



U.S. Department of Justice
United States Attorney
Middle District of Georgia

Post Office Box 1702
Macon, Georgia 31202

Telephone: 478-752-3511
Fax: 478-621-2655

June 8, 2017

Honorable Marc T. Treadwell
United States District Judge
Middle District of Georgia
Post Office Box 65
Macon, Georgia 31202

RE: Supplemental authority regarding the Government's Response in Opposition to the
Petition of Anthony S. Pitch; Misc. No. 5:14-MC-00002-MTT

Dear Judge Treadwell:

During argument at the hearing in the above matter this morning, I referenced having seen a decision addressing the issue that the petition to unseal Grand Jury testimony could not itself be "the judicial proceeding" in which that testimony is "...needed to avoid a possible injustice in another judicial proceeding..." as required by United States v. Aisenberg, 358 F.3d 1327, 1348 (11th Cir. 2004) (quoting Douglas Oil Co. v. Petrol Stops Northwest et al., 441 U.S. 211 (1979)).

The case to which I was referring is In re Biaggi, 478 F.2d 489, 492 (2nd Cir. 1973), which states that "[O]bviously the permission to disclose for use in connection with a 'judicial proceeding' does not encompass a proceeding instituted solely for the purpose of accomplishing disclosure." This language is also cited at page two of former Attorney General Holder's letter to the Advisory Committee on the Criminal Rules dated October 18, 2011, a copy of which was provided to Your Honor at this morning's hearing.

Respectfully submitted,

G. F. "Pete" Peterman, III
United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the within and foregoing Government's Response in Opposition to the Petition of Anthony S. Pitch with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the counsel of record.

BY: /s/ G. F. Peterman, III
G.F. PETERMAN, III
Georgia Bar Number 573550
United States Attorney
United States Attorney's Office
Middle District of Georgia
Post Office Box 1702
Macon, Georgia 31202-1702
Telephone: (478) 752-3511
Email: Pete.Peterman@usdoj.gov