

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:26-cr-1
)	
BRIAN COLE, JR.,)	
)	
Defendant.)	
)	

DEFENDANT BRIAN COLE JR’S MOTION TO SEAL

Defendant Brian Cole, by and through undersigned counsel, and pursuant to LCrR 49(f)(6)(i), states as follows:

1. On March 31, 2026, Mr. Cole conferred with the government of his intent to file a motion for early return of subpoenas to three individuals, naming the three individuals. Mr. Cole is not naming the subpoena recipients in this public filing because the government has taken the position that neither the names of people who appear in the thousands of documents it has marked sensitive nor their factual relevance to this case can be described in the defense’s pleadings filed with this Court. Mr. Cole disagrees with this position but nonetheless does not name them in this filing.

2. On April 1, 2026, Mr. Cole filed a motion for early return of pre-trial subpoenas, pursuant to Federal Rule of Criminal Procedure 17(c)(1). (Doc. 58.) The government has responded that it opposed both the authorization of the subpoenas and their early return.

3. Immediately after the filing, the government notified Mr. Cole of its

position that the information contained within the motion is “sensitive” and subject to the discovery protective order.

4. Mr. Cole’s position is that the information contained within the motion is not “sensitive” and subject to the discovery protective order.

5. Mr. Cole, however, agrees that the service addresses of witnesses listed on the subpoena should be redacted and not be publicly listed on the docket. The address was errantly included in the publicly filed attachment and should have been redacted or filed under seal.

6. The government requested that Mr. Cole withdraw his motion and subpoenas and file them under seal. While Mr. Cole does not agree that the motion should be sealed because the information contained within the motion is not “sensitive” under the protective order, he nonetheless files this motion to seal at the government’s request.

7. Mr. Cole is contemporaneously filing a motion to unseal his early return motion and explain to the Court why the filing is not subject to the discovery protective order.

8. Until the Court rules on Mr. Cole’s forthcoming motion to unseal, he respectfully requests that the Court seal his motion, Doc. 58, at the government’s request.

9. Undersigned counsel conferred with counsel for the government, who is unopposed to this motion to seal.

Date: April 1, 2026

Respectfully submitted,

/s/ J. ALEX LITTLE

J. Alex Little

Zachary C. Lawson

John R. Glover

LITSON PLLC

54 Music Square East, Suite 300

Nashville, TN 37203

Telephone: 615-985-8205

alex@litson.co

/s/ MARIO B. WILLIAMS

Mario B. Williams

Ga. Bar No. 235254 (Pro Hac Vice)

/s/ JOHN SHOREMAN

John M. Shoreman

DC Bar #407626

HUMANITY DIGNITY AND RIGHTS LLC

Life Time Work - Buckhead - at Phipps Plaza

3480 Peachtree Road, NE, Second (2nd) Floor

Atlanta, Georgia 30326

Tel: 470-257-2485

mwilliams@hdrattorneys.com

jms@mcfaddenshoreman.com

Counsel for Brian Cole Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of April, 2026, a true and correct copy of the foregoing has been served via the Court's CM/ECF system upon all counsel of record.

/s/ J. ALEX LITTLE

J. Alex Little