

182
UNDER SEAL

13

1 to quash.

2 THE COURT: Search warrant.

3 MR. TRUMP: Excuse me?

4 THE COURT: I said subpoena, but I meant search
5 warrant.

6 MR. TRUMP: We issued both, Your Honor, but Your Honor
7 authorized the seizure of that information. And we would ask
8 the Court to enforce that by directing Mr. Levison to turn over
9 the encryption keys.

10 If counsel represents that that will occur, we can not
11 waste any more of the Court's time. If he represents that
12 Mr. Levison will not turn over the encryption keys, then we have
13 to discuss what remedial action this Court can take to require
14 compliance with that order.

15 THE COURT: Well, I will order the production of
16 those -- of those keys.

17 Is that simply Mr. Levison or is that the corporation
18 as well?

19 MR. TRUMP: That's one and the same, Your Honor.

20 Just so the record is clear. We understand from
21 Mr. Levison that the encryption keys were purchased
22 commercially. They're not somehow custom crafted by
23 Mr. Levison. He buys them from a vendor and then they're
24 installed.

25 THE COURT: Well, I will order that. If you will

1 present an order to me, I'll enter it later on.

2 MR. TRUMP: Thank you.

3 MR. BINNALL: Thank you, Your Honor.

4 As far as time frame goes, my client did ask me if the
5 Court did order this if the Court could give him approximately
6 five days in order to actually physically get the encryption
7 keys here. And so it will be -- or just some sort of reasonable
8 time frame to get the encryption keys here and in the
9 government's hands. He did ask me to ask exactly the manner
10 that those are to be turned over.

11 MR. TRUMP: Your Honor, we understand that this can be
12 done almost instantaneously, as soon as Mr. Levison makes
13 contact with an agent in Dallas, and we would ask that he be
14 given 24 hours or less to comply. This has been going on for a
15 month.

16 THE COURT: Yeah, I don't think 24 -- 24 hours would be
17 reasonable. Doesn't have to do it in the next few minutes, but
18 I would think something like this, it's not anything he has to
19 amass or get together. It's just a matter of sending something.

20 So I think 24 hours would be reasonable.

21 MR. BINNALL: Yes. Thank you, Your Honor.

22 THE COURT: All right. And you'll present me an order?

23 MR. TRUMP: We will, Your Honor. Thank you.

24 THE COURT: All right. Thank you-all, and we'll
25 adjourn until -- or stand in recess till 3 o'clock. Well,

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UNDER SEAL

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1 recess till 9 o'clock tomorrow morning.

2 * * *

3 (Proceedings concluded at 10:25 a.m.)

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CERTIFICATION

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I certify, this 19th day of August 2013, that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter to the best of my ability.

/s/

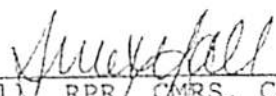
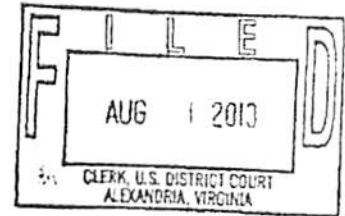

Tracy Westfall, RPR, CMRS, CCR

EXHIBIT 19

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF THE)	UNDER SEAL
APPLICATION OF THE UNITED)	
STATES OF AMERICA FOR AN ORDER)	No. 1:13EC297
AUTHORIZING THE USE OF A PEN)	
REGISTER/TRAP AND TRACE DEVICE)	
ON AN ELECTRONIC MAIL ACCOUNT)	
)	
IN THE MATTER OF THE SEARCH AND)	
SEIZURE OF INFORMATION)	
ASSOCIATED WITH)	No. 1:13SW522
[REDACTED] THAT IS)	
STORED AT PREMISES CONTROLLED)	
BY LAVABIT LLC)	
)	
In re Grand Jury)	No. 13-1



ORDER DENYING MOTIONS

This matter comes before the Court on the motions of Lavabit LLC and Ladar Levinson, its owner and operator, to (1) quash the grand jury subpoena and search and seizure warrant compelling Lavabit LLC to provide the government with encryption keys to facilitate the installation and use of a pen register and trap and trace device, and (2) unseal court records and remove a non-disclosure order relating to these proceedings. For the reasons stated from the bench, and as set forth in the government's response to the motions, it is hereby

ORDERED that the motion to quash and motion to unseal are DENIED;

It is further ORDERED that, by 5 p.m. CDT on August 2, 2013, Lavabit LLC and Ladar Levison shall provide the government with the encryption keys and any other "information, facilities, and technical assistance necessary to accomplish the installation and use of the pen/trap

device" as required by the July 16, 2013 seizure warrant and the June 28, 2013 pen register order.

It is further ORDERED that this Order shall remain under seal until further order of this Court.

/s/
Claude M. Hilton
United States District Judge

Alexandria, Virginia
August 1, 2013

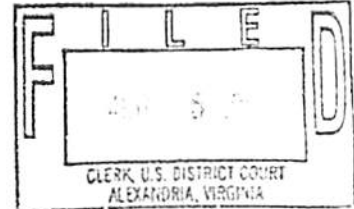
EXHIBIT 20

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF THE) UNDER SEAL
APPLICATION OF THE UNITED)
STATES OF AMERICA FOR AN ORDER) No. 1:13EC297
AUTHORIZING THE USE OF A PEN)
REGISTER/TRAP AND TRACE DEVICE)
ON AN ELECTRONIC MAIL ACCOUNT)
)
IN THE MATTER OF THE SEARCH AND)
SEIZURE OF INFORMATION)
ASSOCIATED WITH) No. 1:13SW522
[REDACTED] THAT IS)
STORED AT PREMISES CONTROLLED)
BY LAVABIT LLC)
)
In re Grand Jury) No. 13-1



MOTION FOR SANCTIONS

The United States, through the undersigned counsel, pursuant to Title 18, United States Code, Section 401, hereby moves for the issuance of an order imposing sanctions on Lavabit LLC and Ladar Levison, its owner and operator, for Lavabit's failure to comply with this Court's order entered August 1, 2013. In support of this motion, the United States represents:

1. At the hearing on August 1, 2013, this Court directed Lavabit to provide the government with the encryption keys necessary for the operation of a pen register/trap and trace order entered June 28, 2013. Lavabit was ordered to provide those keys by 5 p.m. on August 2, 2013. *See* Order Denying Motions entered August 2, 2013.
2. At approximately 1:30 p.m. CDT on August 2, 2013, Mr. Levison gave the FBI a printout of what he represented to be the encryption keys needed to operate the pen register. This

printout, in what appears to be 4-point type, consists of 11 pages of largely illegible characters. See Attachment A. (The attachment was created by scanning the document provided by Mr. Levison; the original document was described by the Dallas FBI agents as slightly clearer than the scanned copy but nevertheless illegible.) Moreover, each of the five encryption keys contains 512 individual characters – or a total of 2560 characters. To make use of these keys, the FBI would have to manually input all 2560 characters, and one incorrect keystroke in this laborious process would render the FBI collection system incapable of collecting decrypted data.

3. At approximately 3:30 p.m. EDT (2:30 p.m. CDT), the undersigned AUSA contacted counsel for Lavabit LLC and Mr. Levison and informed him that the hard copy format for receipt of the encryption keys was unworkable and that the government would need the keys produced in electronic format. Counsel responded by email at 6:50 p.m. EDT stating that Mr. Levison “thinks” he can have an electronic version of the keys produced by Monday, August 5, 2013.

4. On August 4, 2013, the undersigned AUSA sent an e-mail to counsel for Lavabit LLC and Mr. Levison stating that we expect to receive an electronic version of the encryption keys by 10:00 a.m. CDT on Monday, August 5, 2013. The e-mail indicated that we expect the keys to be produced in PEM format, an industry standard file format for digitally representing SSL keys. See Attachment B. The e-mail further stated that the preferred medium for receipt of these keys would be a CD hand-delivered to the Dallas office of the FBI (with which Mr. Levison is familiar). The undersigned AUSA informed counsel for Lavabit LLC and Mr. Levison that the government would seek an order imposing sanctions if we did not receive the encryption keys in electronic format by Monday morning.

