

# KONTOGIANNIS' SEAL

Laura asks why the government (and Kontogiannis, in a filing submitted yesterday) would fight to continue to seal the transcripts from his four hearings before Judge Larry Burns.

In an unusual step, Kontogiannis' guilty plea was done in a secret, closed hearing. The plea agreement was unsealed earlier this month, and last week Burns ordered that transcripts of four hearings related to the plea also be made public.

Federal prosecutors objected in motions filed under seal last week. Yesterday, the 9th U.S. Circuit Court of Appeal ordered the documents to remain secret and scheduled a hearing for the week of Aug. 6.

Now the government is making an argument that these transcripts include classified information—an argument they apparently haven't made before.

At a hearing in federal court in San Diego yesterday, Burns said that the government invoked federal laws dealing with classified information in their papers filed last week.

He said that when the secret hearings took place four months ago, prosecutors knew that the information would become open eventually, and did not object then.

The judge appeared irked that the government was now objecting to the information becoming public and was raising the issue of classified information "for the first time ever."

Assistant U.S. Attorney Jason Forge said government lawyers decided after the hearings that they wanted more

information kept secret than they first believed was necessary.

Without going into details, Forge told Burns "the scope of the information the government viewed as non-disclosable turned out to be broader" than they originally thought.

Meanwhile, John Michael's lawyer suggests this is something more than an effort to keep classified information sealed.