SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

IN THE MATTER OF THE SEARCH OF WWW.DISRUPTJ20.ORG THAT IS STORED AT PREMISES OWNED, MAINTAINED, CONTROLLED, OR OPERATED BY DREAMHOST	Special Proceedings No. 17 CSW 3438

ORDER

This matter having come before the Court pursuant to the motion to show cause filed by the government seeking to compel DreamHost, LLC. ("DreamHost") to comply with a search warrant issued by the Court on July 12, 2017, No. 17 CSW 3438 (hereinafter, the "Warrant"), and upon consideration of the representations and arguments made by the parties in their filed pleadings and during hearings in this matter on August 24, 2017, and September 20, 2017, it is hereby, ORDERED as follows:

1.   Pursuant to that Warrant, DreamHost shall disclose to the government all information that is within the possession, custody, or control of DreamHost for the account **www.disruptj20.org** (hereinafter, the "Account"), including any messages, records, files, logs, or information that have been deleted but are still available to DreamHost, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), and meets the following criteria:

(a)   For the time period from October 1, 2016, through and including all of January 20, 2017 (Eastern Time), all records or other information,

pertaining to the Account, including all files, databases, and database records stored by DreamHost in relation to that Account;[1]

(b)   All information in the possession of DreamHost that might identify the DreamHost subscribers related to the Account, including names, addresses, telephone numbers and other identifiers, e-mail addresses, business information, the length of service (including start date), means and source of payment for services (including any credit card or bank account number), and information about any domain name registration;

(c)   All records pertaining to the types of service utilized by the user;

(d)   All records pertaining to communications between DreamHost and any person regarding the account or identifier, including contacts with support services and records of actions taken; EXCEPT

(e)   DreamHost shall not disclose records that constitute HTTP request and error logs; and EXCEPT

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[1] **Intervenors urge that, except for the reference to blog posts, this footnote should be eliminated. In the alternative, intervenors propose the following edits:** The information to be provided by DreamHost for the Account shall include the contents of all email accounts with the domain "@disruptj20.org," all "blog" posts, and all electronic mailing lists. However, as referenced further below, DreamHost shall redact all identifying information from such files, including user name(s) and email address(es) of all persons other than DreamHost's subscriber(s) until such time as the Court in the exercise of its discretion directs DreamHost to remove any of those redactions.

(f)   DreamHost shall not disclose the content of any unpublished draft publications (e.g., draft blog posts), including images and metadata that were associated with draft publications; and EXCEPT

(g)   DreamHost shall not disclose the content of any other material or data that constitutes "work product" or "documentary material" that is protected by the Privacy Protection Act ("PPA"); and EXCEPT

(h)   DreamHost shall not disclose the contents of any communications between visitors to the website and email addresses on the DisruptJ20.org domain, or any lists of members of listservs on the DisruptJ20.org domain, inasmuch as probable cause to search those documents was not established.

ALTERNATIVE VERSION OF (h) DreamHost shall redact all identifying information from any communications with the website, and shall redact the email addresses and other identifying information from all listserv listings. However, DreamHost shall maintain unredacted versions of all redacted data, because, as set forth below, the Court may subsequently order DreamHost to provide any user name(s) and email address(es) of individuals previously redacted by DreamHost.

2.   All information provided by DreamHost pursuant to this Order will be produced to the government in a format readable with software tools commonly available to forensic examiners (such as .xls files) or with software that will be provided by DreamHost.

3.   To the extent there is material or data that DreamHost believes is protected by the PPA and not subject to disclosure to the government, DreamHost shall prepare a log identifying the type of data (i.e., draft blog post, recording) that DreamHost excludes from the production of material, and shall provide that log to the government without identifying the content of such records.[2]

4.   Upon receipt of the materials provided by DreamHost, the government may conduct a limited General Review of the materials to determine the procedures that the government will use in executing the search of those materials.   The General Review will be conducted primarily by a forensic examiner with the U.S. Attorney's Office for the District of Columbia as well as other persons whose names will be provided to the Court.   During this stage, the government's review will be limited to determining the type of data and information the government it will seek in its Proposed Detailed Review.   The prosecutors on this case may consult with the forensic examiner to determine the procedures for the Proposed Detailed Review, described further below, which will be submitted to the Court.   The government will complete the General Review no more than ten business days after receiving the materials provided by DreamHost. The materials provided by DreamHost will be stored in facilities only accessible to the persons conducting the General Review.

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[2]   If the government disputes the application of the PPA to any type of data that DreamHost excludes from its production, the government may seek review with this Court on the issue of whether the type of data falls within the protection of the PPA. The government and DreamHost will file any copies of this log or filings containing information from this log under seal absent further order from the Court.

5.   Upon completion of the General Review described above, the government shall file a Proposed Detailed Review with the Court identifying the following:

(a)   the individuals who will be involved in or are authorized to participate in the review of the data and information;

(b)   the process the government will use to review the data and information;

(c)   to the extent not already addressed by that process, the procedures the government will implement to minimize the review of data and information that does not fall within the Scope of Seizure;

(d)   to the extent it can be determined based on the general review, the government's plan for deleting from its files and servers all data and information that does not fall within the Scope of Seizure following the search and seizure of evidence;

(e)   the timeline for completing the Proposed Detailed Review; and

(f)   the steps that the government will take to minimize its review of any information associated with individuals whose purpose in visiting or communicating with the website was not to engage in the crimes set forth in the Scope of Seizure as described below in paragraph 6 of this order.

