

ORIGINAL

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11 Admitted Pro Hac Vice in related Federal Case No. 3:06-cv-0056 & 00145-LRH-VPC

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 18 2007	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

12 UNITED STATES DISTRICT COURT

13 FOR THE DISTRICT OF NEVADA

14 In the Matter of the Search of:
15 12720 Buckhorn Lane, Reno, NV

16 and

17 888 Maestro Drive, Reno, NV, Storage Unit
18 Numbers 136, 140, 141, 142, and 143

) CASE NO.: 3:06-CV-0263-LRH (VPC)
) 3:06-MJ-0023-VPC

) **MONTGOMERY'S EX PARTE MOTION FOR AN**
) **ORDER SHORTENING TIME ON HIS MOTION**
) **TO UNSEAL THIS CASE FORTHWITH.**

) **FILED UNDER SEAL**

1 Pursuant to LR 6.1-6.2, Dennis Montgomery (hereinafter "Montgomery") moves ex parte for
2 an order shortening time upon which his motion to unseal this case forthwith can be heard.
3 Although Judge Cooke ruled to unseal the case on November 28, 2006, the District Court has not yet
4 ruled on that Order; and new facts and events have occurred since November 2006, as set forth in
5 Montgomery's motion to unseal and the accompanying Declaration of counsel, Michael J. Flynn,
6 which compels an immediate unsealing of this case. As set forth in the motion to unseal, the
7 importance of unsealing this case now relates to matters vital to national security, pending
8 investigations by the Justice Department and Congress, and are of substantial public importance.
9

10
11 **ARGUMENT**

12 **GOOD CAUSE HAS BEEN ESTABLISHED**

13 Pursuant to LR 6.1-6.2 and 9006, Montgomery requests an order to shorten time upon which
14 his motion for an immediate unsealing of this case may be heard. As set forth in Montgomery's
15 motion to unseal, and the accompanying Declaration of Mr. Flynn, filed herewith, good cause exists
16 to shorten the time for a hearing on this motion, and there is no prejudice to the "Government."
17

18 **THERE WILL BE NO PREJUDICE TO THE GOVERNMENT IF THE COURT SHORTENS TIME TO**

19 **HEAR THE MOTION TO UNSEAL.**

20 Montgomery's counsel spoke to the new AUSA assigned to this case, attorney Rachow, from
21 the Nevada U.S. Attorney's Office on January 18, 2006, and he would not agree to shorten time.
22 (Atty. Decl., ¶ 22, filed herewith). However, there will be no prejudice to the *Government* if the
23 Court grants this ex parte request to shorten time because: (i) the issue of unsealing is a narrow but
24 extremely urgent one that can only benefit the *Government*—which represents the collective will
25 and interests of the American citizenry—not the secretive and nefarious intentions of the local
26 Nevada U.S. Attorney's Office; (ii) the facts and issues at stake are of national importance to the
27
28

CERTIFICATE OF SERVICE

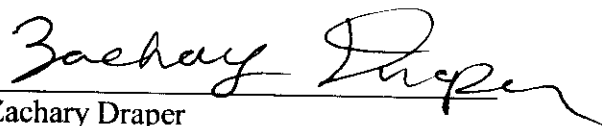
I, Zachary Draper, declare: I am an employee in the City of Reno, County of Washoe, State of Nevada, employed by the Law Office of Logar & Pulver, PC, located at 225 S. Arlington Avenue, Suite A, Reno, NV 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with the Law Office of Logar & Pulver's practice for the collection of mail, delivery of its hand-deliveries, their process of facsimile's and the practice of mailing.

On Jan. 18, 2007 I caused the following documents, (1.) the Montgomerys' Opposition to the Gov't Objections to the Nov. 28, 2006 Order, with attachment Exhibit A; and (2) this certificate of service to be delivered to the following persons and/or entities:

Sent Via Hand Delivery:

1. Jake Herb or Lia Griffen, or U.S. Dist. Court, District of Nevada, Reno, U.S. District Court, 400 S. Virginia St., Reno, NV 89501; and
2. Ronald Rachow, AUSA, and the Reno U.S. Attorney, United States Attorney's Office for the District of Nevada, 100 W. Liberty Street, Reno, NV 89501; fax (775)-784-5181.


Zachary Draper
For the Law Office of Logar & Pulver