALED SEARCH WARRANT RECORDS

Case No 26-mc-00144

November 17, 2026

Washington, D.C.

PRESS APPLICANTS,
JUDICIAL WATCH, INC.
NEW YORK TIMES COMPANY,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

HEARING HELD VIA ZOOM
BEFORE THE HONORABLE JAMES E. BOASBERG
UNITED STATES DISTRICT COURT CHIEF JUDGE

APPEARANCES:

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The following proceedings began at 11:16 a.m.:

THE COURT: Good morning, everybody.

THE COURTROOM DEPUTY: Good morning, everyone.

Good morning, Your Honor. Let the record reflect that the public line is connected and we are ready to begin.

We are here on Case 26-mc-144, petitioner, Press Applicants Judicial Watch, Inc., New York Times Company, versus respondent, United States of America.

Beginning with counsel for the petitioner, please approach the lectern and identify yourself for the record.

MR. MISHKIN: Good morning, Your Honor. Max Mishkin from Ballard Spahr, joined by my colleagues Charles Tobin and Chad Bowman who are counsel for petitioners in the 144 matter. That's the now 15 press applicants, ABC News, AP, Axios, Bloomberg, CNN, Dow Jones, KARE 11, NBC News, Politco, Reuters, The Star Tribune, USA Today, The Washington Sun, The Washington Post, and WUSA9.

THE COURT: Now that everyone gets credit, I think we can probably just call them the press applicants.

MR. MISHKIN: It's an important part of the job, Your Honor.

MR. O'DONNELL: Good morning, Your Honor. Sean O'Donnell representing Judicial Watch, along with my colleague Michael Bekesha and Tom Fitton as a representative of Judicial Watch.

THE COURT: Okay. Thank you, folks.

Good morning.

MR. BROWNING: Good morning, Your Honor. John Browning from the New York Times Company. I'm here with my colleague Courtney Douglas.

THE COURT: All right. Welcome to you.

MS. SERANO: Good morning, Your Honor. Alessandra Serano on behalf of the United States. Along with me is Peter Pfaffenroth and George Massucco for the United States.

THE COURT: Welcome to you folks.

And I know that the government was not negligent in being late but was appearing elsewhere, so I understand that.

MS. SERANO: Thank you.

THE COURT: Okay. So we are here today to talk a little bit about the petitioners' motions, applications for unsealing, which the government has resisted. And so I agree that the vast majority of the warrant affidavit should remain sealed.

And that's, I think, a 67-page document, lengthy document. It reveals important facts about the scope and direction of the investigation and also discusses witnesses whose identities and role should not now be disclosed. I agree generally with that. And perhaps as the investigation moves to fruition or if there are charges filed, then

perhaps some or all of that will be unsealed down the line.

But I agree with the government that it's premature to do so given all of the personal information and identification of witnesses and government investigative tools which could be impeded at this stage were the affidavit unsealed.

But as I pointed out in my order, I think the bigger question here is other documents which are on the docket and that were engaged -- involved in the litigation in front of Magistrate Judge Sharbaugh. So I guess I'll want to hear from the government about that.

Now, the government filed a brief saying they couldn't really talk much about it. I think you can talk more about it than you so disclosed. If I think we need to come to the bench for a reason, we can do that, which I think will be easier than emptying the courtroom.

So, Ms. Serano, I guess one issue that the government argued in regard to both the affidavit and the other materials is that the warrant has not been fully executed yet. So are you still taking that position?

MS. SERANO: We are, Your Honor. And I'm happy --

THE COURT: Okay. Well, I will let you come to the podium if you would be so kind.

MS. SERANO: Good morning, Your Honor.

THE COURT: Just a second.

Okay. But you agree that the warrant has been returned, right, in other words, returned to the magistrate judge? Typically when a search warrant is executed, it's then -- I mean, it's not typical. It's required that it then be returned to the magistrate judge. And this one was returned as executed, right?

MS. SERANO: A search warrant return was filed with the court, yes.

THE COURT: And, in fact, the order that the magistrate judge signed required that it be executed by a certain date in October?

MS. SERANO: Correct.

THE COURT: And, in fact, there's a special agent who signed the return indicating when it was executed?

MS. SERANO: He did.

THE COURT: Okay.

MS. SERANO: Yes.

THE COURT: But you are still saying it hasn't been executed?

