

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

U.S. DISTRICT COURT  
DISTRICT OF NEVADA  
FILED  
MAY 26 2006  
CLERK, U.S. DISTRICT COURT

IN THE MATTER OF THE )  
SEARCH OF: )  
)  
The Residence Located at 12720 )  
Buckthorne Lane, Reno, Nevada, )  
and Storage Units 136, 140, 141, )  
142, and 143, Double R Storage, )  
888 Maestro Drive, Reno, Nevada. )  
\_\_\_\_\_ )

3:06-CV-0263-BES-VPC \_\_\_\_\_ DEPUTY

**SEALED**  
**MINUTES OF PROCEEDINGS**

DATED: May 26, 2006

PRESENT: THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE

Deputy Clerk: Lisa Mann Court Reporter: Kathryn M. French

Counsel for Petitioner(s): Paul Pugliese

Counsel for Respondent(s): Michael Flynn, Philip Stillman, and Eric Pulver

PROCEEDINGS: SEALED MOTION HEARING

9:15 a.m. Court convenes.

The Court addresses the parties by reciting the chronology of events in this action.

The parties present their respective positions regarding the pending motions.

The Court, having heard the arguments of the parties and good cause appearing, finds as follows:

The government's motion for the expedited issuance of a protective order or in the alternative a motion for an expedited hearing submitted on May 10, 2006 is GRANTED. The government's motion for a protective order prohibiting disclosure of classified information sent to the Court on May 8, 2006, is DENIED. The government bases its motion on the ground that a contractual relationship exists between the Department of Defense (or some government agency) and Mr. Montgomery, pursuant to *United States v. Pappas*, 94 F.3d. 795, 801-02 (2d Cir. 1996). However, since the government has provided no evidence that such a contractual relationship exists, the Court cannot issue a protective order. The government has leave to renew its motion with proper evidentiary support.