5. The government did not receive the electronic keys as requested. The undersigned AUSA spoke with counsel for Lavabit and Mr. Levison at approximately 10:00 a.m. this morning, and he stated that Mr. Levison might be able to produce the keys in electronic format by 5 p.m. on August 5, 2013. The undersigned AUSA told counsel that was not acceptable given that it should take Mr. Levison 5 to 10 minutes to put the keys onto a CD in PEM format. The undersigned AUSA told counsel that if there was some reason why it cannot be accomplished sooner, to let him know by 11:00 a.m. this morning. The government has not received an answer from counsel.

6. The government therefore moves the Court to impose sanctions on Lavabit LLC and Mr. Levison in the amount of \$5000 per day beginning at noon (EDT) on August 5, 2013, and continuing each day in the same amount until Lavabit LLC and Mr. Levison comply with this Court's orders.

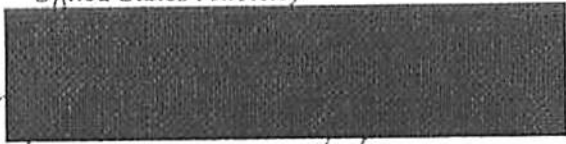
7. As noted, Attachment A to this motion is a copy of the printout provided by Mr. Levison on August 2, 2013. Attachment B is a more detailed explanation of how these encryption keys can be given to the FBI in an electronic format. Attachment C to this motion is a proposed order.

8. A copy of this motion, filed under seal, was delivered by email to counsel for Lavabit LLC on August 5, 2013.

Respectfully submitted,

Neil H. MacBride
United States Attorney

By:



United States Attorney's Office
Justin W. Williams U.S. Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Phone: 703-299-3700

Attachment A

[illegible]

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The investigator must first identify the problem and then determine the scope of the study. The next step is to design the study. This involves determining the methods to be used and the data to be collected. The third step is to collect the data. This is done by the investigator who is responsible for the study. The fourth step is to analyze the data. This is done by the investigator who is responsible for the study. The fifth step is to interpret the results. This is done by the investigator who is responsible for the study. The sixth step is to write the report. This is done by the investigator who is responsible for the study. The seventh step is to present the results. This is done by the investigator who is responsible for the study. The eighth step is to discuss the results. This is done by the investigator who is responsible for the study. The ninth step is to conclude the study. This is done by the investigator who is responsible for the study. The tenth step is to publish the results. This is done by the investigator who is responsible for the study.

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the investigation. The investigator must identify the problem and the scope of the investigation. This is done by the investigator who is responsible for the investigation. The investigator must identify the problem and the scope of the investigation.

[illegible]

1. The first step in the process of developing a new product is to identify a market need. This is often done through market research, which can involve surveys, focus groups, and other methods of gathering information about potential customers. Once a market need has been identified, the next step is to develop a concept for a product that meets that need. This involves brainstorming ideas and selecting the most promising one. The concept is then refined through further research and development, and a prototype is created. The prototype is used to test the product and gather feedback from potential customers. Once the product has been refined and tested, it is ready for production. The final step in the process is to launch the product and promote it to the target market. This can be done through a variety of marketing strategies, including advertising, public relations, and sales promotion.

1. The first step in the process of the development of a new product is the identification of a market need. This is often done through market research, which can be conducted in a number of ways. One common method is to conduct surveys of potential customers, asking them about their needs and preferences. Another method is to observe the behavior of potential customers in a natural setting, such as a store or a restaurant. A third method is to analyze data from existing products, such as sales figures and customer feedback. Once a market need has been identified, the next step is to develop a concept for a new product that meets that need. This is often done by brainstorming ideas and then selecting the most promising one. The concept is then developed into a detailed plan, which includes a description of the product, its features, and its benefits. The plan is then used to create a prototype of the product, which is used to test the concept and gather feedback from potential customers. If the concept is found to be viable, the next step is to develop a business plan for the new product. This plan includes a description of the market, the competition, and the marketing strategy. It also includes a financial plan, which shows the expected costs and revenues of the product. The business plan is then used to secure funding for the product. Once funding has been secured, the next step is to develop the product. This is often done by hiring a team of designers and engineers to create the product. The team is responsible for creating the product's design, developing the technology, and manufacturing the product. Once the product has been developed, the next step is to launch it into the market. This is often done through a marketing campaign, which includes advertising, promotion, and distribution. The product is then sold to customers, and the company monitors its performance in the market. If the product is successful, the company may decide to develop new products to meet other market needs. If the product is not successful, the company may decide to discontinue it. The process of developing a new product is a complex one, but it is essential for the success of any business. By following these steps, a company can ensure that it is developing products that meet the needs of its customers and that are profitable for the business.

