

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CRISTOBAL ORTIZ,
Defendant-Petitioner,

v.
UNITED STATES OF AMERICA,
Plaintiff-Respondent.

NO. C16-1932RSL

~~(PROPOSED)~~ ORDER GRANTING
MOTION REGARDING WAIVER OF
ATTORNEY-CLIENT PRIVILEGE AND
REQUEST FOR EXTENSION OF TIME
TO ANSWER PETITIONER'S
28 U.S.C. § 2255 MOTION

Having reviewed the Government's Motion for an Order Regarding Waiver of Attorney-Client Privilege and Request for Extension of Time to Answer Petitioner's 28 U.S.C. § 2255 Motion ("the Section 2255 Motion"), any response, supplement, or reply thereto, and the records on file, and based upon the reasons set forth in that Motion,

IT IS HEREBY ORDERED that Defendant-Petitioner Cristobal Ortiz, by raising issues related to the adequacy of his legal representation in his Section 2255 Motion, has waived his attorney-client privilege for the purpose of litigation of that motion.

Accordingly, Ortiz's prior attorney before the district court, Robert Gombiner (hereinafter, "counsel"), is hereby authorized to disclose, to the government and to the Court, and to provide evidence, documents, and other material related to his

1 representation of Ortiz, including otherwise privileged legal conversations with Ortiz, by
2 way of affidavit, testimony, or in any other form, that relate to the allegations set forth in
3 Ortiz's Section 2255 Motion.

4 IT IS FURTHER ORDERED that, absent further order from this Court, the
5 evidence provided pursuant to this Order shall be used solely for the purpose of litigating
6 Ortiz's Section 2255 Motion and shall not be admissible against Ortiz in any other
7 proceeding. This Order shall remain in effect even after the Court has ruled on the
8 Section 2255 Motion. Both parties retain the right to apply to the Court for modification
9 of this Order.

10 IT IS FURTHER ORDERED that, absent further order from this Court, the
11 government shall file its answer to Ortiz's Section 2255 Motion no later than April 14,
12 2017.

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14 DATED this 22nd of February, 2017.

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19 ROBERT S. LASNIK
20 United States District Judge

21 Presented by:

22 /s/ Steven Masada
23 STEVEN T. MASADA
24 Assistant United States Attorney
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