To the extent that the Government believes that disclosure of portions of its filing of the Proposed Detailed Review would unduly impinge on the success of its investigation, it may seek leave of Court to file those portions under seal, in a public filing that explains the basis for the proposed redactions. All other parts of

the filing shall be filed in open court. The Court will reserve judgment on the Proposed Detailed Review pending resolution of the sealing issue and a chance for DreamHost and any proposed intervenors to respond to the Proposal.

The government shall not begin its substantive review of the materials provided by DreamHost until the Court has approved the Proposed Detailed Review and authorized the government to begin a Detailed Review. Moreover, if in the course of its keyword search of documents consisting of communication between an email address on the disruptJ20.org domain and an email address not on the disruptj20.org domain, the government receives hits that lead it to believe that a particular document is within the Scope of Seizure defined below in paragraph 6, the government shall not examine that document; instead, it will file with the Court a specific explanation of why it believes that the document may be within the Scope of Seizure; it shall not examine that document unless the Court approves the examination of that document.

6.   During its Detailed Review, the government may seize all information provided by DreamHost pursuant to this Order that constitutes evidence of a violation of D.C. Code § 22-1322, as described in the Affidavit in support of the Warrant, subject however to the review process described below in paragraphs 8 and 10 below including:

(a)   evidence concerning the nature, scope, planning, organization, coordination, and carrying out of the above-described offense;

(b)   communications relating to the planning, organization, coordination, and carrying out of the above-described offense;

(c)   evidence, including Internet Protocol ("IP") addresses, email addresses, and any other evidence that will help identify individuals who participated in the above-described offense, planned for the above-described offense, organized the above-described offense, or incited the above-described offense; and

(d)   evidence about the state of mind of individuals who participated in the above-described offense, planned for the above-described offense, organized the above-described offense, or incited the above-described offense (collectively, the "Scope of Seizure").

7.   During its Detailed Review and subject to the Scope of Seizure as well as to the review process described above in paragraph 5 and below in paragraphs 8 and 10, the government may seize all information relating to the development, publishing, advertisement, access, use, administration or maintenance of the Account, including:

(a)   Files, databases, and database records stored by DreamHost on behalf   of   the subscriber or user operating the Account, including: (i) HTML, CSS, JavaScript, image files, or other files; (ii) SSH, FTP, or Telnet logs showing connections related to the website, and any other transactional information, including records of session times and durations, log files, dates and times of connecting, methods of connecting, and ports; and (iii) MySQL, PostgreSQL, or other databases related to the website (Deletion of clause (iv) suggested in the alternative)

(b)   DreamHost subscriber information for the Account, to include: (i) names, physical addresses, telephone numbers and other identifiers, email addresses, and business information; (ii) length of service (including start date), types of service utilized, means and source of payment for services (including any credit card or back account number), and billing and payment information; and (iii) the date that the domain name disruptj20.org was registered, the registrant information, administrative contact information, the technical contact information and billing contact used to register the domain and the method of payment tendered to secure and register the Internet domain name.

8.   Upon completion of the government's Detailed Review of the data and information provided by DreamHost to the government, and having identified the data and information that is within the Scope of Seizure from that which is outside of the Scope of Seizure, the government shall:

(a)   file with the Court an itemized list of the data and information that the government believes falls within the Scope of Seizure and the specific reason(s) the government believes that each individual item(s) of data and information falls within the Scope of Seizure;

(b)   permanently delete from its servers or any other storage medium any data or information that does not fall within the authorized Scope of Seizure; and

(c)   file with the Court, *ex parte*, all such data and information, which the government may comply with by filing the full scope of the original material disclosed by DreamHost. At the time that the government submits its

itemized list to the Court, the Government may request that the itemized list be sealed and that the Court order DreamHost to provide identifying information previously redacted by DreamHost.

9.   After filing a copy with the Court of the data or information that does not fall within the authorized Scope of Seizure, the government shall not have any access to this data or information without a further Court order.

10.   Once the Government has made the filing described in paragraph 8 above, it shall not have retain or have access to any of the data and information listed on the itemized list described in paragraph 8(a) above unless and until the Court has approved the Government's seizure of such items, and then only to the extent that the Court approves the inclusion of specific items on that list.

11.   The government shall not distribute, publicize, or otherwise make known to any other person or entity, to include any other law enforcement or government entity, the data and information that does not fall within the authorized Scope of Seizure.+

12.   Once the Court has addressed the itemized list pursuant to paragraph 10 above, all data and information that it has ruled falls within the Scope of Seizure may be copied and retained by the government.

13.   To the extent the government needs a full digital copy of all material provided by DreamHost for purposes of authentication at trial, the government may seek leave of the Court to obtain from the Court the full scope of material disclosed by DreamHost that the government is providing to the Court consistent

with the procedures set forth in this Order and that the Court will maintain under seal in this case.

       SO ORDERED.

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                                         Chief Judge Robert E. Morin
                                         Superior Court for the District of Columbia

Date:_____

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