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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Mussalina Muhaymin, et al.,

10 Plaintiffs,

11 v.

12 City of Phoenix, et al.,

13 Defendants.
14

No. CV-17-04565-PHX-DLR

AMENDED ORDER¹

15
16 Before the Court are three motions to intervene for the limited purpose of moving
17 to unseal judicial records. (Docs. 357, 358, 363.) These motions were filed by Muslim
18 Advocates, the Associated Press, and Lei Ann Stickney, respectively (collectively
19 “Proposed Intervenors”). Each motion contains two requests: (1) for permission to
20 intervene in this matter and (2) for the Court to unseal judicial records. The Court will
21 grant the first request in full and grant the second request in part.

22 **I. Permissive Intervention**

23 “Nonparties seeking access to a judicial record in a civil case may do so by seeking
24 permissive intervention[.]” *San Jose Mercury News, Inc. v. U.S. Dist. Court—N. Dist. (San*
25 *Jose)*, 187 F.3d 1096, 1100 (9th Cir. 1999). Federal Rule of Civil Procedure 24(b) governs
26 permissive intervention and provides, in relevant part, that “on timely motion, the court
27 may permit anyone to intervene who . . . has a claim or defense that shares with the main

28 ¹ Amending the Court’s Order (Doc. 375) to correct a typo on page 11, line 23. Reference to Doc. 144-1 remaining under seal should have been Doc. 114-1.

1 action a common question of law or fact.” Thus, “[p]ermissive intervention *to litigate a*
2 *claim on the merits* under Rule 24(b) requires (1) an independent ground for jurisdiction;
3 (2) a timely motion; and (3) a common question of law and fact between the movant’s
4 claim or defense and the main action.” *Beckman Industries, Inc. v. International Ins. Co.*,
5 966 F.2d 470, 473 (9th Cir. 1992) (emphasis added). But when permissive intervention is
6 sought only for the limited purpose of moving to unseal judicial records—rather than to
7 litigate claim on the merits—the first and third elements do not apply. *Id.* at 473-74.
8 Instead, the Court’s discretion is guided by the timeliness of the motion and “whether the
9 intervention will unduly delay or prejudice the adjudication of the original parties’ rights.”
10 Fed. R. Civ. P. 24(b)(3).

11 Defendants oppose the Proposed Intervenors’ motions to intervene, arguing that
12 Muslim Advocates and Stickney lack “standing” to intervene because they do not have a
13 sufficient interest in this litigation, that all Proposed Intervenors waited too long to
14 intervene, and that intervention at this time would unduly prejudice the existing parties by
15 diverting resources away from trial preparation. (Docs. 364, 365, 371.)

16 The Court rejects the first argument; as already noted, a non-party moving to
17 intervene solely for the purpose of accessing records need not show a nexus of fact or law
18 with the main action. *Beckman*, 966 F.2d at 474. Moreover, the public has a common law
19 right to access court records. *San Jose Mercury News*, 187 F.3d at 1100. As members of
20 the public, all Proposed Intervenors have “standing,” to use Defendants’ chosen term, to
21 seek such access.

22 The Court also finds all three motions timely. Here, the motions to intervene were
23 filed less than two years after the Court first began sealing documents in this case (Doc.
24 99), and mere weeks after the Court sealed its order on Defendants’ summary judgment
25 motion (Doc. 352), which, together with the summary judgment briefing, are the highest
26 priority items to which the Proposed Intervenors seek access. (Doc. 358 at 6.) “[D]elays
27 measured in years have been tolerated where an intervenor is pressing the public’s right of
28 access to judicial records.” *San Jose Mercury News*, 187 F.3d at 1101.

1 Lastly, the Court does not find Defendants’ arguments concerning prejudice to be
2 persuasive. The mere fact that Defendants will need to explain why the relevant records
3 should remain sealed is not, itself, unduly prejudicial. It is, after all, their burden to
4 establish that either good cause or compelling reasons justify curtailing the public’s right
5 to access judicial records. Moreover, the Court recently rescheduled the trial in this matter
6 to begin on April 25, 2022. (Doc. 359.) This schedule leaves plenty of time to adjudicate
7 the merits of the Proposed Intervenors’ motions to unseal without adversely impacting the
8 parties’ trial preparations.

9 For these reasons, all three Proposed Intervenors will be granted permission to
10 intervene for the limited purpose of seeking to unseal records in this case.

