

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

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ACLU OF TENNESSEE, Inc.	)	
	)	
Intervening Plaintiff,	)	
v.	)	No. 2:17-cv-02120-jpm-DKV
	)	
THE CITY OF MEMPHIS,	)	
	)	
Defendant.	)	

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**MOTION TO SEAL DOCUMENTS OR ALLOW REDACTIONS BEFORE  
DOCKETING PUBLICLY**

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Generally, the Defendant, the City of Memphis (“the City”) has no objection to making the Monitor’s letter dated February 28, 2020 between the City and the Monitor available to the public. However, to the extent that the Court does intend to docket certain attachments the City respectfully moves the Court to file those documents under seal until the City has an opportunity to discuss these confidential exhibits with the Court at the upcoming March 17, 2020 hearing; or in the alternative, allow the City to redact the portions of the exhibits related to ongoing criminal investigations before the communications are released publicly.

In support of this motion, the City states as follows:

1. On February 28, 2020, the City received a letter from the Monitor to the Court (“Monitor’s Letter”) explaining that he believed the City has been departing from Sanction 5 of the Court’s Opinion and Order. The Monitor recommended that the Court schedule a hearing on the issue.
2. The Monitor further recommended that the entire set of communications be docketed without being sealed.

3. The City agreed that a hearing was necessary and immediately filed a Motion to Set Hearing to discuss those issues with the Court, the Monitor, and the ACLU-TN. (ECF No. 289.)

4. The Court granted that Motion and set a hearing on Tuesday, March 17, 2020. (ECF No. 290.)

5. After careful review of the universe of documents submitted by the Monitor as attachments to the Monitor's Letter, the City noticed that certain attachments contained confidential information pertaining to ongoing criminal investigations.

6. Disclosure of this information to the public could jeopardize those current criminal investigations.

7. Accordingly, the City respectfully requests that the Court keep certain exhibits to the Monitor's Letter under seal until at least the March 17, 2020 hearing so that the Court may hear argument as to why certain portions of the communications should not be made publicly available until the ongoing criminal investigations are concluded.

8. In the alternative, the City respectfully requests the opportunity to redact the portions of the exhibits accompanying the Monitor's Letter that are confidential, in that it related to ongoing criminal investigations, the public release of which could jeopardize those criminal investigations.

9. To be clear, the City has no objection to the public release of the February 28, 2020 Letter from the Monitor to the Court, but only to certain exhibits attached thereto.

Therefore, the City respectfully requests that the Court grant its Motion and either keep the exhibits to the Monitor's Letter under seal until after the March 17, 2020 hearing, or, in the

alternative, allow the City the opportunity to redact the confidential information contained therein prior to its public release.

Respectfully Submitted,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

s/ Bruce McMullen

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*Attorneys for Defendant, The City of  
Memphis*

### **CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.2(a)(B), on March 3, 2020, counsel for the City, Jennie Silk, exchanged emails with Tom Castelli, counsel for Intervening Plaintiff, regarding the relief sought in this motion. Intervening Plaintiff opposes the relief sought in this Motion.

s/ Bruce McMullen  
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Bruce McMullen

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of March 2020, a copy of the attached pleading was filed electronically. Notice of this filing will be served by operation of the Court's electronic filing system to all counsel of record.

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s/ Bruce McMullen  
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