

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

<p><b>UNITED STATES OF AMERICA,</b></p> <p style="text-align: center;">v.</p> <p><b>PETER K. NAVARRO,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Criminal No. 1:22-cr-00200-APM</b></p>
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**DEFENDANT’S MOTION TO MODIFY THE PROTECTIVE ORDER**

Defendant Peter K. Navarro, by and through the undersigned counsel, and pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, hereby brings this Motion to Modify the Protective Order entered by the Court on June 13, 2022 (ECF No. 20). The Court entered the operative Protective Order prior to Mr. Navarro obtaining counsel in this matter so as, “[t]o expedite the flow of discovery material between the parties and adequately protect personal identifying information entitled to be kept confidential,” but invited defense counsel to move the Court for any modification of the Protective Order once retained. The operative Protective Order is unduly burdensome to Mr. Navarro and his counsel insofar as it precludes counsel from conferring with the witnesses and other individuals identified in materials designated “Sensitive” under the Protective Order about the information contained within such materials.

Specifically, the Protective Order provides that defense counsel shall not, “without prior notice to the United States and authorization from the Court,” disclose “Sensitive Materials, or the information contained therein” to anyone other than “the defendant, defense counsel, persons employed to assist the defense, or the person to whom the sensitive information solely and directly pertains.” Protective Order at 3 ¶9 (ECF No. 20). Thus, to the extent that materials designated sensitive include interviews with or about, or transcripts of testimony by or about, a potential

witness or otherwise a person with information about this matter, the operative Protective Order precludes such communication.

[REDACTED]

Other Protective Orders entered by this Court permit the disclosure of information within materials designated “Sensitive” to “the person to whom the Sensitive or Highly Sensitive information solely and directly pertains or his/her counsel” and “without agreement of the United States or prior authorization from the Court.” Protective Order, *United States v. Caldwell*, No. 21-cr-28-APM (April 1, 2021) (ECF No. 123). *See also* Protective Order, *United States v. Bannon*,

No. 21-cr-670-CJN (Dec. 10, 2021) (ECF No. 20) (“Except as provided in this Order, without prior notice to the United States and authorized from the Court, no Sensitive Materials, or information contained therein, may be disclosed to any person other than the defendant, defense counsel persons employed to assist the defense, *or the person to whom the sensitive information solely and directly pertains.*” (emphasis added)); *id.* (“Potential witnesses and their counsel may be shown copies of the Materials as necessary to prepare the defense . . .”). Indeed, Rule 16 only authorizes the Court to restrict the dissemination of discovery in a case “for good cause.” [REDACTED]

[REDACTED]

**CONCLUSION**

For the foregoing reasons, Mr. Navarro respectfully requests this Court issue an Order authorizing Mr. Navarro, through counsel, to disseminate materials produced in discovery and designated “Sensitive,” pursuant to the Court’s June 13, 2022, Protective Order, including the information contained within such materials, to the person to whom the sensitive information solely and directly pertains, or their counsel, or to any potential witness identified by defense counsel without the need for agreement by the United States or prior authorization by the Court (See Exhibit A).

Dated: July 14, 2022

Respectfully Submitted,

E&W Law, LLC

/s/ John S. Irving

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	)	<b>Criminal No. 1:23-cr-00200-APM</b>
<b>v.</b>	)	
	)	
<b>PETER K. NAVARRO,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**CERTIFICATE OF SERVICE**

On July 14, 2022, the undersigned hereby certifies that a true and correct copy of the foregoing was electronically filed under seal via the CM/ECF system and copies were electronically mailed to counsel for the government and Chambers.

/s/ John S. Irving  
John S. Irving (D.C. Bar No. 460068)