11 **II. Propriety of Sealing Judicial Records**

12 The public has a right to access judicial records. *San Jose Mercury News*, 187 F.3d
13 at 1101. The Court therefore begins “with a strong presumption in favor of access to court
14 records.” *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A
15 party seeking to overcome this presumption and file a judicial record under seal generally
16 must provide a compelling reason for doing so. *Ctr. for Auto Safety v. Chrysler Grp., LLC*,
17 809 F.3d 1092, 1096 (9th Cir. 2016). Examples of compelling reasons “include when a
18 court record might be used to gratify private spite or promote public scandal, to circulate
19 libelous statements, or as sources of business information that might harm a litigant’s
20 competitive standing.” *Id.* (internal quotations and citation omitted). A movant’s reason
21 for seeking to seal a judicial record must be supported by an articulable factual basis, rather
22 than “hypothesis or conjecture.” *Id.* at 1096-97 (internal quotations and citation omitted).

23 The Ninth Circuit has carved out an exception to this general rule “for sealed
24 materials attached to a discovery motion unrelated to the merits of the case.” *Id.* at 1097.
25 A party seeking to seal such materials “need only satisfy the less exacting ‘good cause’
26 standard.” *Id.* Although earlier decisions from the Ninth Circuit sometimes used the words
27 “dispositive” and “non-dispositive” to describe the dividing line between those records
28 governed by the compelling reasons standard and those governed by the good cause

1 standard, the Ninth Circuit has since clarified that “[t]he focus . . . is on whether the motion
2 at issue is more than tangentially related to the underlying cause of action.” *Id.* at 1099.
3 Sometimes non-dispositive motions are unrelated or only tangentially related to the merits
4 of a case; other times they “are strongly correlative to the merits of a case.” *Id.* The
5 exception to the ordinary compelling reasons standard applies only to judicial records that
6 are unrelated or merely tangentially related to the merits of a case. Sealing a record that is
7 more than tangentially related to the merits of a case requires a compelling justification.

8 Using this framework, the Court will address each sealed docket entry.

9 Docket Entry 99, filed under seal on November 20, 2019, is a Notice of Deposition
10 of a minor, A.M., filed by Defendants. This record was sealed because it contains the
11 minor’s full name in violation Fed. R. Civ. P. 5.2, which requires such information to be
12 redacted. (Docs. 299, 300.) When confronted with such non-compliant filings, it is the
13 undersigned’s practice to seal the document containing the private information and to order
14 the filing party to publicly file a version of the document that redacts the private
15 information. In this case, it appears that the Court ordered the non-compliant filing to be
16 sealed, but did not order that a publicly available, redacted version be filed. Accordingly,
17 Docket Entry 99 will remain sealed, but Defendants will be required to publicly file a
18 version of the document that complies with Rule 5.2.

19 Docket Entry 114-1, filed under seal on February 18, 2020, consists of Exhibits A-
20 J to Defendants’ Objection to Plaintiff’s motion to extend the expert disclosure deadline.
21 These exhibits were filed under seal because they contain private information that should
22 have been redacted per Rule 5.2. (Doc. 129, 131.) Docket Entry 114-1 will remain sealed,
23 and there is no need for Defendants to publicly file redacted versions because redacted
24 versions are already available on the public docket at Docket Entry 129-1.

25 Docket Entry 155, filed under seal on March 27, 2020, consists of Exhibits A and B
26 to Defendants’ Memorandum Re: Confidential Designation of Deposition Transcripts and
27 Videotapes. These filings are only tangentially related to the merits of the case. These
28 exhibits were sealed because they are settlement-related communications. (Doc. 115, 154.)

1 Courts have recognized “a compelling need to protect settlement offers.” *See Huang v.*
2 *Behpour*, No. 11-cv-00456-SOM, 2012 WL 3201952, at *1 (D.Haw. Aug. 2, 2012); *Hunt*
3 *v. Continental Casualty Co.*, No. 13-cv-05966-HSG, 2015 WL 5355398, at *2 (N.D. Cal.
4 Sep. 14, 2015). Docket Entry 155 will remain sealed.

