

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,  
Defendant.

ORDER  
**[UNDER SEAL]**  
December 9, 2014

O'TOOLE, D.J.

The defendant moves to file under seal Daubert-related submissions, including five Daubert motions, a motion for leave to file a Daubert motion in excess of twenty pages, and a motion to extend the time to file an additional Daubert motion. The government assents to the motion. Although the material the defendant requests to be sealed might eventually become public during trial, the public release and potential publicity of the substantive information in the proposed Daubert motions at this stage could inform potential jurors of inculpatory information that eventually may be found to be inadmissible at trial. Cf. Gannett Co. v. DePasquale, 443 U.S. 368, 378 (1979); see also United States v. Salim, No. 01 CR 02 DAB, 2001 WL 831252, at \*1-3 (S.D.N.Y. July 24, 2001) (ordering the transcript of a Daubert hearing remain sealed at particular pretrial stage of proceedings). The defendant's motion (dkt. no. 711) is therefore GRANTED at this time.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge