

1 Jennifer Stisa Granick, SBN 168423
2 American Civil Liberties
3 Union Foundation
4 39 Drumm Street
5 San Francisco, CA 94111
6 Telephone: (415) 343-0758
7 Email: jgranick@aclu.org

Christopher J. Conley, SBN 290747
Jacob A. Snow, SBN 270988
American Civil Liberties Union
Foundation of Northern California
39 Drumm Street
San Francisco, CA 94111
Telephone: (415) 621-2493
Email: cconley@aclunc.org
Email: jsnow@aclunc.org

Attorneys for Movant

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SANTA CLARA**

11 In re Sealed Warrant #CSW 59058 &
12 Response with Redactions, or

13 SIGNAL MESSENGER, LLC,
14 *Movant,*

15 v.

16 SUPERIOR COURT FOR THE STATE
17 OF CALIFORNIA, COUNTY OF
18 SANTA CLARA,

Respondent, and

19 COUNTY OF SANTA CLARA, and

20 OFFICE OF THE SANTA CLARA
21 COUNTY DISTRICT ATTORNEY,

Real Parties in Interest

Case No. CSW 59058

**Application for Temporary Sealing of
Attached Motion and Declaration in
Support**

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25 By this Application, Movant requests this Court order that the attached Notice of Motion,
26 Motion, and Exhibits be filed as sealed, pending consideration by the Court. The application is
27 made pursuant to Cal. R. of Ct. 2.551 and is based upon this application, declaration of counsel
28

1 Jennifer Stisa Granick, as well as other documents in the case file and any argument that may be
2 presented at a hearing on this Application or the matters raised in the attached Document.

3 **MEMORANDUM**

4 Movant is subject to a non-disclosure order issued by the Court which prohibits
5 disclosure of the existence of particular documents not only to the target of the warrant but to
6 any other person. Movant is filing a Motion to partially modify the non-disclosure order and
7 partially unseal the documents and Movant's response. By filing that motion on the public
8 docket, Movant would necessarily reveal that the documents it seeks to unseal exist. Out of an
9 abundance of caution, in order to comply with the non-disclosure order, Movant seeks to
10 temporarily file under seal the attached Notice of Motion and Motion to Unseal.

11 **DECLARATION OF COUNSEL**

- 12 1. Movant Signal Messenger is contemporaneously moving this Court to unseal particular
13 documents.
- 14 2. Movant is prohibited by court order from revealing anything about the documents, including
15 that they exist.
- 16 3. To file the Motion, Movant must disclose that the documents in question exist.
- 17 4. For this reason, Movant has no option other than to file the Motion to Unseal under seal.

18 Movant requests that that Motion to Unseal itself be unsealed as soon as reasonably feasible.
19 Movant does not believe that there are any grounds other than the preexisting court order that
20 would justify continued sealing of the attached Motion. *See* Cal. R. of Ct. 2.550.

21 October 22, 2020

Respectfully submitted,

22 */s/ Jennifer Stisa Granick*
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25 Union Foundation
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Certificate of Service

I HEREBY CERTIFY that on Friday, October 22, 2020, a true and correct copy of the above document was served, with his consent, by email upon:

David R. Boyd
Deputy District Attorney
Writs, Appeals, and Habeas
Santa Clara County
Telephone: (408) 792-2968
Email: dboyd@dao.sccgov.org

Dated: October 22, 2020

/s/ Jennifer Stisa Granick
Jennifer Stisa Granick, SBN 168423
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San Francisco, CA 94111
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