

FLORENCE T. NAKAKUNI #2286
UNITED STATES ATTORNEY
District of Hawaii

ROBERT J. MOOSSY, JR.
Principal Deputy Chief
DANIEL H. WEISS
Trial Attorney
Human Trafficking Prosecution Unit
Criminal Section, Civil Rights Division
Washington, D.C. 20530
Telephone: (202) 616-6594
Facsimile: (202) 616-0372
Email: Daniel.Weiss@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 10-00576-SOM
)	
Plaintiff,)	EXHIBIT A (RULE 502(d) PROTECTIVE
)	ORDER)
V.)	
)	
MORDECHAI ORIAN, (01))	
aka "Motty,")	
PRANEE TUBCHUMPOL, (02))	
aka "Som,")	
RATAWAN CHUNHARATAI, (05))	
PODJANEE SINCHAI, (06))	
aka "Pojanee Loichurn,")	
aka "Pojanee,")	
aka "Jeh Maew,")	
JOSEPH KNOLLER, (08))	
)	
Defendants.)	
)	

EXHIBIT A (RULE 502(d) PROTECTIVE ORDER)

IT IS ORDERED, upon the United States' Renewed Motion for Continuance and Motion for Order Regarding Protection of Defendant Orian's Asserted Attorney-Client Privilege, that:

1. The trial date in this matter is continued until August 28, 2012 at 9:00 a.m., with a final pretrial conference set for July 30, 2012 at 1:30 p.m.;

2. The United States shall provide electronic copies of the files seized from Defendant Orian's 72 hard drives, without first screening out documents containing Defendant Orian's attorney-client privileged communications, to Defendants Tubchumpol, Knoller, and Orian, on a rolling basis, beginning immediately and completing all production by February 27, 2012;

3. The United States shall identify to Defendants Tubchumpol, Knoller, and Orian which documents in the production are potentially privileged based on "hits" for search terms provided by Defendant Orian ("the potentially privileged files");

4. Pursuant to Rule 502(d) of the Federal Rules of Evidence, the Court orders that the disclosure of the files from Defendant Orian's 72 hard drives is and shall be made without waiver of any attorney-client privilege or work-product protection (collectively referred to herein as "privilege");

5. The disclosure of any file from Defendant Orian's 72 hard drives that is or may be subject to an assertion of privilege shall be deemed to be without prejudice to any assertion that such material is privileged, and such disclosure shall not, in and of itself, be deemed to waive Defendant Orian's assertion of privilege, or estop Defendant Orian from designating

the file as privileged at a later date;

6. The United States' taint team will screen and conduct a privilege review of a limited number of the potentially privileged files from Defendant Orian's 72 hard drives, rather than all of the potentially privileged files, and the United States shall set forth the number and procedure by which it selected the potentially privileged files that were reviewed in its document production to Defendants;

7. Based on its review, the United States' taint team will provide a list of documents it is designating as privileged to Defendants Tubchumpol, Knoller, and Orian, by notifying them of the location in the production, but not the contents, of the files;

8. The United States' prosecution team will not review any of the potentially privileged files, unless they have first been screened by the United States' taint team;

9. If, based on its review of files from the 72 hard drives that were not in the group of potentially privileged files, the United States' prosecution team reviews any document that reasonably appears to be privileged, the prosecution team shall stop reviewing the document and refer the document to the United States' taint team;

10. The United States' taint team will make privilege determinations regarding any files referred to the taint team

from the prosecution team and will notify Defendants Tubchumpol, Knoller, and Orian of the location in the production, but not the contents, of the files, if the taint team determines that the files are privileged;

11. If Defendants Tubchumpol or Knoller, in the course of reviewing files from the 72 hard drives, review any file that reasonably appears to be privileged, Defendants Tubchumpol or Knoller shall notify Defendant Orian;

12. The burden of establishing privilege and notifying the United States and Defendants Tubchumpol and Knoller of an intended assertion of privilege remains on Defendant Orian;

13. Defendant Orian shall make best efforts to identify which files from the 72 hard drives are privileged and notify the United States, Defendants Tubchumpol and Knoller, in writing, of any intent to assert this privilege by February 27, 2012, but in any event, no later than June 29, 2012; and

14. This Order shall be governed by Federal Rule of Evidence 502(d), and is entered pursuant to Federal Rule of Criminal Procedure 16(d)(1).

IT IS SO ORDERED.

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DATED AT HONOLULU, HAWAII, DECEMBER 20, 2011



A handwritten signature in black ink, appearing to read "Richard L. Puglisi".

Richard L. Puglisi
United States Magistrate Judge

UNITED STATES V. ORIAN, ET AL.; CR NO. 10-00576 SOM; EXHIBIT A
(RULE 502(d) PROTECTIVE ORDER)