MS. SERANO: Correct. And I'm happy to go sidebar and explain why that position --

THE COURT: I don't think we necessarily need to go sidebar for that. But your point is that all of the material that has been -- that there's still procedures going on with some of the material and that it hasn't all

been reviewed, right?

MS. SERANO: That is correct.

THE COURT: Okay. And I think that Judicial Watch points this out in their reply. I mean, it sounds like the distinction is between the execution of the search warrant and the review of the materials.

In other words, if we had a tax case and the warrant said you could search for all documents related to tax returns and agents came out with two boxes of documents, would the warrant then be executed or would it not be executed until they reviewed every page of the boxes?

MS. SERANO: I think in that case, the warrant would have been executed. But in this case, given the unique nature of the search warrant and the material involved, that review or that -- nothing has been done with a set of materials.

THE COURT: Okay. I don't think I buy your distinction. And so let's talk now about the materials that are on the search warrant docket. So first of all, are you resisting releasing the docket sheet, in other words, which just lists all of the pleadings that have been filed in that search warrant docket?

MS. SERANO: I haven't reviewed the docket recently, but I -- let me just say at the forefront the United States isn't opposed to unsealing documents at a certain date, at a

later date, just for the record. We are not trying to keep this sealed indefinitely. That has never been our position. It is not our position.

THE COURT: No. And your papers said as much, and I appreciate that. But the question here is, why can't a bunch of this be unsealed now?

And again, I'm not talking about the warrant -- I'm sorry, the warrant affidavit, but the litigation that is -- that takes place on the docket. I mean, I've gone through all of those documents, and there are very few that say anything about investigative facts or identify witnesses or speak even of potential charges. So what's the -- why can't those be unsealed now?

MS. SERANO: Well, I would classify that there are three buckets of materials that would be contained on this docket. They would be any pleadings, any transcripts, and any orders.

THE COURT: Take the transcripts away because I haven't seen -- the transcripts aren't on the docket. So it's just pleadings and briefs submitted by the government and orders. Since the target wasn't aware of what was going on, she didn't file any pleadings. So it's pleadings filed by the government and orders issued by the magistrate judge.

MS. SERANO: And proposed orders, yes.

THE COURT: Sure.

MS. SERANO: Yes.

THE COURT: So what's the problem -- again, I haven't seen transcripts. They are not on the docket. Maybe they have been prepared, and maybe they haven't. But what is the problem with the other documents?

MS. SERANO: With heavy redactions, there's probably at this point in time, I think, because it's so soon and, as we set out in our papers, it is a very rare case where we have on pre-indictment pre-charging decisions that an unsealing would take place. That's the legal argument.

If you want to get back to brass tacks and practicality, with heavy redactions, we probably could release something at this point in time. But I'm very concerned everything is so intertwined with the theory of the investigation, some investigative tools, specific statutes, that sort of thing, I think --

THE COURT: Well, most of -- again, most of the briefing and the orders concern speech or debate, right?

MS. SERANO: That would be a fair statement.

THE COURT: Okay. So this is purely legal questions, interesting questions, about the extent of the privilege, how it applies in this case, what procedures should be taken in this case. None of that, you would agree, requires the mention of any witnesses, of the government's potential charges, of the government's evidence that it has developed,

right?

MS. SERANO: I agree that would be all legal argument, yes.

THE COURT: And so why -- so what's wrong with releasing all of that?

MS. SERANO: Because I think at this point in time, because it's, again, so soon, it just creates a -- the idea of a full release and unsealing is to give the public the ability to look at everything, and they would just have a small snapshot.

But if that is where the Court is leaning to, the legal arguments, we would have no objection to that. Again, we are concerned with the typical investigative techniques, statutes, witnesses, those sorts of things.

THE COURT: Right. Although, in terms of statutes, you have had administration officials, prominent ones, talking about what the focus of the investigation is. In fact, Vice President Vance said that the administration thinks that Representative Omar, quote, definitely committed immigration fraud against the United States. And Secretary Mullin also confirmed an ongoing investigation into her alleged immigration fraud. And President Trump said his people were looking at her very strongly, whatever that means.

So what's the problem with -- we've got your

superiors saying what the government is looking into. What's the problem with disclosing the statutes that are potentially being investigated?

MS. SERANO: I think at the -- first of all, I had zero control over what was said --

THE COURT: That seems to be a common refrain, yes.

