

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

In re Search Warrant of

: Magistrate No. **07 - 518 - M - 01**

Yahoo!, Inc.,

701 First Avenue

Sunnyvale, California

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FILED

OCT 25 2007

FILED UNDER SEAL

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**MOTION TO SEAL SEARCH WARRANT, AFFIDAVIT
IN SUPPORT OF APPLICATION, APPLICATION FOR SEARCH WARRANT, AND
ATTACHMENTS THERETO
AND MEMORANDUM IN SUPPORT THEREOF**

The United States of America, by and through its undersigned attorney, respectfully moves the Court for an Order directing that the search warrant, the application for search warrant, the affidavit in support of the application for search warrant, and all attachments thereto relating to a search warrant of Yahoo!, Inc., 701 First Avenue, Sunnyvale, California, be placed under seal until further order of the Court. In support of its motion, the government states as follows:

1. This warrant is being executed as part of an on-going criminal investigation being conducted by the Federal Bureau of Investigation and the Criminal Division of the United States Department of Justice of a network of individuals committing internet auction fraud, phishing scams, identity theft, and money laundering. Most of the suspects of this investigation are Romanian nationals living and committing offenses over the internet from Romania. The government is closely coordinating its investigation with the Romanian National Police and the Romanian Public Prosecutor's Office.

2. There is reason to believe that premature public notice of this search warrant, the application for search warrant, the affidavit in support of the application for search warrant, and

all attachments thereto, will result in the destruction of or tampering with evidence or otherwise seriously jeopardize an on-going criminal investigation by causing potential witnesses and targets to destroy evidence including computer code that may be subpoenaed by the grand jury. This factor is particularly important in this investigation, because the nature of the evidence sought is particularly prone to tampering and destruction and because the target is believed to have relevant information and may control relevant documents and evidence that may not be available from other third party sources.

3. Because this matter is part of an on-going investigation and based on the information set forth in this motion, disclosure of the search warrant, the application for search warrant, the affidavit in support of the application for search warrant, and all attachments thereto, will seriously jeopardize the progress of the investigation. Accordingly the government requests that the Court issue an order that the search warrant, this affidavit in support of application for search warrant, the application for search warrant, and all attachments thereto be filed under seal until further order of this Court. In addition, because notification of the existence of this order may seriously jeopardize an investigation, the government requests that the Court issue an order pursuant to 18 U.S.C. Section 2705(b) ordering Yahoo!, Inc., not to notify any person of the existence of the search warrant or related materials until: (a) the fact and particulars of the investigation must be disclosed, pursuant to the government's legal obligations, to counsel for individuals who may be arrested in the future or (b) the government represents that the items covered by this motion can be made public without having reason to believe that notification of the existence of the warrant or related materials would cause the destruction or tampering with evidence or would otherwise seriously jeopardize the investigation.

4. In order to continue investigating the activities of subjects of this investigation, it

is necessary to share the results of the above-referenced search warrant with the Romanian authorities.

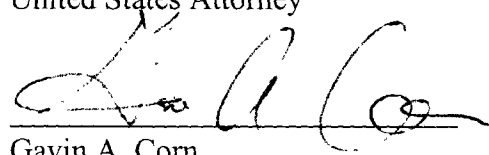
5. The government therefore requests authority to share with the Romanian National Police and the Romanian Public Prosecutor's Office materials obtained pursuant to the above-captioned search warrant. The government will advise the Romanian authorities that this matter remains under seal and that the materials provided may not be further disseminated until this matter is unsealed.

WHEREFORE, for all the foregoing reasons, the government respectfully requests that the search warrant, the application for search warrant, the affidavit in support of the application for search warrant, and all attachments thereto, be placed under seal. It is further requested that the government be authorized to share with Romanian law enforcement authorities the materials obtained pursuant to any warrant issued in this matter.

Respectfully submitted,

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