

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 03-cv-00115-MEH-BNB

FEDERAL DEPOSIT INSURANCE CORPORATION, as receiver for
BESTBANK, BOULDER, COLORADO,

Plaintiff,

v.

ST. PAUL COMPANIES, and ST. PAUL FIRE AND MARINE INSURANCE
COMPANY, as successors in interest to UNITED STATES FIDELITY &
GUARANTY COMPANY,

Defendants.

ORDER

Defendants filed a Motion for Access to Grand Jury Materials [filed December 17, 2008; docket #102]. Initially, after hearing no objection from the United States Attorney's Office, the Court granted the motion. After that order was docketed, the United States Attorney's Office raised both a jurisdictional and a substantive objection to the release of grand jury materials. The Court held a hearing on the matter and permitted further briefing by all parties.

The Court finds that no specific statutory provision addresses a Magistrate Judge's jurisdiction to order the release of grand jury materials in a consent case, nor is there any local rule or binding precedent addressing this issue. The parties cite a District of Arizona opinion finding such authority, albeit in a jurisdiction which has a specific local rule directly on point. Here, United States District Judge Richard Matsch presided over the criminal trial and has both the knowledge of the criminal case and the obvious interest in addressing any issue of release of grand jury records arising out of the case. Therefore, this Court will **deny** the Motion for Access to Grand Jury Materials without prejudice, with leave to file a miscellaneous action in this District seeking the release of the grand jury materials.

Dated at Denver, Colorado this 23rd day of February, 2009.

BY THE COURT:

s/ Michael E. Hegarty
Michael E. Hegarty
United States Magistrate Judge