MS. SERANO: -- for the record, if that makes a difference. But with regard to the specific statutes, again, that is just a small part. I can't square up between the comments that have been said by the individuals that you mentioned with what typically happens in a, what I would say, a regular case. And this is not a regular case. I grant you that. And so the idea is that we don't want to necessarily unseal more than would be required.

THE COURT: All right. What I would propose then, Ms. Serano, and I appreciate your responsiveness to these questions, is that so there are -- I'm looking at the docket now, and I know you folks know the docket number which I won't state on the record even though I don't think it would be accessible to the public anyway because it's sealed, but there are, I think, 13 docket entries in addition to a few minute orders. I'm not sure why the numbers go 1 to 12 and then 16. The clerk's office are very professional. I'm sure there's some reason.

But aside from the warrant affidavit, which is

attached to one of these, attached to two because one is the application affidavit and one is the order signed which includes the affidavit, so excluding those, what I would propose is that you inform me by Friday either that you're not objecting to the release of certain entire documents or give me red-boxed copies of the documents. Are you familiar with that?

MS. SERANO: No, I'm not.

THE COURT: Okay. I think during the special counsel investigation, they were able to do that all the time, but I haven't seen it much otherwise. It makes it easier for a reviewer. So what it means is you put a red box, it could be any color box, around the material that you wish --

MS. SERANO: I'm familiar with that process.

THE COURT: -- to redact. That way I don't have to compare documents. I can see it all in one document.

MS. SERANO: Yes.

THE COURT: So if you can do those for the other documents that are on this docket, either tell me we don't object to ECF 5, 6, 7, 8, and on 9 here are the redactions we propose, and then I will review that and decide whether I agree with you.

But again, just as guidance, I think you understand where I'm coming from here, that I don't believe that any of the speech or debate pleadings or orders to the extent they

don't mention, and I have looked at them and there seems to be very little mention, certainly on Judge Sharbaugh's orders, a little bit more on your briefing, but I would expect other than investigative facts or the direction of your witnesses or part of your -- or your theories of the offenses, I wouldn't expect you to need to be redacting much from those.

In other words, all the legal debate about speech or debate, I don't see that that should be redacted.

MS. SERANO: So Your Honor -- I'm sorry.

THE COURT: Please.

MS. SERANO: So Your Honor wants me to take a look at all documents except for the affidavit?

THE COURT: Correct.

MS. SERANO: The affidavit and the search warrant itself?

THE COURT: Well, I think the warrant itself could arguably be released to the extent it doesn't -- parts of the warrant, I believe, can be released because they only say here's what we want to -- here's the extent of the search.

MS. SERANO: I would direct Your Honor's attention to, for example, the items to be seized and attachment B, we would have concerns there.

THE COURT: Sure. I agree with that, but I think

that can be redacted. But I think that general parameters of the search and the instructions including attachment C, which I think is the speech or debate issue, I don't think that needs to be redacted.

But again, I'm happy to see what you submit Friday. And if I have disputes about it, I could have an ex parte hearing with you to discuss it.

MS. SERANO: Is Friday a hard and fast date?

THE COURT: I think so. I don't see why it should take that long. I mean, there are not that many documents, and I think you can -- I think that's a reasonable proposal.

MS. SERANO: Understood. Okay. So Friday, all of the documents on the docket to red-line or box, how --

THE COURT: Red-boxed or you could simply say for certain documents, we are not opposing.

MS. SERANO: Except for the affidavit?

THE COURT: You do not need to touch the affidavit. At this point I expect to keep that entirely sealed.

MS. SERANO: Okay. And just on the docket related to the search warrant?

THE COURT: Correct.

MS. SERANO: Okay.

THE COURT: Which I trust you know which docket that is.

MS. SERANO: I do. There are several dockets, but I

know the search warrant docket.

THE COURT: Okay. And if there's any question, I can show you the number off the record so that we can be clear.

MS. SERANO: I would rather be clear than not, so maybe after --

THE COURT: I'm going to hand it to my deputy, and she can give it to you.

MS. SERANO: May I approach?

THE COURT: Please.

Okay. I mean, that's -- I'm happy to hear from the petitioners briefly. I mean, I think I understand your arguments. I'm receptive to them generally as to the non-affidavit documents, but I'm happy to hear you as to whatever else you would like to add. Mr. Mishkin.

