

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

ACLU OF TENNESSEE, INC.,)	
)	
Intervening Plaintiff,)	
)	Case No. 2:19-cv-02120-JPM-jay
v.)	
)	
CITY OF MEMPHIS, TENNESSEE,)	
)	
Defendant.)	

**ORDER UNSEALING DEFENDANT CITY OF MEMPHIS’S SEALED MOTION FOR
IMMEDIATE MODIFICATION OF THE KENDRICK CONSENT DECREE;
THE ACLU-TN’S RESPONSE TO THE MOTION;
DEFENDANT CITY OF MEMPHIS’S REPLY IN SUPPORT OF ITS MOTION FOR
MODIFICATION;
DEFENDANT CITY OF MEMPHIS’S RESPONSE AND SUPPLEMENTAL
RESPONSE TO THE ORDER TO SHOW CAUSE; AND
ACLU-TN’S RESPONSE TO THE ORDER TO SHOW CAUSE**

On September 25, 2019, Defendant City of Memphis (hereinafter “the City”) filed its Sealed Motion for Immediate Modification of the Kendrick Consent Decree. (ECF No. 227.) On October 9, 2019, the American Civil Liberties Union of Tennessee (hereinafter “the ACLU-TN”) filed its Response to the City’s Motion. (ECF No. 231.) The Court granted the City’s October 16, 2019 Sealed Motion for Leave to File a Reply (ECF Nos. 236, 237), and on October 31, 2019, the City filed its Sealed Reply in support of its Motion for Modification. (ECF No. 244.)

On October 2, 2019, the Court issued its Order to Show Cause Why the Transcript of the August 27, 2019 In-Camera Conference Should Not be Prepared, Docketed, and Made Available to the Public. (ECF No. 228.) On October 15, 2019, the ACLU-TN filed its

Response to the Order to Show Cause. (ECF No. 235.) On October 15, 2019, the City filed its Response to the Order to Show Cause (ECF No. 233), and, additionally, on October 29, 2019, the City filed its Supplemental Response to the Order to Show Cause. (ECF No. 243.) All of the above-referenced filings were filed under seal.

On November 13, 2019, the Court entered its Order Denying Defendant City of Memphis's Motion for Immediate Modification of the Kendrick Consent Decree. (ECF No. 250.) On the same day, the Court also entered its Order Unsealing the Transcript of the August 27, 2019 In-Camera Conference. (ECF No. 251.)

For the same reasons provided in the Court's Order Unsealing the Transcript of the August 27, 2019 In-Camera Conference (ECF No. 251), and because the law favors the openness of judicial proceedings, especially in matters affecting important public interests, see Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016), see also Brown & Williamson Tobacco Corp. v. F.T.C., 710 F.2d 1165, 1180 (6th Cir. 1983), the Court hereby orders that the following documents be fully unsealed and made available to the public: (1) the City's Sealed Motion for Immediate Modification of the Kendrick Consent Decree and related attachments (**ECF Nos. 227, 227-1–227-10**), (2) the ACLU-TN's Response to the Motion for Modification (**ECF No. 231**), (3) the City's Sealed Motion for Leave to Reply (**ECF No. 236**), (4) the City's Reply in Support of its Motion for Immediate Modification and related attachments (**ECF Nos. 244, 244-1, 244-2, 244-3**), (5) the City's Response and Supplemental Response to the Order to Show Cause (**ECF Nos. 233, 243**), and (6) the ACLU-TN's Response to the Order to Show Cause (**ECF No. 235**).

SO ORDERED, this 14th day of November, 2019.

/s/ Jon P. McCalla
JON P. McCALLA
UNITED STATES DISTRICT JUDGE