[illegible]

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The next step is to collect data. This is done by the investigator who is responsible for the study. The next step is to analyze the data. This is done by the investigator who is responsible for the study. The next step is to interpret the data. This is done by the investigator who is responsible for the study. The next step is to report the results. This is done by the investigator who is responsible for the study.

1. The first of these is the fact that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The second is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The third is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The fourth is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The fifth is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The sixth is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The seventh is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The eighth is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The ninth is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use. The tenth is that the system is not a simple one, but a complex one, involving many different factors, and it is not possible to give a simple answer to the question of what is the best system to use.

[illegible]

1. The first step in the process of the development of a new product is the identification of a market need. This is often done through market research, which can be conducted in a variety of ways, including surveys, focus groups, and interviews. The goal of market research is to gather information about the needs and preferences of potential customers.

2. Once a market need has been identified, the next step is to develop a concept for a new product that meets that need. This involves brainstorming ideas and creating a prototype. The prototype is a preliminary version of the product that is used to test the concept and gather feedback from potential customers.

3. After the concept has been developed, the next step is to conduct a feasibility study. This study is designed to determine whether the product is technically feasible, financially viable, and commercially viable. It involves analyzing the costs of production, the potential for sales, and the competitive landscape.

4. If the feasibility study is positive, the next step is to develop a business plan. This plan outlines the strategy for the product, including the marketing and sales approach, the distribution channels, and the financial projections. The business plan is used to secure funding and to guide the development of the product.

5. The final step in the process is the production and distribution of the product. This involves manufacturing the product, packaging it, and getting it into the hands of customers. This step often involves a partnership with a manufacturer or distributor.

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1. The Court has previously held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment. *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1201, 23 L.Ed.2d 333 (1963). The government's failure to disclose such evidence is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

2. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

3. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

4. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

5. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

6. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

7. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

8. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

9. The Court has also held that the government's failure to disclose exculpatory evidence in a criminal case is a violation of the Due Process Clause of the Fifth Amendment if the evidence is material to the case and the government's failure to disclose it is a violation of the Due Process Clause of the Fifth Amendment.

ATTACHMENT B

Lavabit uses 2048-bit Secure Socket Layer (SSL) certificates purchased from GoDaddy to encrypt communication between users and its server. SSL encryption employs public-key cryptography, in which both the sender and receiver each have two mathematically linked keys: a "public" key and a "private" key. "Public" keys are published, but "private" keys are not. In this circumstance, a Lavabit customer uses Lavabit's published public key to initiate an encrypted email session with Lavabit over the internet. Lavabit's servers then decrypt this traffic using their private key. The only way to decrypt this traffic is through the usage of this private key. A SSL certificate is another name for a published public key.

To obtain a SSL certificate from GoDaddy, a user needs to first generate a 2048-bit private key on his/her computer. Depending on the operating system and web server used, there are multiple ways to generate a private key. One of the more popular methods is to use a freely available command-line tool called OpenSSL. This generation also creates a certificate signing request file. The user sends this file to the SSL generation authority (e.g. GoDaddy) and GoDaddy then sends back the SSL certificate. The private key is not sent to GoDaddy and should be retained by the user. This private key is stored on the user's web server to permit decryption of internet traffic, as described above. The FBI's collection system that will be installed to implement the PR/TT also requires the private key to be stored to decrypt Lavabit email and internet traffic. This decrypted traffic will then be filtered for the target email address specified in the PR/TT order.

Depending on how exactly the private key was first generated by the user, it itself may be encrypted and protected by a password supplied by the user. This additional level of security is useful if, for example, a backup copy of the private key is stored on a CD. If that CD was lost or stolen, the private key would not be compromised because a password would be required to access it. However, the user that generated the private key would have supplied it at generation time and would thus have knowledge of it. The OpenSSL tool described above is capable of decrypting encrypted private keys and converting the keys to a non-encrypted format with a simple, well-documented command. The FBI's collection system and most web servers requires the key to be stored in a non-encrypted format.

