

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 16th day of April, two thousand twenty-one.

United States

Appellee

v.

David Blaszczak, Theodore Huber,
Robert Olan, & Christopher Worrall,

18-2811 (L)
18-2825 (Con)
18-2867 (Con)
18-2878 (Con)

Defendants-Appellants.

The above-captioned case is removed from the calendar for the April 21, 2021 argument date. The Court will invite an *amicus curiae* to brief and argue that *Kelly v. United States*, 140 S.Ct. 1565 (2020) does not invalidate the original panel's holding that the confidential government information at issue here constituted "property," a position not advanced by the parties. A briefing schedule for the *amicus curiae* brief, including an opportunity for the parties to respond, and an argument date will be set after an *amicus* is named.

Because Defendant Christopher Worrall's Emergency Motion to Vacate depends on whether the confidential government information at issue here constituted "property," his motion will be held in abeyance pending the resolution of the appeal.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

A circular official seal of the United States Court of Appeals for the Second Circuit is positioned over the signature. The seal features the text "UNITED STATES" at the top, "SECOND CIRCUIT" in the center, and "COURT OF APPEALS" at the bottom, with stars on either side of the center text.