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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Manuel de Jesus Ortega Melendres, on  
behalf of himself and all others similarly  
situated; et al.  
  
Plaintiffs,  
  
and  
  
United States of America,  
  
Plaintiff-Intervenor,  
  
v.  
  
Paul Penzone, in his official capacity as  
Sheriff of Maricopa County, Arizona; et al.  
  
Defendants.

No. CV-07-2513-PHX-GMS  
**ORDER**

Before the Court is Proposed Intervenor the Associated Press (“AP”), and  
journalists Jacques Billeaud and Jude Joffe-Block’s (collectively, “Intervenors”) Motion  
to Intervene for the Limited Purpose of Challenging Sealing of Records and Motion to  
Unseal Records (Doc. 2785.) For the following reasons, the motion is granted.

**BACKGROUND**

Proposed Intervenor seek to intervene in this case for the limited purpose of  
requesting that certain documents be unsealed. The Intervenor filed the motion to  
intervene and unseal documents on July 13, 2022. Specifically, Intervenor request to  
unseal quarterly status reports pertaining to Armendariz Investigations spanning between  
April 2017 to August 2022. Intervenor also request that the Court unseal documents

1 related to various other administrative and criminal investigations. Plaintiffs do not oppose  
2 the intervention or unsealing of these documents and echoed Proposed Intervenors  
3 arguments that the Court should direct that the documents be unsealed. Sheriff Penzone  
4 and MCSO do not oppose the motion to intervene or unseal but maintain that “if any new  
5 Armendariz Investigations are opened in the future, any reports or other information about  
6 such investigations should be filed with the Court under seal and should remain under seal  
7 during the pendency of those investigations.” (Doc. 2797 at 4.)

## 8 DISCUSSION

### 9 I. Motion to Intervene

10 The Court construes Intervenors’ request to intervene as a request for permissive  
11 intervention under Federal Rule of Civil Procedure 24(b). “Nonparties seeking access to  
12 judicial record in a civil case may do so by seeking permissive intervention.” *San Jose*  
13 *Mercury News v. U.S. Dist. Court*, 187 F.3d 1096, 1100 (9th Cir. 1999). The Ninth Circuit  
14 has explicitly recognized that “the press and other interested third parties retain their right  
15 to intervene and request that particular documents be unsealed.” *United States v. Gurolla*,  
16 333 F.3d 944, 953 (9th Cir. 2003). Additionally, a “non-party moving to intervene solely  
17 for the purpose of accessing records need not show a nexus of fact or law with the main  
18 action.” *Muhaymin v. City of Phoenix*, No. CV-17-04565-PHX-DLR, 2021 WL 5173767,  
19 at \*1 (D. Ariz. Nov. 3, 2021).

20 Here, Intervenors are journalists and a news organization who have reported  
21 extensively on this case. (Doc. 2785.) Neither Plaintiffs nor Defendants oppose their  
22 intervention for the limited purpose of filing their motion to unseal documents. Because  
23 the Intervenors seek to vindicate the public’s right of access, the Court grants their motion  
24 to intervene for that limited purpose.

### 25 II. Motion to Unseal Documents

26 The next issue before the Court is whether to unseal the documents that Intervenors  
27 allege fail to satisfy the criteria to remain sealed. The proper standard when considering  
28 whether to seal the documents is whether the party filing the document offers “compelling

1 reasons” for the document to be filed under seal. *Kamakana v. City & Cnty. of Honolulu*,  
2 447 F.3d 1172, 1178-79 (9th Cir. 2006). The compelling reasons standard highlights the  
3 fact that “[i]n this circuit, we start with a strong presumption in favor of access to court  
4 records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).  
5 Additionally, if sensitive information can be redacted “while leaving other meaningful  
6 information,” rather than “only meaningless connective words and phrases,” redaction is  
7 preferred. *Id.* at 1137.

8 Intervenor seek to unseal nearly forty documents that were previously filed under  
9 seal. Neither Plaintiffs nor Defendants oppose the motion to unseal. Most of the  
10 documents that Intervenor request to be unsealed relate to Armendariz Investigations or  
11 other related internal investigations. Defendant acknowledges that the majority of  
12 Armendariz Investigations have now been completed so the majority of the filings  
13 Intervenor seek to have unsealed relate to closed investigations. Because the filings do  
14 not relate to open investigations, Defendant does not seek to show compelling reasons why  
15 the documents should remain sealed. (Doc. 2797 at 3.) In the absence of any compelling  
16 reasons why the documents pertaining to closed investigations should remain sealed, the  
17 presumption of public access favors unsealing these documents.

18 At this time, is not necessary for the Court to decide at this time which hypothetical  
19 future filings related to new internal investigations should be filed under seal. Defendants  
20 should continue to file motions to seal for documents containing highly sensitive  
21 information. If Defendants believe a document should be sealed, Defendants should lodge  
22 the document under seal and file a motion to seal articulating the compelling reasons for  
23 sealing the document in full. If the Court finds those reasons insufficient or finds that the  
24 highly sensitive information contained in the filings “can be redacted with minimal effort,”  
25 *Foltz*, 331 F.3d at 1137, it will require Defendants to file a redacted version on the public  
26 docket.

27 The last issue is how Defendants should proceed in light of discovering previously  
28 filed quarterly reports that were filed with missing data. (Doc. 2797 at 5.) In responding

1 to this motion to unseal documents, MCSO explained that it identified certain reports in  
2 which “certain rows of data were inadvertently omitted from some of the under-seal  
3 filings.” (Doc. 2797 at 5.) MCSO has explained that the spreadsheet is cumulative and  
4 therefore closed reports do not get deleted from the spreadsheet. This means that the most  
5 recent version of the report contains all the investigations that should have been included  
6 in the incomplete reports, as well as any new investigations opened since then. Because  
7 MCSO has represented that the most recent version of the spreadsheet contains the most  
8 current information about all Armendariz investigations, the incomplete filings do not omit  
9 information that would otherwise be unavailable if MCSO does not update the filings.  
10 Further, because the most recent filing will be made available to the public as a result of  
11 the instant motion, the public will nevertheless have access to all of the information that  
12 was omitted from the original filings. As such, MCSO need not file updated versions of  
13 the spreadsheets.

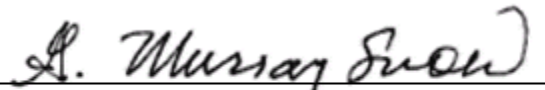
14 **CONCLUSION**

15 Accordingly,

16 **IT IS THEREFORE ORDERED** that Intervenors’ Motion to Intervene and  
17 Motion to Unseal Documents (Doc. 2785) is **GRANTED**.

18 **IT IS FURTHER ORDERED** directing the Clerk of Court to unseal the following  
19 documents: Docs. 1625, 1662, 1674, 1710, 1725, 1766, 1767, 1768, 1795, 1800, 1819,  
20 1820, 1881, 1882, 1883, 1928, 1951, 2002, 2209, 2271, 2297, 2320, 2367, 2438, 2451,  
21 2473, 2492, 2526, 2542, 2563, 2589, 2629, 2686, 2715, 2752, 2778.

22 Dated this 29th day of September, 2022.

23 

24 G. Murray Snow  
25 Chief United States District Judge