

## Shutdown stalls efforts to unseal files related to Trump, Russia and the ‘dossier’



President Donald Trump speaks at the American Farm Bureau Federation convention in New Orleans, Monday, Jan. 14, 2019. (AP Photo/Gerald Herbert) **GERALD HERBERT AP**

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The government shutdown is affecting the FBI’s ability to get mail — and answer court filings — in a legal case involving President Donald Trump, Russians and an infamous dossier of supposed dirt on President Donald Trump.

The case: Aleksej Gubarev vs. BuzzFeed News.

Two years ago, the Russian Internet mogul sued the online news company for defamation after it famously published the so-called Steele dossier, a 35-page report of allegations about the president and Russian meddling in the 2016 election.

Buzzfeed's original article said that the dossier alleged that Gubarev's companies "had been using botnets and porn traffic" to spread computer viruses, plant bugs and steal data in a stealth operation against the Democratic Party.

Miami U.S. Judge Ursula Ungaro, however, sided with BuzzFeed, saying the article fell under the "fair report privilege" that protects media watchdog efforts. In the interest of transparency and the public's right to know, media companies have asked the judge to unseal documents that were submitted as part of the case file. Last month, she ordered the FBI — which is leading the investigation into Russian interference — to submit an affidavit outlining its position on unsealing documents.

But government lawyers said they could not respond because of the shutdown. Trump has refused to accept any appropriations bills to fund the government until Congress sets aside billions for his long-promised border wall.

The partial shutdown of the government has closed immigration court, snarled security lines at airports and left thousands of federal employees without paychecks.

"Department of Justice attorneys and employees are prohibited from working, even on a voluntary basis except in very limited circumstances, including 'emergencies involving the safety of human life or the protection of property,' Assistant Attorney General Joseph Hunt wrote in a Jan. 10 filing.

The government also said it had not received certified legal documents in the mail and coordination between its own legal team "has been especially difficult because many of the individuals involved in the decision-making about the FBI affidavit are or have been furloughed."

Judge Ungaro, however, isn't cutting the government any slack. She's given DOJ until Wednesday to file the paperwork.

"Judge Ungaro has a well-deserved reputation for quickly ruling on pending motions usually accompanied by an extensive order," said Roy Black, BuzzFeed's lawyer. "She will not delay ruling on a case unless it is a dire emergency. An inter-governmental dispute over paying for a wall doesn't rise to that standard."

A request for comment from DOJ was met with an automated response: "Due to the lapse in appropriations, messages ... may not be returned until funding is restored."