MR. MISHKIN: Sure. Thank you, Your Honor. And we appreciate both the scrutiny that you are applying to the docket and the pace of unsealing that you are setting. We do think Friday should be a hard and fast deadline.

I don't think that you need us to speak to the executed/not-yet-executed point. It seems that -- okay.

So I would like to basically call attention to a few points. One is I don't believe any of our briefing realized that there was motion practice on this docket related to the speech and debate clause.

THE COURT: Right. And I realize that, but given --

just looking at the redactions of the government's brief, yes, I --

MR. MISHKIN: Sure. So I guess I would just, by way of supplemental authority, I would direct Your Honor to Your Honor's opinion in the In Re: Mike Pence Access Case, 23-mc-35, right, which was brought on behalf of another press coalition. And the entire question was then-Vice President Pence asserted that because he was the president of the Senate, he was entitled to speech and debate protection. And Your Honor recognized that these are weighty issues, and that weighs heavily in favor of --

(There was an interruption by the court reporter.)

MR. MISHKIN: Oh, I will slow down. Sorry.

-- that sort of the weighty interest in understanding interbranch conflicts, one branch asserting the speech and debate protection, the other branch investigating what it alleges to be criminal conduct, that that is the apex of what the public deserves to know about.

So I think, again, with apologies for not citing it before, I think that is useful authority for Your Honor in supporting further access here.

I think that the other two points I wanted to make is it seems like there's some uncertainty about whether the government believes that it can unseal the actual charges themselves. I guess I would point again to the Mar-a-Lago

search warrant unsealing where that was how the public learned that there were potential violations of the Espionage Act being investigated.

So I think that recognizing we don't know what the government intends to seal in the warrant, that knowing what charges are, you know, inspiring the warrant is, in fact, something that could be unsealed even at this point. I'm not sure why that is an investigative fact or why that would --

THE COURT: I think obviously what makes your argument more compelling is the public statements by prominent administrative officials, which I understand.

MR. MISHKIN: Exactly, Your Honor.

And then the third and final point is, thinking about the affidavit, it sounds as though it is long enough and detailed enough that some parts of it probably correspond to what the government will concede could be unsealed in the other papers.

So recognizing you have told the government they don't need to red-box the affidavit, we would respectfully request that Your Honor, in reviewing the government's proposed unsealings, that you will have the affidavit, and you could yourself say, well, if the government is unsealing this here, there is not cause to withhold it here. And even if that means, of course, we end up with a redacted or even

a heavily redacted affidavit, that is better than nothing.

THE COURT: I'm not sure -- the reason I'm not asking the government to do this yet is two reasons. One, as Ms. Serano pointed out and their briefing states, they may well consent to releasing it later. And second, if I redacted -- again, and I can look at it again, as you proposed, Mr. Mishkin. But upon my first go-through, if I redacted anything relating to the investigation and the facts that have been recovered so far, there's not much I think you would be interested that remains, but I will be happy to take a look.

MR. MISHKIN: It calls to mind Your Honor's analogy of bread and crust from the Mike Pence decision. And we don't know how much is bread and how much is crust to be trimmed away, but we would just ask that Your Honor think about it when you are reviewing the records and see if there's anything that can be unsealed.

THE COURT: Okay. Thank you very much.

Mr. O'Donnell.

MR. O'DONNELL: Good morning, Your Honor. My first question/clarification, will this exercise include the docket sheet?

THE COURT: Yes. So I think -- I'm sorry. That's a good point. I didn't mention it earlier. I did mention it at the end of our discussion.

I think it's pretty clear, Ms. Serano, that the docket sheet should be released. If you want to print -- I would ask you if you want to red-box any of the docket sheet, you should do so, or just give your indication that you are okay with releasing the docket sheet.

Yes?

MS. SERANO: Can I submit that on Friday, Your Honor, as well?

THE COURT: Yes.

Good point, Mr. O'Donnell. I think that's pretty clear that that should be released. And that will be helpful for the public to understand the course of the proceedings.

MR. O'DONNELL: Thank you, Your Honor.

Also it seems that there are other dockets related to searches in this investigation. Are we to move to unseal those as well? Should I do it orally now?

THE COURT: I can tell you right now that I am not familiar with other -- so that was news to me. I think that there is a -- I'm just not -- I guess, Ms. Serano, I will just ask you. For your hearing this morning, were the filings public in that?

