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Clerk, U.S. District & Bankruptes Courts for the District of Cole

UNITED STATES DISTRICT COGISP FOR THE DISTRICT OF COLUMBIA Level File State
Level File State
(Kolla-Koll)
1/30/14

UNITED STATES OF AMERICA.

VS.

STEPHEN JIN-WOO KIM,

Defendant.

Criminal No.

Filed with

ORDER (December 9, 2013)

In its December 6, 2013 Order, this Court denied in part and held in abeyance in part Defendant's Sixth Motion to Compel. This Order further requested that the Government file a supplemental brief addressing (1) whether the Court was correct in presuming that the was prepared by individuals with access to the why a list of anyone who drafted this document prior to the cut-off time should not be disclosed to Defendant as relevant and helpful in identifying additional individuals with access to the intelligence at issue.

The Government has now filed this supplemental brief addressing these two issues. On the first question, the Government informs the Court that after consultation with , it has determined that the Court is correct in presuming that the was prepared by individuals with access to the Report,

As to the second question of why a list of anyone who drafted this document prior to the cut-off time should not be disclosed to Defendant, the Government further informs the Court that based on usual practice, the intelligence report officers who worked on the would have prepared the In this case, this would imply that worked on the light war.

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Here, the electronic record associated with the document confirms that
was one of its drafters, although there is no record associating
with the document. The Government has stated there is no electronic record of this document's
dissemination that would imply additional drafters. Further, as the Government points out, and
the Court can confirm from its review of the document on a read and return basis, the
does not identify any additional - or for that matter, any - drafters of the
document on its face. Consequently, in light of the fact that
are already on the Access List, the information sought by Defendant in the
remaining portion of his Sixth Motion to Compel has already been provided to him
Accordingly, it is, this 9th day of December, 2013, hereby

ORDERED that the portion of Defendant's Sixth Motion to Compel concerning a list of individuals who drafted the prior to the cut-off time, which was held in abeyance in the Court's December 6, 2013 Order, is DENIED AS MOOT.

SO ORDERED.

COLLEEN KOLLAR KOTELLY UNITED STATES DISTRICT JUDGE