

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

CRIMINAL NO.:

CR-98-371

:

UNDER SEAL

:

VIOLATIONS:

18 U.S.C. § 371 (Count 1)

STEWART D. NOZETTE,

v.

Conspiracy to Defraud the United States;

•

Defendant.

26 U.S.C. § 7201 (Count 2)

Tax Evasion

FILED

<u>ORDER</u>

DEC 1 7 2008

NANCY MAYER WHITTINGTON, CLERK

Based on the representations in the government's motion to seal the accompanying Information, as well as all other pleadings and files in this case, and to delay entry on the public docket of this motion to seal and all related matters, this Court makes the following:

FINDINGS OF FACT

Pursuant to the representations in the government's motion to seal, the defendant has agreed to cooperate with the United States in an ongoing criminal investigation.

The general public is not aware that the defendant has agreed to cooperate with the United States in this ongoing investigation.

The defendant's cooperation includes the possibility of covert activities by the defendant or law enforcement authorities.

The public docketing at this time of any notice that the government has filed a motion to seal the Information and other pleadings and files and to delay entry on the public docket of the filing of the motion to seal, as well as the Order granting such motion, likely will substantially jeopardize an ongoing criminal investigation.



Filed 12/17/2008

Based on the representations in the government's motion, and this Court's findings of facts, this Court finds that there is a compelling governmental interest in sealing the existing and future pleadings and files in this case and that an extraordinary situation exists which justifies a delay in the public docketing of any notice that the government's motion and this Order have been filed with the Criminal Clerk's office under seal.

Based on the above, it is this 17hday of Decembra

ORDERED that this Order, and the attached government motion to seal the Information and other pleadings and files and to delay entry on the public docket of the filing of this motion to seal shall be filed under seal in the Criminal Clerk's office until further order of this Court.

It is further

ORDERED that the Information and all existing and future pleadings and files in this case shall be placed under seal by the Criminal Clerk's office until further order of this Court.

It is further

ORDERED that the Criminal Clerk's office shall not make any entry on the public docket in this case of the Information, the government's motion to seal and the Order granting such motion, and other pleadings filed under seal in this case until further order of this Court.

It is further

ORDERED that notwithstanding the other provisions of this ORDER, there may be a limited lifting of this sealing order to allow the government to comply with noticing and publishing requirements to effectuate any consent order of forfeiture that may be filed related to this case, or to comply with its discovery, Giglio and Brady obligations in any pending or future criminal case in which the defendant herein may be called as a witness.

It is further

ORDERED, that the government notify the Court as soon as the need for sealing no longer exists.

> Thun Nebuta JAMES ROBERTSON United States District Judge

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