MS. SERANO: No, Your Honor.

THE COURT: Okay. And that's on a different docket?

MS. SERANO: Yes. That's how it was filed.

MR. O'DONNELL: Right. Okay. I guess there is at least one other mc-159.

THE COURT: I'm sorry, you said?

MR. O'DONNELL: It's 26-mc-159 styled In the Matter of the Search of One Residence in Washington, D.C. Under Rule 41. It looks like it's a 41(g) motion, Your Honor.

MR. MISHKIN: Your Honor, I understand that it's the (inaudible) --

(There was an interruption by the court reporter.)

MR. O'DONNELL: It's a Rule 41(g) motion, Your Honor.

THE COURT: This docket is not sealed, correct?

MR. O'DONNELL: The motion is sealed.

THE COURT: But the docket itself is not sealed?

MR. O'DONNELL: That's right. Thus, we have --

THE COURT: There's a sealed motion, but I think the description of ECF 1, what that sealed motion is, is visible to you?

MR. O'DONNELL: Yes. I think, in this spirit, we have heard government officials say that multiple search warrants have been executed, which, considering what else we have heard, suggests that there were multiple dockets, though obviously I have seen it where one affidavit can support multiple search warrants on the same docket. But if there are multiple dockets, then we would definitely want to unseal those as well.

THE COURT: Okay. So what I would ask -- I think for the first step on this, because this is my first time seeing this docket -- I'm sorry. I wasn't aware -- let me rephrase that.

I issued an order on this docket. Since that time, I have not been aware of what's filed on the docket. I can now see it.

So I guess what I would ask, why don't the government -- what I'm going to do is ask the government as a first step to tell me -- you can file something, and I'll say by Monday, which indicates whether I should treat this docket any differently from the docket that I have just identified to you and what we have been talking about before.

I mean, if there's a reason why I should be treating this docket differently, I would like to hear it. If not, then I would have you red-box this, but not yet. I'll wait until I hear your argument on whether I should or shouldn't treat this differently, which I'll ask you to file by Monday.

MS. SERANO: (Inaudible.)

(There was an interruption by the court reporter.)

MS. SERANO: You would think after 20 years, I would remember to turn on a mic. My apologies.

So by Monday, to file something with the Court as to

why this other docket should be treated differently or not?

THE COURT: Correct.

MS. SERANO: Okay.

THE COURT: Really whether it should be treated differently or not, which might end up being one sentence, no, it shouldn't be treated differently. And if you so indicate, then I will require you to red-box some of the documents there. Again, there are fewer -- only a few on there, as everyone -- I mean, you folks can see that.

MS. SERANO: Yes.

THE COURT: Sorry, Mr. O'Donnell. Please continue.

MR. O'DONNELL: Thank you, Your Honor. Continuing on, I think more in the spirit of the adversarial nature of our processes, if the government is going to produce a red-boxed version for Your Honor to view, that would be the minimum of what should be released.

I would think it's appropriate on Friday for the government to also release the filled-in box version of that so that we can see. Now, ideally, they would give us something akin to a Vaughn index or a privilege log not necessarily saying what is under there, but why there's something that's under there. That way we would have an opportunity to respond.

And I say that mostly, you know, as I reflect, this resistance to sharing what the warrant identifies as the

subject offenses, Representative Omar has seen it. Presumably her lawyers have seen it. This is not something that is kept under seal or under a classified cover sheet. So I don't know why --

THE COURT: I'm not sure she has seen it.

MR. O'DONNELL: She says she's seen it. That's my understanding.

THE COURT: Wait. I'm sorry. Has seen what?

MR. O'DONNELL: The warrant.

THE COURT: Oh, sure. Yes, of course she's seen the warrant.

MR. O'DONNELL: She has seen the warrant. And that warrant would say what the subject offenses are for which a court found probable cause to search her residence.

I don't know why there would be a resistance to showing one person in the public this information and not the rest of us. This is why I would ask that on Friday they file the filled-in version of the red box so that we all can see what the government's position is and respond to it.

And we can do it -- I will commit all of these attorneys -- I'm getting a look, but I think we can probably do it by Monday or Tuesday if that helps.

THE COURT: Do what by Monday or Tuesday?

