

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ELAINE BLANCHARD, KEEDRAN)	
FRANKLIN, PAUL GARNER and BRADLEY)	
WATKINS, (Dismissed per Court Order))	
Plaintiffs,)	
)	
and)	
)	
ACLU OF TENNESSEE, Inc.)	
Intervening Plaintiff,)	
)	No. 2:17-cv-02120-jpm-DKV
v.)	
)	
THE CITY OF MEMPHIS,)	
Defendant.)	
)	

PLAINTIFF’S MOTION TO FILE UNDER SEAL

Pursuant to the Protective Order (Docket No. 52) agreed to by the parties and entered by the Court, intervening Plaintiff ACLU of Tennessee, Inc. (“Plaintiff”) files this Motion to File Under Seal. Plaintiff seeks to file its Motion for Summary Judgment, Memorandum in Support, Statement of Undisputed Facts and all attached Exhibits and deposition transcripts under seal and, pursuant to the Protective Order, requests that the Court review the proffered evidence and determine whether testimony or documents should continue to be treated as confidential information.

1. The parties entered an agreed Protective Order on October 12, 2017, which, to facilitate discovery, allowed both parties to designate documents and deposition testimony as Confidential or Attorney’s Eyes Only. Under the protective order, the receiving party must treat

designated documents as Confidential. In the case that evidence is used in a pretrial motion, the designating party may request that the material be filed under seal to allow the court to “determine whether the proffered evidence should continue to be treated as confidential information.” (Protective Order, ¶ 13.).

2. All documents filed by Plaintiff as exhibits to its Motion for Summary Judgment have been designated as Confidential or Attorney’s Eyes Only. Similarly, all deposition excerpts have likewise been designated.

3. The parties conferred on their respective Motions for Summary Judgment and the evidence that may be filed with the Court and Defendant has requested that its designations remain in place.

4. The Parties also agreed to review the universe of information filed with the motions to determine if some designation may be removed and evidence unsealed by agreement.

5. While, Social Security Numbers and Driver’s License numbers have been redacted from all documents, Plaintiff contends that Exhibits C and J to Plaintiff’s Motion for Summary Judgment contain other personal information of members of the public and should remain under seal. The factual and legal basis for sealing these documents is more fully explained in the attached Memorandum in Support.

6. As more fully explained in the attached Memorandum in Support, Plaintiff asserts that the remaining documents, deposition excerpts, Plaintiff’s Motion for Summary Judgment, the Memorandum in Support and the Statement of Undisputed Facts do not meet the standard for being filed under seal. However, pursuant to the Protective Order, Defendant is entitled to request that this information remain under sealed.

WHEREFORE, Plaintiff asks that, pursuant to the Protective Order, the Court review the evidence and pleadings and determine whether such documents such continue to be treated as confidential.

Respectfully submitted,

/s/ Thomas H. Castelli
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Attorneys for Plaintiff

CERTIFICATE OF CONSULTATION

Counsel for the movant, ACLU of Tennessee, Inc., pursuant to Local Rule 7.2(a), certifies that Intervening Plaintiff's Counsel and Defendant's Counsel discussed via telephone the Motion to File Under Seal on June 18, 2018. Counsel agreed that to comply with the Protective Order each party should file a Motion to File Under Seal for their respective motions if information designed under the Protective Order would be used. Counsel also agreed to continue their conversation to determine if some of the information may need to be unsealed later.

Respectfully Submitted,

/s/ Thomas H. Castelli
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on June 18, 2018 the foregoing document was electronically filed with the Clerk of the Court using CM/ECF and served via the Court's ECF system to:

Buckner Wellford, Esq.
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