5 Docket Entry 157, filed under seal on March 27, 2020, consists of Exhibits A and B
6 to Defendants’ Notice of Petition to Appoint Legal Representative on Behalf of Minor
7 Child Pursuant to A.R.S. § 14-1408(A) and Motion to Stay Proceedings Until Legal
8 Representative is Appointed for Minor Child. In particular, these exhibits are records from
9 the Maricopa County Superior Court regarding the Petition for Appointment of Legal
10 Representative on Behalf of a Minor Child Pursuant to A.R.S. § 14-1408(A). These
11 records were sealed because they contain “private information pertaining to decedent’s
12 minor daughter[.]” (Doc. 134, 156.) These records are only tangentially related to the
13 merits of this case. Indeed, the underlying motion to which they correspond was
14 subsequently withdrawn. (Doc. 149, 151.) Nevertheless, nothing in the record indicates
15 that these records were sealed in state court, and if they are matters of public record in state
16 court then there appears to be no reason to seal them here. Moreover, the only private
17 information the Court can identify in these exhibits that is not already referenced in the
18 publicly available motion at Docket Entry 133 appears to be the minor’s full name.
19 Accordingly, although Docket Entry 157 will remain sealed, Defendants are directed to
20 publicly file versions of these documents that redact private information covered by Rule
21 5.2.

22 Docket Entry 162, filed under seal on March 31, 2020, is Exhibit A to Defendants’
23 Notice of Pending Stipulated Motion for Appointment of Statutory Representative for
24 Minor. The Exhibit is a copy of a stipulated motion filed in Maricopa County Superior
25 Court. It was filed under seal because it “contains private and sensitive information
26 pertaining to decedent’s minor daughter[.]” (Docs. 159, 161.) This record is only
27 tangentially related to the merits of this case. Nevertheless, nothing in the record indicates
28 that this record was sealed in state court, and if it is a matter of public record in state court

1 then there appears to be no reason to seal it here. Moreover, the only private information
2 referenced in this document that is not already referenced in the publicly available Notice
3 at Docket Entry 158 appears to be the minor's full name. Accordingly, although Docket
4 Entry 162 will remain sealed, Defendants are directed to publicly file a version of this
5 document that redacts private information covered by Rule 5.2.

6 Docket Entry 169, filed under seal on April 15, 2020, is Exhibit A to Defendants'
7 Notice re: Order Appointing Statutory Representative for Minor. It was filed under seal
8 because it "contains private and sensitive information pertaining to decedent's minor
9 daughter[.]" (Docs. 166, 168.) This record is only tangentially related to the merits of this
10 case. Nevertheless, nothing in the record indicates that this record was sealed in state court,
11 and if it is a matter of public record in state court then there appears to be no reason to seal
12 it here. Moreover, the only private information in the exhibit that is not already publicly
13 available is the minor's full name. Accordingly, although Docket Entry 169 will remain
14 sealed, Defendants are ordered to publicly file a version of this record that redacts any
15 private information covered by Rule 5.2.

16 Docket Entry 186, filed under seal on June 2, 2020, is Exhibit A to Defendants'
17 Supplement to Memorandum Re: Confidential Designation of Deposition Transcripts and
18 Videotapes and Expedited Motion for Protective Order and Order to Cease/Desist and
19 Remove Public Postings. This filing is only tangentially related to the merits of this case.
20 This record was sealed because it is a settlement-related communication. (Docs. 180, 185.)
21 Accordingly, Docket Entry 186 will remain under seal.

22 Docket Entry 192, filed under seal on June 10, 2020, is Plaintiff's Motion for Leave
23 to File Second Amended Complaint. Docket Entry 197, filed under seal on June 24, 2020,
24 is Defendants' response to Plaintiff's Motion for Leave to File Second Amended
25 Complaint. And Docket Entry 211, filed under seal on August 25, 2020, is Plaintiff's reply
26 in support of her Motion for Leave to File Second Amended Complaint. In the Court's
27 judgment, a motion seeking leave to amend a complaint is more than merely tangentially
28 related to the merits of the case, and therefore compelling reasons are required before

1 sealing such records. These documents were sealed for two reasons: (1) they contain and/or
2 reference information designated as confidential by Defendants pursuant to the parties'
3 protective order and (2) Defendants voiced concerns that Plaintiff's counsel intended to
4 use this material to spread misinformation about and incite public disapproval of
5 Defendants. (Doc. 191, 196, 197.) The Court will address each reason in turn.

