



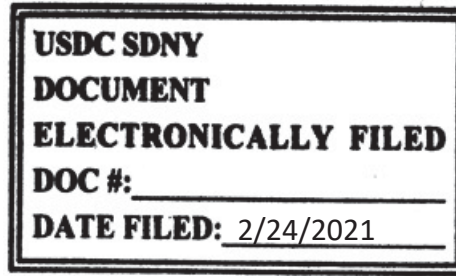
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**VIA ECF**

February 23, 2021

**CONFIDENTIAL  
 PRIVILEGED AND CONFIDENTIAL**



The Honorable Katherine H. Parker  
 United States Magistrate Judge  
 U.S. District Court for the Southern District of New York  
 Daniel Patrick Moynihan U.S. Courthouse  
 500 Pearl Street,  
 New York, NY 10007

**Order to Seal**

Petitioner's request is GRANTED. The Clerk of Court is respectfully requested to ensure that the documents filed at ECF Nos. 31, 33, and 35 remain under permanent seal, with access limited to the parties and the Court.

**SO ORDERED:**

HON. KATHARINE H. PARKER  
 UNITED STATES MAGISTRATE JUDGE

Date: 2/24/2021

Re: **Letter Motion for Permission to File a Redacted Document**

Dear Judge Parker,

Petitioner Mohd Najid Bin Abd Razak ("Petitioner") respectfully submits this Letter Motion for Permission to File a Redacted Document, pursuant to Federal Rule of Civil Procedure 5.2(d)-(e), Electronic Case Filing Rules & Instructions for the Southern District of New York §6, and Rule 3(d) of Your Honor's Individual Practices in Civil Cases, in order to provide under seal certain information in its Opposition to the Government's Motion to Intervene and for a Stay [Dkt. 32] and its Opposition to the Government's Motion to File Sensitive Information under Seal and *Ex Parte* [Dkt. 34] (the "Oppositions"), which Respondent Timothy Leissner (through his counsel) requests be redacted and sealed from the public record. As an accommodation to Mr. Leissner, we have done so.

Mr. Leissner requests that Petitioner seal the portions of the Oppositions that reflect certain information relating to the Government's criminal case against Mr. Leissner (the "Redacted Information"), *United States v. Leissner*, 18 Cr. 439 (MKB) (E.D.N.Y.) (the "Leissner Case").

Upon information and belief, the Redacted Information is similar in nature to at least some of the assertedly "sensitive information" in the Government's Memoranda of Law in Support of its Motion to Intervene and for a Stay [Dkt. 19] and to File Sensitive Information under Seal and *Ex Parte* [Dkt. 21]. While the public enjoys a "qualified First Amendment right" to access judicial documents and proceedings, and a presumptive right of access to judicial documents under the common law, *Logusch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (quoting *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 91 (2d Cir. 2004)), those rights may

The Honorable Katherine H. Parker  
February 23, 2021  
Page 2

be overcome by "specific, on the record findings . . . demonstrating that closure [or sealing] is essential to preserve higher values and is narrowly tailored to serve that interest," *United States v. Alcantara*, 396 F.3d 189, 199 (2d Cir. 2005).



Any residual concern about infringement upon the qualified First Amendment right to access judicial documents should be assuaged by the fact that the Redacted Information is narrowly tailored: it amounts to a handful of lines in the Oppositions, collectively.

For the reasons set forth above, Petitioner respectfully requests that his request for approval to file a redacted document be granted.

Respectfully submitted,

/s/ Kevin T. Carroll

Kevin T. Carroll

The Honorable Katherine H. Parker  
February 23, 2021  
Page 3

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, February 23, 2021 an unredacted copy of this Letter Motion was sent to all counsel of record by electronic mail.

Respectfully submitted,

*/s/ Kevin T. Carroll*\_\_\_\_\_