

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE APPLICATION OF LOS
ANGELES TIMES
COMMUNICATIONS LLC TO
UNSEAL COURT RECORDS**

Case: 1:21-mc-00016
Assigned To : Boasberg, James E.
Assign. Date : 2/24/2021
Description: Misc.

Misc. Action No. _____

**APPLICATION OF LOS ANGELES TIMES COMMUNICATIONS LLC
TO UNSEAL COURT RECORDS**

1. Los Angeles Times Communications LLC (the “Los Angeles Times” or “Applicant”) respectfully moves the Court pursuant to Local Criminal Rule 57.6 for an order unsealing court records pertaining to a search warrant obtained pursuant to Federal Rule of Criminal Procedure 41 and served on United States Senator Richard Burr in May 2020 in connection with a now-completed federal law enforcement investigation into stock sales he made following non-public congressional briefings about the novel coronavirus.

2. Specifically, Applicant seeks an order unsealing the search warrant application, any supporting affidavits, the search warrant itself, the return, the docket sheet, and any other judicial records connected to the search warrant served on Senator Burr at his residence in the Washington, D.C. area on or about May 13,

2020 (the “Search Warrant Materials”), as was reported by Applicant and other news organizations. See Del Quentin Wilber and Jennifer Haberkorn, *FBI Serves Warrant on Senator in Investigation of Stock Sales Linked to Coronavirus*, L.A. Times (May 13, 2020), <http://lat.ms/2N0cTNh>; see also, e.g., Katie Benner and Nicholas Fandos, *Richard Burr Steps Back from Senate Panel as Phone is Seized in Stock Sales Inquiry*, N.Y. Times (May 14, 2020), <https://perma.cc/QVS8-9CU6>; David Shortell, Evan Perez, and Paul LeBlanc, *FBI Seizes GOP Senator’s Phone in Investigation of Stock Trades after Coronavirus Briefings*, CNN (May 14, 2020), <https://perma.cc/86U7-7FYW>.

3. For the reasons set forth herein and in the accompanying Memorandum of Points and Authorities in Support of this Application, the Los Angeles Times respectfully requests that the Court enter an order unsealing the Search Warrant Materials.

INTEREST OF THE APPLICANT

4. Applicant publishes *The Los Angeles Times*, one of the largest daily newspapers in the United States. Through its daily publication and information website, www.latimes.com, the Los Angeles Times publishes news to audiences throughout California and across the nation.

5. Applicant, like all members of the public and the press, has a strong interest in access to judicial records related to the issuance of a search warrant

sought in connection with a federal law enforcement investigation into allegations of potential wrongdoing on the part of a sitting United States Senator—a matter of the utmost seriousness and highest public concern. *See* Benner and Fandos, *supra* (“Given the sensitivity surrounding the decision to obtain a search warrant on a sitting senator, the move was approved at the highest levels of the department, a senior Justice Department official said, meaning that Attorney General William P. Barr signed off on it.”).

FACTUAL AND PROCEDURAL BACKGROUND

6. Senator Richard Burr is serving in his third term as the senior United States Senator for North Carolina. *See* Senator Burr, *Richard Burr, U.S. Senator for North Carolina* (last visited Feb. 15, 2021), <https://perma.cc/9YUK-YQM8>. Senator Burr served as Chairman of the Senate Intelligence Committee from January 2015 to May 2020. *See* Jonah Engel Bromwich, *Who Are the Members of the Senate Intelligence Committee?*, N.Y. Times (June 8, 2017), <https://perma.cc/Q8T7-JV99>; Christina Wilkie and Dan Mangan, *Sen. Richard Burr Steps Down as Senate Intel Chair During Probe of Coronavirus Stock Sale*, CNBC (May 14, 2020), <https://perma.cc/WW25-LZM7>. Senator Burr currently serves as Ranking Member of the Senate Committee on Health, Education, Labor and Pensions (“HELP Committee”). *See* Senator Burr, *supra*.

7. Senators received a closed-door briefing on the coronavirus on or about January 24, 2020. *See* Mary Clare Jalonick and Brian Slodysko, *Senators Deny Trading on Virus Info as Scrutiny Mounts*, AP News (Mar. 20, 2020), <http://bit.ly/3ueBiPJ>. Separately, members of the HELP Committee, of which Senator Burr is a member, received a non-public briefing about the coronavirus on or about February 12, 2020. *Id.*

8. On or about February 13, 2020, Senator Burr and his wife sold 33 stocks collectively worth between \$628,000 and \$1.72 million, including as much as \$150,000 worth of stock in two hotel chains, Wyndham Hotels and Resorts and Extended Stay America, and as much as \$65,000 worth of stock in Park Hotels & Resorts. *See* Eric Lipton and Nicholas Fandos, *Senator Richard Burr Sold a Fortune in Stocks as G.O.P. Played Down Coronavirus Threat*, N.Y. Times (Mar. 19, 2020), <https://perma.cc/K4S7-5XPK>.

9. Due to concerns about the economic effects of the coronavirus pandemic, the U.S. stock market began to decline significantly on or about February 24, 2020. *See* James F. Peltz, *Stocks Tumble as Coronavirus Spreads, Sparking Worry of Global Economic Shutdown*, L.A. Times (Feb. 24, 2020), <http://lat.ms/3krp2XO>.

10. Senator Burr's February 2020 stock transactions, documented in mandatory filings to the Senate, "attracted heavy scrutiny as the coronavirus

pandemic continue[d] to disrupt everyday life, wiping out jobs and personal wealth.” Jalonick and Slodysko, *supra*.

11. In March 2020, the Department of Justice launched an investigation into stock trades made by Senator Burr and other senators around the time the coronavirus was taking hold in the United States. *See* David Shortell, Evan Perez, Jeremy Herb, and Kara Scannell, *Justice Department Reviews Stock Trades by Lawmakers after Coronavirus Briefings*, CNN (Mar. 30, 2020), <https://perma.cc/XA7C-LZKV>.

12. The FBI served a search warrant on Senator Burr at his Washington, D.C. area home on or about May 13, 2020, and took custody of the senator’s cell phone that same day. *See, e.g.*, Wilber and Haberkorn, *supra*.

13. On or about May 14, 2020, Senator Burr stepped down as Chairman of the Senate Intelligence Committee. Jennifer Haberkorn, Sarah D. Wire, and Del Quentin Wilber, *Sen. Burr Steps Aside as Intelligence Committee Chair After FBI Warrant in Stock Inquiry*, L.A. Times (May 14, 2020), <http://lat.ms/3k2U6wP>.

14. The Justice Department closed its investigation into Senator Burr’s stock trades on or about January 19, 2021. *See* Vanessa Romo, *DOJ Drops Insider Trading Investigation Into Sen. Richard Burr*, NPR (Jan. 19, 2021), <https://perma.cc/EU3S-RFYH>.

15. Applicant is informed and believes that the Search Warrant Materials, including the case number associated with those materials, are currently sealed in their entirety.

REQUEST FOR RELIEF

16. Applicant seeks an order unsealing the Search Warrant Materials.

17. Applicant seeks any further relief that the Court deems just and proper.

Dated: February 24, 2021

Respectfully submitted,

/s/ Katie Townsend

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