6 First, a party's designation of a document as confidential pursuant to a protective
7 order is not, without more, a compelling reason or good cause for sealing that document
8 once it is used to support a submission with the Court. *See San Jose Mercury News*, 187
9 F.3d at 1103 ("Such blanket orders are inherently subject to challenge and modification, as
10 the party resisting disclosure generally has not made a particularized showing of good
11 cause with respect to any individual document."); *Marsteller v. MD Helicopter Inc.*, No.
12 CV-14-01788-PHX-DLR, 2017 WL 5479927, at *2 (D. Ariz. Nov. 15, 2017) ("Ordinarily
13 . . . a party's designation of a document as confidential is not *per se* good cause."). Once
14 a party decides to use a document to support a filing with the Court, the party asserting
15 confidentiality must show either good cause or compelling reasons (depending on the
16 nature of the filing) for sealing the record and cannot merely rely on the fact that the party
17 subjectively believes the document is confidential and has chosen to designate it as such.
18 Indeed, paragraph 17 of the parties' protective order reflects this rule:

19 In the event a party wishes to use any Confidential Information
20 in any papers filed in this action, that Party shall make a motion
21 to file such papers under seal with the Court pursuant to Local
22 Rule of Civil Procedure 5.6, that sets forth the articulated bases
23 with specific factual findings demonstrating the compelling
reasons for sealing materials attached to dispositive motions
and/or the good cause for sealing other attached or used
materials.

24 (Doc. 72 at 7.) So, too, do this District's Local Rules of Practice. *See* LRCiv. 5.6(b), (d).
25 And even if good cause or compelling reasons justify shielding *some* information in an
26 exhibit or motion from public view, it is inappropriate to shield the entire document.
27 Instead, it is the undersigned's practice to order that an appropriately redacted version of
28 the document be publicly filed. Thus, the bare assertion that these filings contain and/or

1 reference material designated by Defendants as confidential pursuant to the protective
2 order is inadequate to justify sealing the filings.

3 Second, there are rules governing extrajudicial statements made by lawyers. *See*
4 *Ariz. R. Prof. Conduct E.R. 3.6; LRCiv. 83.8.* If the Court finds that an attorney has
5 violated these rules, the Court may issue appropriate sanctions. But such sanctions are
6 meant to address the misconduct and deter future violations. Interested members of the
7 public should not be penalized for an attorney's misconduct by having their rights to access
8 judicial record curtailed. Thus, Defendants' concerns about potentially inappropriate
9 extrajudicial communications by Plaintiff's counsel is not, standing alone, a sufficient
10 reason to seal judicial records. For these reasons, Docket Entries 192, 197, and 211 will
11 be unsealed on December 1, 2021 unless, before then, the party asserting confidentiality
12 publicly submits proposed redacted versions and shows compelling reasons for the
13 proposed redactions.

14 Docket Entry 235, filed under seal on October 5, 2020, is Exhibit A to Defendants'
15 Notice of Pending Stipulated Motion for Production of Certain Documents Pursuant to
16 A.R.S. § 8-807(K). It was filed under seal because it contains the full name of a minor in
17 violation of Rule 5.2. (Doc. 230, 234.) This document will remain sealed, but Defendants
18 are required to publicly file a version of the document that complies with Rule 5.2.

19 Docket Entry 237, filed under seal on October 8, 2020, is Defendant's Expedited
20 Motion for Protective Order and Motion for Sanctions. Docket Entry 251, filed under seal
21 on January 8, 2021, is Defendants' reply brief in connection with this motion. These filings
22 are only tangentially related to the merits of the case. Docket Entry 237 was filed under
23 seal because it contains and/or references information designated by Defendants as
24 confidential pursuant to the protective order. (Docs. 236, 238.) This, alone, is not good
25 cause. Docket Entry 237 will be unsealed on December 1, 2021 unless, before then,
26 Defendants publicly submit a proposed redacted version and show good cause for the
27 proposed redactions. Docket Entry 251 was filed under seal because it contains and/or
28 references information designated by Defendants as confidential and because it contains or

1 references settlement-related communications. (Docs. 250, 290.) The settlement-related
2 communications are properly sealed, but the remainder is not. Accordingly, Docket Entry
3 251-4 will remain sealed, but the remainder of Docket Entry 251 will be unsealed on
4 December 1, 2021 unless, before then, Defendants publicly submit a proposed redacted
5 version and show good cause for the proposed redactions.

6 Docket Entry 263, filed under seal on November 23, 2020, is an order setting a
7 telephonic oral argument on Defendant's Expedited Motion for Protective Order and
8 Motion for Sanctions. No party moved to seal this document, nothing on the docket
9 explains why this order is sealed, and upon review the Court finds that nothing in the order
10 needs to be sealed. Docket Entry 263 is unsealed.

