

**PUBLIC FIRST**  
LAW CENTER

*U.S. MAIL*

May 23, 2024

The Honorable Timothy M. Burgess  
United States District Court  
for the District of Hawai`i  
300 Ala Moana Blvd.  
Honolulu, HI 96850

**RE: *In re Public First Law Center, Misc. No. 24-215***  
***(United States v. Kaneshiro, Cr. No. 22-48-TMB-NC)***

Dear Judge Burgess:

Movant Public First Law Center writes to inquire as to the status of the motion to unseal [Dkt. 1]. This Court’s order [Dkt. 7] denied the motion to unseal in part based on concerns that disclosure of certain information mid-trial would risk “the integrity of trial witness testimony” in light of alleged witness tampering. Dkt. 7 at PageID.42. The Court also indicated that it planned to file redacted versions of certain orders. *Id.* at PageID.42. And the Order required that the parties, by May 3, 2024, suggest redactions or provide an explanation for why no redactions are not appropriate at this time. *Id.* at PageID.43-44.

Public First is not aware of any redacted documents being filed or any of the previously sealed documents being unsealed. Below is Movant’s understanding of the current status for each document.

In light of the recent conclusion of the trial, the Government’s previous concerns about mid-trial witness tampering or disclosure of upcoming trial evidence—as raised at the April 16 hearing—no longer hold.

- Dkt. 421: Defendants’ Response to Government’s Motion in Limine (MIL) No. 5
  - Defendants did not file a response to the Court’s Order



The Honorable Timothy M. Burgess

May 23, 2024

Page 2

- Dkt. 422: Government’s Response to Defendants’ MIL No. 12
  - Government raised a concern about “upcoming trial evidence” (Dkt. 8 at PageID.46)
- Dkt. 423: Government’s MIL No. 5
  - Government stated that certain portions could be unsealed, but asked that other portions “remain under seal until the evidence has been presented” (Dkt. 8 at PageID.46)
- Dkt. 511: Order on Defendants’ MIL No. 12-13 and Government’s MIL No. 5
  - The Court planned to file a redacted version (Dkt. 7 at PageID.42)
- Dkt. 581: Government’s MIL No. 9
  - Government stated no concerns about unsealing the briefing, but asked that Exhibit 3 (Rudy Alivado’s grand jury transcript) remain sealed “given recent events to confront Alivado with that testimony” (Dkt. 8 at PageID. 46)
- Dkt. 606: Defendant Otani’s MIL No. 20
  - Defendant Otani did not file a response to the Court’s Order
- Dkt. 615: Government’s MIL No. 12
  - Government stated no concerns about unsealing (Dkt. 8 at PageID.46)
- Dkt. 618: Defendants’ Response to Government’s MIL No. 9
  - Defendants did not file a response to the Court’s Order
- Dkt. 652: Government’s Response to Defendants’ MIL No. 20
  - Government raised a concern about “upcoming trial evidence” (Dkt. 8 at PageID.47)
- Dkt. 654: Government Brief on Attorney-Client Privilege
  - Government raised a concern about “upcoming trial evidence” (Dkt. 8 at PageID.47)

The Honorable Timothy M. Burgess

May 23, 2024

Page 3

- Dkt. 666: Order on Government's MIL No. 9
  - The Court planned to file a redacted version (Dkt. 7 at PageID.42)
- Dkt. 686: Government's Response in Opposition to Defendants' Motion to Compel
  - Government stated no concerns about unsealing (Dkt. 8 at PageID.47)
- Dkt. 714: Government's MIL No. 13
  - Government stated no concerns about unsealing (Dkt. 8 at PageID.47)
- Dkt. 724: Defendant Mitsunaga's Motion re: OSC Why Pretrial Release Should Not Be Revoked
  - Defendant Mitsunaga did not file a response to the Court's Order
- Dkt. 732: Order on Government's MIL No. 13
  - The Court previously filed a redacted version (Dkt. 731) that might be revisited in light of the Government declining to raise concerns about unsealing the underlying motion Dkt. 714 (*see* Dkt. 8 at PageID.47)

Respectfully,  
/s/ R. Brian Black

cc: Counsel of Record (*via CM/ECF*)