IN REJECTING BID TO UNSEAL GRAND JURY TESTIMONY, JUDGE PAUL ENGELMEYER ACCUSES TODD BLANCHE OF "DIVERSION"

Judge Paul Engelmayer has rejected Todd Blanche's bid to unseal Ghislaine Maxwell grand jury materials — but not for the reason I expected (Maxwell's still-pending appeal).

Instead, he's rejecting the request because Blanche was lying when he insinuated there'd be anything of substantial public interest. As Engelmayer laid out, anyone who followed the trial would be familiar with everything in the transcripts and exhibits.

> A member of the public familiar with the Maxwell trial record who reviewed the grand jury materials that the Government proposes to unseal would thus learn next to nothing new. The materials do not identify any person other than Epstein and Maxwell as having had sexual contact with a minor. They do not discuss or identify any client of Epstein's or Maxwell's. They do not reveal any heretofore unknown means or methods of Epstein's or Maxwell's crimes.

Engelmayer *did* consider unsealing the material for another reason: to expose the government's attempt at diversion. But he decided that the government has already conceded that point.

> The one colorable argument under that doctrine for unsealing in this case, in fact, is that **doing so would expose as disingenuous the Government's public explanations for moving to unseal**. A

> member of the public, appreciating that the Maxwell grand jury materials do not contribute anything to public knowledge, might conclude that **the Government's motion for their unsealing was aimed not at "transparency" but at diversion—aimed not at full disclosure but at the illusion of such**. And there is precedent—In re Biaggi, the fountainhead of the Second Circuit's "special circumstances" doctrine—permitting a court to order the release of grand jury testimony to correct a movant's misleading public characterization of it.
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> [snip]
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> This Court gave careful consideration to unsealing the Maxwell grand jury materials on a similar rationale. But with the Government having now conceded that the information it proposes to release is redundant of the public record—that this information was "made publicly available at [Maxwell's] trial or has otherwise been publicly reported"—the public interest in testing the Government's bona fides does not require the extraordinary step of unsealing grand jury records. Dkt. 800 at 3. Without any need to review the grand jury materials, the public can evaluate for itself the Government's asserted bases for making this motion. [my emphasis]

He goes onto call out Blanche's haste, sloppiness, and ignorance about the proceeding, and his inattention to the concerns of the victims.

> Second, any argument that the Government's motion to unseal merits substantial deference is weakened by a host of irregularities with respect to that motion. That motion was not made,

> nor has it been joined in, by any member of the Government's trial team—the DOJ lawyers presumably most familiar with the Maxwell case and the broader Epstein-Maxwell investigation. The motion was filed by the DAG alone, without any signatory from the U.S. Attorney's Office in this District. And it was made under circumstances suggestive of haste rather than reflective deliberation. The motion was three-and-a-half pages in length; there were no supporting materials filed, under seal or otherwise; the motion did not disclose (or reflect awareness of) the summary-witness nature of the Maxwell grand jury testimony; and the motion was made without advance notice to Epstein's and Maxwell's victims, a fact which, as reviewed below, has alarmed numerous victims. Only after the Court inquired on that point was notice to victims given. See Dkt. 789; Dkt. 796 at 9. Finally, the Government's highlighting of the grand jury transcripts did not suggest close familiarity with the Maxwell trial record, because a number of details that it identified as non-public in fact had been testified to during the trial. See note 16, supra.

This was a stunt. Now exposed as a stunt.