IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

TINA McMANAMA,)
Plaintiff,)
v.) CASE NO. 2:07-cv-479-ID
GANNETT CO., INC.,)) (WO)
Defendant.)

MEMORANDUM OPINION AND ORDER

This cause is before the Court on the Defendant's Motion to File Evidence Under Seal (Doc. # 23), filed September 4, 2008. Defendant seeks to file declarations of certain witnesses, and the attached exhibits, under seal. Defendant argues that placing these documents under seal is warranted because they disclose private salary information of third parties.

The public has a right of access to inspect judicial records. See Chicago Tribune Co. v. Bridgestone/Firestone, Inc., 263 F.3d 1304 (11th Cir. 2001). The nature and scope of this right depends upon the nature of the documents at issue. See id. at 1310-15 (discussing various sources of public right of access). Unlike documents exchanged in discovery, documents filed in connection with "any substantive pretrial motion" are subject to the common law right of access. Romero v. Drummond Co., 480 F.3d 1234, 1246 (11th Cir. 2007). A party opposing public access must show good cause for why the information should be kept confidential. Id. The Court must balance the interest in keeping the

information confidential against the public interest in accessing the information. *Id.*

The Court finds that the public interest in accessing the information outweighs the

interest in keeping the information confidential. The evidence has been submitted in support

of a motion for summary judgment, which is a potentially dispositive motion and clearly

qualifies as a "substantive pretrial motion." Moreover, Plaintiff is claiming that Defendant

has violated the Equal Pay Act by paying her a lower salary because of her gender.

Consequently, evidence concerning Plaintiff's salary, as well as salaries of third parties

presented as comparators, are central to resolving the dispute in this case. Under these

circumstances, the public has a very strong interest in having access to this information that

outweighs the privacy interests at stake.

For the reasons stated above, it is hereby CONSIDERED and ORDERED that

Defendant's Motion to File Evidence Under Seal (Doc. # 23) be and the same is hereby

DENIED. Defendant shall file the evidence they wish to file publicly on or before

September 25, 2008.

DONE this 19th day of September, 2008.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE

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