A 2048-bit key is composed of 512 characters. The standard practice of exchanging private SSL keys between entities is to use some electronic medium (e.g., CD or secure internet exchange). SSL keys are rarely, if ever, exchanged verbally or through print medium due to their long length and possibility of human error. Mr. Levison has previously stated that Lavabit actually uses five separate public/private key pairs, one for each type of mail protocol used by Lavabit.

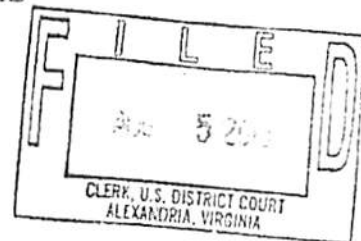
PEM format is an industry-standard file format for digitally representing SSL keys. PEM files can easily be created using the OpenSSL tool described above. The preferred medium for receiving these keys would be on a CD.

EXHIBIT 21

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF THE)	UNDER SEAL
APPLICATION OF THE UNITED)	
STATES OF AMERICA FOR AN ORDER)	No. 1:13EC297
AUTHORIZING THE USE OF A PEN)	
REGISTER/TRAP AND TRACE DEVICE)	
ON AN ELECTRONIC MAIL ACCOUNT)	
)	
IN THE MATTER OF THE SEARCH AND)	
SEIZURE OF INFORMATION)	
ASSOCIATED WITH)	No. 1:13SW522
[REDACTED] THAT IS)	
STORED AT PREMISES CONTROLLED)	
BY LAVABIT LLC)	
)	
In re Grand Jury)	No. 13-1



ORDER

This matter comes before the Court on the motion of the government for sanctions for failure to comply with this Court's order entered August 2, 2013. For the reasons stated in the government's motion, and pursuant to Title 18, United States Code, Section 401, it is hereby

ORDERED that the motion for sanctions is granted;

It is further ORDERED that, if the encryption keys necessary to implement the pen register and trap and trace device are not provided to the FBI in PEM or equivalent electronic format by noon (CDT) on August 5, 2013, a fine of five thousand dollars (\$5,000.00) shall be imposed on Lavabit LLC and Mr. Levison;

It is further ORDERED that, if the encryption keys necessary to implement the pen register and trap and trace device are not provided to the FBI in PEM or equivalent electronic

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format by noon (CDT) each day thereafter beginning August 6, 2013, a fine of five thousand dollars (\$5,000.00) shall be imposed on Lavabit LLC and Mr. Levison for each day of non-compliance; and

It is further ORDERED that the government's motion for sanctions and this Order shall remain under seal until further order of this Court.

/s/
Claude M. Hilton
United States District Judge

Alexandria, Virginia
August 5, 2013

EXHIBIT 22

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN THE MATTER OF THE
APPLICATION OF THE UNITED
STATES AUTHORIZING THE USE
OF A PEN REGISTER/TRAP
AND TRACE DEVICE ON AN
ELECTRONIC MAIL ACCOUNT

IN THE MATTER OF THE SEARCH
AND SEIZURE OF INFORMATION
ASSOCIATED WITH

██████████ THAT IS
STORED AND CONTROLLED AT
PREMISES CONTROLLED BY
LAVABIT LLC

FILED UNDER SEAL

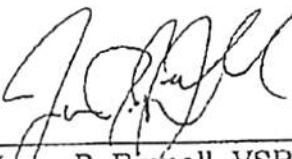
No. 1:13EC297

No. 1:13SW522

NOTICE OF APPEAL

Notice is hereby given that Lavabit LLC ("Lavabit") and Mr. Ladar Levison ("Mr. Levison") in the above named case, hereby appeal to the United States Court of Appeals for the Fourth Circuit from the Orders of this Court entered on August 1, 2013 and August 5, 2013.