MR. O'DONNELL: So, for example, if you have ever seen -- for those of us who have seen a warrant, you know

where the subject offenses are put in. There might be attachment B, for example. And if we see that that is redacted in this version, which will be the minimum of what's being released, then we can take a position that this would be inappropriate for the reasons set forth.

THE COURT: All right. Let me ask Ms. Serano. Is there an objection to releasing on Friday anything that you haven't red-boxed?

MS. SERANO: I'm going to send in the varsity team, Your Honor.

MR. PFAFFENROTH: I don't know about that.

THE COURT: Mr. Pfaffenroth, if you will just state your appearance for the record.

MR. PFAFFENROTH: Yes, of course. Peter Pfaffenroth from the U.S. Attorney's Office.

I only wanted to note, Your Honor, that Friday is viable for getting you the red-boxed version. I understand your point, sir. The concern I have is whether the Solicitor General could conceivably take issue with a disclosure order. We cannot -- you know, nobody at this table right now can make that determination. And the Solicitor General needs some time to determine whether or not a disclosure -- you know, whether or not your order should be appealed.

Obviously, we are not asking for the 60 days that the

rules permit, but the Solicitor General is a very busy person, and we do need some time to run that process through.

THE COURT: Okay. Well, I'll --

MR. PFAFFENROTH: So I think it makes -- sorry, Your Honor.

THE COURT: No, no, that's understandable. Again, you are going to know what you are going to red-box by Friday. So I will say that by Monday, you should release anything you have not red-boxed in the absence of any motion to stay or motion to appeal.

In other words, what you are not red-boxing, you are agreeing should be released, and so that should be released to them, not just to me.

MR. PFAFFENROTH: I understand, Your Honor. I don't know if -- that's four business days. I don't know if that's enough time for us to run that process through because it is -- even if people who are at this table think one thing, the Solicitor General could reach a different conclusion. I know we want to move swiftly, but four days really is -- I will get screamed at that that's not enough time for --

THE COURT: Tell them you pled your case vigorously, and the unreasonable judge said Monday.

MR. PFAFFENROTH: Thank you, Your Honor.

THE COURT: Thank you, Mr. Pfaffenroth.

Mr. O'Donnell.

MR. O'DONNELL: That is all, Your Honor. Thank you.

THE COURT: Thank you.

Mr. Browning.

MR. BROWNING: Yes, Your Honor, good morning. I would just like to say a brief word more about the affidavit. Your Honor mentioned that the vast majority of it should remain sealed. And we, of course, respect your discretion to the extent that relates to undisclosed witnesses, evidentiary practices, investigatory materials, et cetera. But the vast majority should remain unsealed. These open a glimmer of hope that there is a small minority that might be fair game.

THE COURT: Right. And what I said to Mr. Mishkin is that I will look at it again. My belief is that there's -- what would not remain sealed would have little interest to you. But I'm happy to take another look at it. I certainly won't proceed with any kind of release without giving the government an opportunity to speak on that.

MR. BROWNING: Of course, Your Honor. You would be surprised what is of interest to news organizations.

THE COURT: Probably true.

MR. BROWNING: But I would just like to put a finer point on two small things as you make your review.

THE COURT: Sure.

MR. BROWNING: The first is to make note of a comment in your press application decision. That case involved a warrant served on Twitter in what strikes me as a much more complicated set of circumstances relating to the election. And I can really see how, you know, the parts that are publicly known were intertwined with parts that were not publicly known in a way that makes them inextricably bound.

And here, and again I'm hypothesizing, but we already know a lot publicly about the nature or the scope and the direction of the investigation into Ms. Omar's immigration activities.

I'd refer you to the comments of the U.S. Attorney and the Deputy Attorney General essentially confirming the theory of the case where she has a pseudonym, her real name matches the name of her brother that she alleges they married, and that she filled in the wrong name or dates on paperwork. All of that is public because the government went on television to tell people about it.

And to the extent that that portion of the affidavit sort of can be hived off from the rest of that which is not known, we would encourage Your Honor to do so. But, of course, we respect your discretion and appreciate your review.

THE COURT: Okay. Thank you very much, Mr. Browning.

So what I will do is -- and, Mr. Pfaffenroth, this directly, I hope, assists you -- that I'll issue a minute order when I get off the bench memorializing it so there will be something that if you wish to appeal it, you may. Again, it will simply say that by Friday you need to submit to me the red-boxing of all documents other than the affidavit and release -- and identifying which documents you agree to release in the specific search warrant docket, and then by Monday, to inform me on 26-mc-159 whether and, if so, why the docket there should be treated any differently.

