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In re: Grand Jury

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UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

June 9, 2015

No. 14-4678

IN RE: GRAND JURY INVESTIGATION

JOHN DOE; ABC ENTITY,
Appellants

(D.N.J. No. 3-14-mc-00077)

Present: FISHER, JORDAN and KRAUSE, Circuit Judges

1. Sealed Motion by Appellant to Unseal The Court's February 27, 2015 Decision;
2. Response by Appellee to Motion to Unseal The Court's February 27, 2015 Decision;
3. Reply by Appellant in Support of Motion to Unseal The Court's February 27, 2015.

Respectfully,
Clerk/tmm

ORDER

Senator Robert Menendez has filed a motion before this Court to unseal our February 27, 2015, opinion (the "Opinion") concerning testimony in the underlying grand jury proceeding now that the case has been indicted and because the Opinion has already been disclosed inadvertently on the public docket. The Government does not oppose the Senator's motion but asks us to also unseal the entire record on appeal to provide context to the Opinion. Considering the relevant factors for unsealing grand jury information, *see United States v. McDowell*, 888 F.2d 285, 289 (3d Cir. 1989), we grant the motion to unseal the Opinion, the briefs on appeal, and the recording of oral argument before this Court. Should the parties desire additional disclosure, they are directed to make an application to the District Court for the unsealing of other documents in the record.

By the Court,

s/ D. Michael Fisher
Circuit Judge

Dated: June 23, 2015
tmm/cc: Monique Abrishami, Esq.

Joseph P. Cooney, Esq.
Peter M. Koski, Esq.
Scott W. Coyle, Esq.
Abbe D. Lowell, Esq.
Christopher D. Man, Esq.
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