**LAVABIT LLC
LADAR LEVISON
By Counsel**

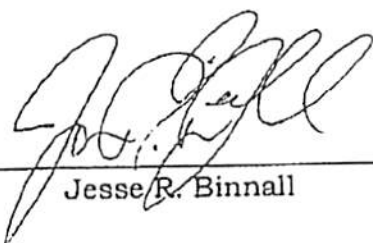


Jesse R. Binnall, VSB# 79292
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10387 Main Street, Suite 201
Fairfax, Virginia 22030
(703) 229-0335 - Telephone
(703) 537-0780 - Facsimile
jbinnall@bblawonline.com
Counsel for Lavabit LLC

Certificate of Service

I certify that on this 15th day of August, 2013, this Notice of Appeal was emailed and mailed to the person at the addresses listed below:

[REDACTED]
[REDACTED]
United States Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
[REDACTED]
[REDACTED]



Jesse R. Binnall

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re Grand Jury

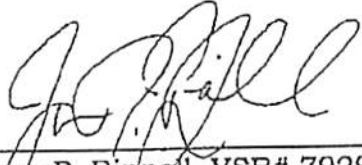
FILED UNDER SEAL

No. 13-1

NOTICE OF APPEAL

Notice is hereby given that Lavabit LLC ("Lavabit") and Mr. Ladar Levison ("Mr. Levison") in the above named case, hereby appeal to the United States Court of Appeals for the Fourth Circuit from the Orders of this Court entered on August 1, 2013 and August 5, 2013.

**LAVABIT LLC
LADAR LEVISON
By Counsel**

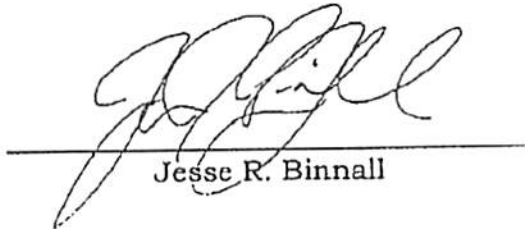


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jbinnall@bblawonline.com
Counsel for Lavabit LLC

Certificate of Service

I certify that on this 15th day of August, 2013, this Notice of Appeal was emailed and mailed to the person at the addresses listed below:

[REDACTED]
[REDACTED]
United States Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
[REDACTED]
[REDACTED]



Jesse R. Binnall

EXHIBIT 23

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN THE MATTER OF THE
APPLICATION OF THE UNITED
STATES AUTHORIZING THE USE
OF A PEN REGISTER/TRAP
AND TRACE DEVICE ON AN
ELECTRONIC MAIL ACCOUNT

FILED UNDER SEAL


No. 1:13SW522

IN THE MATTER OF THE SEARCH
AND SEIZURE OF INFORMATION
ASSOCIATED WITH
[REDACTED] THAT IS
STORED AND CONTROLLED AT
PREMISES CONTROLLED BY
LAVABIT LLC

NOTICE OF APPEAL

Notice is hereby given that Lavabit LLC ("Lavabit") and Mr. Ladar Levison ("Mr. Levison") in the above named case, hereby appeal to the United States Court of Appeals for the Fourth Circuit from the Orders of this Court entered on August 1, 2013 and August 5, 2013.

**LAVABIT LLC
LADAR LEVISON
By Counsel**

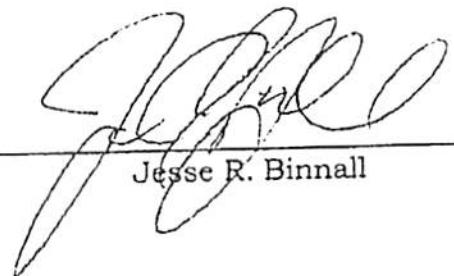


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(703) 537-0780 - Facsimile
jbinnall@bblawonline.com
Counsel for Lavabit LLC

Certificate of Service

I certify that on this 16th day of August, 2013, this Notice of Appeal was emailed and mailed to the person at the addresses listed below:

[REDACTED]
[REDACTED]
United States Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
[REDACTED]
[REDACTED]



Jesse R. Binnall

EXHIBIT 24

Lavabit Online Media Links

Democracy Now Interview:

http://www.democracynow.org/2013/8/13/exclusive_owner_of_snowdens_email_service

Democracy Now Interview Transcript:

<http://morallowground.com/2013/08/14/ladar-levison-owner-of-snowdens-email-service-on-why-he-closed-lavabit/>

Huff Post Interview:

<http://on.aol.com/video/lavabit-founder-ladar-levison-live-517897224>

RT Interview:

<http://www.youtube.com/watch?v=wnqJLq5bWNE>

Ron Paul Interview:

<http://www.youtube.com/watch?v=somIHlk1RLk>

<http://www.forbes.com/sites/kashmirhill/2013/08/09/lavabits-ladar-levison-if-you-knew-what-i-know-about-email-you-might-not-use-it/>

http://bits.blogs.nytimes.com/2013/08/12/lavabit-founder-says-he-had-obligation-to-shut-service/?_r=0

<http://www.wired.com/threatlevel/2013/08/lavabit-snowden/>

<http://www.theguardian.com/world/2013/aug/22/lavabit-founder-us-surveillance-snowden>

<http://www.theguardian.com/commentisfree/2013/aug/10/lavabit-closure-cloud-computing-edward-snowden>

http://www.slate.com/blogs/future_tense/2013/08/08/lavabit_snowden_s_email_provider_shuts_down_issues_cryptic_statement_about.html

<http://boingboing.net/2013/08/08/lavabit-email-service-snowden.html>

<http://www.fastcoexist.com/1682825/lavabit-snowden-s-alleged-secure-e-mail-service-is-gone-heres-why>

http://www.huffingtonpost.com/democracy-now/exclusive-owner-of-snowden_b_3748774.html

<http://www.youtube.com/watch?v=mPixPYwCa4c>

<http://rt.com/usa/interview-lavabit-levison-blake-535/>

<http://techcrunch.com/2013/08/13/why-ladar-levison-shuttered-encrypted-email-service-lavabit-in-the-face-of-government-pressure/>

<http://occupyamerica.crooksandliars.com/diane-sweet/lavabits-owner-threatened-arrest-over-#sthash.F1OMJJt3.dpbs>

<http://investigations.nbcnews.com/news/2013/08/13/20008036-lavabitcom-owner-i-could-be-arrested-for-resisting-surveillance-order?lite>

<http://www.nbcnews.com/technology/lavabit-email-service-linked-snowden-shuts-6C10879209>

<http://www.pcworld.com/article/2046261/snowdens-email-provider-lavabit-shutters-citing-legal-pressure.html>

<http://www.reuters.com/article/2013/08/09/us-usa-security-snowden-email-idUSBRE97800520130809>

<http://www.techdirt.com/articles/20130808/13092724113/ed-snowdens-email-provider-lavabit-shuts-down-to-fight-us-govt-intrusion.shtml>

<http://www.businessinsider.com/meet-lavabit-edward-snowdens-email-2013-7>

http://www.truthdig.com/report/item/truthdigger_of_the_week_lavabits_ladar_levison_20130810/

<http://www.rawstory.com/rs/2013/08/08/facing-pressure-from-u-s-encrypted-email-service-lavabit-shuts-down/>

<http://www.lossofprivacy.com/index.php/2013/08/ron-paul-interviews-lavabit-owner-ladar-levison-on-nsa-e-mail-controversy/>

<http://www.ktvu.com/videos/news/lavabit-founder-ladar-levison-live/v85QP/>

<http://www.washingtontimes.com/news/2013/aug/9/secure-email-service-used-snowden-shuts-down/>

http://socialtimes.com/lavabit-shuts-down-over-u-s-spying-policies_b134120

<http://www.newyorker.com/online/blogs/cloread/2013/08/the-nsa-and-its-targets-lavabit-shuts-down.html>

<http://www.emptywheel.net/tag/ladar-levison/>

<http://www.thedrum.com/news/2013/08/15/assume-youre-being-monitored-says-censored-lavabit-owner-ladar-levison-who-cant-even>

<http://www.theverge.com/2013/8/10/4608664/lavabit-founder-closed-his-secure-email-service-to-protect-the>

<http://www.cnn.com/2013/08/09/tech/web/snowden-email-lavabit/index.html?iref=allsearch>

<http://www.freerepublic.com/focus/news/3053269/posts>

<http://www.foxnews.com/tech/2013/08/09/lavabit-founder-closes-business-and-cant-even-say-why/>

