

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

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|--------------------------------------|---|---------------------------|
| 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 a reply in support of Plaintiff’s Motion for Summary Judgment (Doc. No. 79.) and Response to Defendant’s Statement of Additional Material Facts (Doc. No. 93.) under seal pursuant to the Protective Order and 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 discussed or filed with Plaintiff’s replies have been designated as Confidential or Attorney’s Eyes only. For the reasons set forth in its first Motion to File Under Seal which accompanied its Motion for Summary Judgement and its responses to Defendant’s Motion to Allow Filing under Seal and to Hold Plaintiff’s Motion in Abeyance, Plaintiff does not believe that the documents should be sealed.

3. Pursuant to the Protective Order, Defendant is entitled to request that this information remain under seal.

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

Respectfully submitted,

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that on July 16, 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:

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