MS. SERANO: Can I have a moment, Your Honor?

THE COURT: Please. As well as the docket sheet. I'm sorry. The docket sheet needs to be part of the disclosure on Friday.

MR. O'DONNELL: Your Honor, while they are conferring, I want to continue my practice of committing other lawyers to doing work. Can we have Wednesday to respond to what is produced on Monday?

THE COURT: I mean, you can respond -- what I plan to do, I've got to figure -- I mean, I will obviously be looking at the red-boxing myself, but I am certainly happy to hear what you -- to the extent you can ascertain or make educated guesses as to what is in the red-boxing, you can -- well, I don't think I'll be looking at what you submit on Wednesday on Thursday. So --

MR. O'DONNELL: I understand, Your Honor.

THE COURT: -- perhaps I could even give you until the following Monday. Although, I want all of you at the table to tell your families who is responsible for your holiday and who is trying to deprive you of it.

So we could do Monday, which would be November 30.

MR. O'DONNELL: Thank you, Your Honor.

THE COURT: Okay. Thank you.

Ms. Serano.

MS. SERANO: Sorry, Your Honor. I have a lot of homework, so I want to make sure I get all of this correct.

THE COURT: Yes.

MS. SERANO: So for Friday, it's just the documents that have been filed on the docket in the search warrant docket that I need to red-box for Your Honor?

THE COURT: Correct.

MS. SERANO: Nothing else?

THE COURT: And also the docket sheet.

MS. SERANO: The docket sheet, but not the affidavit and no -- nothing else?

THE COURT: Correct.

MS. SERANO: Okay. That's all. And then Monday is whether we should treat differently the 159 docket?

THE COURT: And also then you will release on Monday all non-red-boxed information.

MS. SERANO: I'm not really sure how we release it, but just email it to them, or is it filed?

THE COURT: It should be made public because it's an unsealing motion. I guess the answer is what will happen is the Court, I will unseal it then on Monday at 5:00 unless there's a stay, Mr. Pfaffenroth, because the motion is to unseal, and so that's what -- I will unseal it.

It's a little bit complicated. On sealed dockets, we may not unseal the documents. We may just end up posting the documents on our website, on the court website. But that would be at 5:00 on Monday absent a stay.

MS. SERANO: And then assuming the Court agrees with the proposed redaction the government wants to do on Friday, that is what Your Honor will release on Monday, but if there is a --

THE COURT: I'm sorry. I will release on Monday all of the un-red-boxed --

MS. SERANO: Un-red-boxed. Okay.

THE COURT: -- information. If I disagree -- first of all, I'm going to hear from the petitioners about any contest to some of the red-boxed areas the following Monday. I will also be looking at it myself. And I may order you folks to have an ex parte hearing to explain why this can't be released, or if it's more of a theoretical legal issue, then I may have a hearing with both sides.

MS. SERANO: That was my next question is if Your Honor disagrees with what we want redacted --

THE COURT: I will not release anything that you have red-boxed without speaking to you first.

MS. SERANO: Thank you.

THE COURT: Okay. And I also may order you to reply after their November 30 pleading if I think it would be helpful. In other words, on November 30, they are going to say the red-boxed information which we surmise is X should be released. And if I think they are making good points, I may hear from you on reply or may set a hearing.

Yes?

MR. BEKESHA: Michael Bekesha on behalf of Judicial Watch.

Just wanted to clarify the logistics for Monday. The releasing at 5:00, it sounds as though the government is only going to file red-boxed versions with the Court. So the Court won't have a redacted version to unseal on Monday, so --

THE COURT: Okay. I will work with the government to figure that out. Thank you. In fact, red-boxing permits in certain views to be all blocked or either opaque or transparent.

MS. SERANO: Your Honor, I anticipate giving Your Honor a red-boxed version and then a redacted version --

THE COURT: Perfect. Makes it easy.

MS. SERANO: -- so there are no problems.

THE COURT: Thank you, Ms. Serano.

All right. Thanks, everyone. Appreciate your work, and we will be in touch.

(The hearing concluded at 11:59 a.m.)

- - -

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

11/19/26

s/ Tammy Nestor
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