EXHIBIT 25

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN THE MATTER OF THE
APPLICATION OF THE UNITED
STATES AUTHORIZING THE USE OF
A PEN REGISTER/TRAP AND TRACE
DEVICE ON AN ELECTRONIC MAIL
ACCOUNT

NO. 1:13 EC 297

IN THE MATTER OF THE SEARCH
AND SEIZURE OF INFORMATION
ASSOCIATED WITH
ED_SNOWDEN@LAVABIT.COM
THAT IS STORED AND CONTROLLED
AT PREMISES CONTROLLED BY
LAVABIT LLC

NO. 1:13 SW 522

IN RE GRAND JURY SUBPOENA

NO. 13-1

UNDER SEAL

PROPOSED ORDER

The United States has proposed partially unsealing records in this matter due to public disclosures made by Ladar Levison and Lavabit, LLC and for the purpose of creating a public record for Mr. Levison's appeal. The Court has considered the original sealing orders, the motions in support of the original sealing orders, the government's ex parte motion to unseal certain documents, and the prior pleadings of Mr. Levison, and hereby finds that:

(1) the government has a compelling interest in keeping certain information in the documents sealed, and the government has proposed redacted versions of the documents that minimizes the information under seal;

(2) the government's interest in keeping the redacted material sealed outweighs any public interest in disclosure; and

(3) having considered alternatives to the proposed redactions none will adequately protect that interest; it is hereby

ORDERED that the redacted versions of certain records filed in the above captioned matter are partially unsealed. The unsealed records are attached to this Order. To the extent any such record is covered by a non-disclosure Order issued pursuant to 18 U.S.C. § 2705(b), the non-disclosure obligation does not apply to the unsealed, redacted version of the document. The Clerk of the Court may publicly release the redacted version of any of the records attached to this Order. Any record not attached to this Order, as well as the unredacted copies of any record filed in the above-captioned matter, including the government's *ex parte*, sealed Motion to Unseal and Statement of Reasons will remain sealed until further Order of the Court.

The Honorable Claude M. Hilton
United States District Judge

Date: _____
Alexandria, VA

EXHIBIT 26

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN THE MATTER OF THE
APPLICATION OF THE UNITED
STATES AUTHORIZING THE USE OF
A PEN REGISTER/TRAP AND TRACE
DEVICE ON AN ELECTRONIC MAIL
ACCOUNT

NO. 1:13 EC 297

IN THE MATTER OF THE SEARCH
AND SEIZURE OF INFORMATION
ASSOCIATED WITH

NO. 1:13 SW 522

██████████
THAT IS STORED AND CONTROLLED
AT PREMISES CONTROLLED BY
LAVABIT LLC

IN RE GRAND JURY SUBPOENA

NO. 13-1

UNDER SEAL

PROPOSED ORDER

The United States has proposed partially unsealing records in this matter due to public disclosures made by Ladar Levison and Lavabit, LLC and for the purpose of creating a public record for Mr. Levison's appeal. The Court has considered the original sealing orders, the motions in support of the original sealing orders, the government's ex parte motion to unseal certain documents, and the prior pleadings of Mr. Levison, and hereby finds that:

(1) the government has a compelling interest in keeping certain information in the documents sealed, and the government has proposed redacted versions of the documents that minimizes the information under seal;

(2) the government's interest in keeping the redacted material sealed outweighs any public interest in disclosure; and

(3) having considered alternatives to the proposed redactions none will adequately protect that interest; it is hereby

ORDERED that the redacted versions of certain records filed in the above captioned matter are partially unsealed. The unsealed records are attached to this Order. To the extent any such record is covered by a non-disclosure Order issued pursuant to 18 U.S.C. § 2705(b), the non-disclosure obligation does not apply to the unsealed, redacted version of the document. The Clerk of the Court may publicly release the redacted version of any of the records attached to this Order. Any record not attached to this Order, as well as the unredacted copies of any record filed in the above-captioned matter, including the government's *ex parte*, sealed Motion to Unseal and Statement of Reasons will remain sealed until further Order of the Court.

The Honorable Claude M. Hilton
United States District Judge

Date: _____
Alexandria, VA