

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

CR 08-50079

Plaintiff,

vs.

MOTION TO SEAL

VINE RICHARD MARSHALL a/k/a  
RICHARD VINE MARSHALL a/k/a  
DICK MARSHALL,

Defendant.

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Comes now the United States of America, by and through its United States Attorney, Brendan V. Johnson, and Assistant United States Attorney, Robert A. Mandel, and moves the Court for an Order to Seal the United States' Notice of Filing Additional Signed Declaration and Formal Assertion of Privilege in Opposition to Defendant's Subpoena *Duces Tecum* as well as its Attachment as they contain or draw attention to sensitive information concerning a Confidential Human Source.

WHEREFORE, the United States requests that the United States' Notice of Filing Additional Signed Declaration and Formal Assertion of Privilege in Opposition to Defendant's Subpoena *Duces Tecum* and its Attachment be sealed.

Dated this 31<sup>st</sup> day of March, 2010.

/s/ Robert A. Mandel

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ROBERT A. MANDEL  
Assistant United States Attorney  
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Rapid City, SD 57701  
605-342-7822  
Robert.Mandel@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March, 2010, I served via electronic filing, a true and correct copy of the foregoing Motion to Seal on the following:

Dana Hanna  
Attorney at Law  
816 Sixth Street  
Rapid City, SD 57701

/s/ Robert A. Mandel

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Robert A. Mandel

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DISTRICT OF SOUTH DAKOTA  
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UNITED STATES OF AMERICA,

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Defendant.

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This matter having come before the Court and the Court being fully advised in the premises, does hereby

ORDER that the United States' Notice of Filing Additional Signed Declaration and Formal Assertion of Privilege in Opposition to Defendant's Subpoena *Duces Tecum* and its Attachment shall be sealed as they contain sensitive information concerning a Confidential Human Source.

Dated this \_\_\_\_ day of April, 2010.

BY THE COURT:

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LAWRENCE J. PIERSOL  
UNITED STATES DISTRICT JUDGE