11 Docket Entry 265, filed under seal on December 2, 2020, is the minute entry from
12 the oral argument on Defendant's Expedited Motion for Protective Order and Motion for
13 Sanctions. Nothing on the docket explains why this minute entry is sealed, and the Court
14 sees nothing in the minute entry that needs to be sealed. Docket Entry 265 is unsealed.

15 Docket Entry 271, filed under seal on December 11, 2020, is the Court's order on
16 Defendants' Expedited Motion for Protective Order and Motion for Sanctions. This order
17 is only tangentially related to the merits of the case. Nothing on the docket explains why
18 this order is sealed, but it appears that it was sealed because it references information
19 designated as confidential by Defendant. But the mere fact that a party designates
20 something as confidential is not, by itself, good cause. Docket Entry 271 will be unsealed
21 on December 1, 2021 unless, before then, any party asserting confidentiality shows good
22 cause for sealing or redacting it.

23 Docket Entries 273, 274, and 275, filed under seal on January 8, 2021, are
24 Defendants' motion for summary judgment, separate statement of facts, and exhibits.
25 These filings are central to the merits of the case. They were sealed because they contain
26 and/or reference information designated as confidential by Defendants. (Doc. 272, 287.)
27 But this, alone, is not a compelling reason to seal a dispositive motion. Docket Entries
28 273, 274, and 275 will be unsealed on December 1, 2021 unless, before then, Defendants

1 publicly submit proposed redacted versions and show compelling reasons for the proposed
2 redactions.

3 Docket Entries 291 and 292, filed under seal on February 1, 2021, are Plaintiff's
4 response in opposition to Defendants' motion for summary judgment, separate statement
5 of facts, and exhibits. These documents were filed under seal because they contain and/or
6 reference information designated as confidential by Defendants. (Doc. 287.) This, alone,
7 is not a compelling reason. Docket Entries 291 and 292 will be unsealed on December 1,
8 2021 unless, before then, the party asserting confidentiality submits proposed redacted
9 versions and shows compelling reasons for the proposed redactions.

10 Docket Entry 298, filed under seal on March 2, 2021, is Defendants' reply in
11 connection with their summary judgment motion. This record was sealed for the same
12 reason the motion and response briefing was sealed. Docket Entry 298 will be unsealed on
13 December 1, 2021 unless, before then, the party asserting confidentiality publicly submits
14 a proposed redacted version and shows compelling reasons for the proposed redactions.

15 Docket Entries 313, 315, 316, 317, 319, 326, 327, 328, 337, 338, 339, and 346
16 comprise the briefing on four separate motions to exclude expert testimony. In the Court's
17 judgment, these motions are more than tangentially related to the merits of the case and,
18 therefore, require compelling reasons for being sealed. These documents were sealed
19 because they contain and/or reference information designated by the parties as confidential
20 pursuant to the protective order. (Docs. 302, 305, 312, 320, 325, 343, 345.) These reasons
21 are insufficient. Docket Entries 313, 315, 316, 317, 319, 326, 327, 328, 337, 338, 339, and
22 346 will be unsealed on December 1, 2021 unless, before then, the party asserting
23 confidentiality publicly submits proposed redacted versions and shows compelling reasons
24 for the proposed redactions.

25 Docket Entry 332 is a sealed minute entry for a May 4, 2021 hearing. This minute
26 entry was sealed because the underlying hearing was sealed, and the underlying hearing
27 was sealed because it concerned pleadings that had been sealed. (Doc. 324.) Having
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1 reviewed the minute entry, the Court concludes that it contains nothing that needs to be
2 sealed. Docket Entry 332 is unsealed.

3 Docket Entry 335, filed under seal on May 4, 2021, is a motion for sanctions filed
4 by Defendants. This motion is only tangentially related to the merits of the case. It was
5 sealed because it contains and/or references documents that were designated as confidential
6 by Defendants pursuant to the protective order. (Doc. 329, 334.) This alone is not good
7 cause. Docket Entry 335 will be unsealed on December 1, 2021 unless, before then, the
8 party asserting confidentiality publicly submits a proposed redacted version and shows
9 good cause for the proposed redactions.

10 Docket Entry 352 is the Court's order on Defendants' motion for summary
11 judgment. This order is central to the merits of the case. It was filed under seal because
12 the underlying summary judgment briefing was sealed. The Court does not find it
13 appropriate to seal a dispositive order absent a truly compelling justification. Docket Entry
14 352 will be unsealed on December 1, 2021 unless, before then, any party asserting
15 confidentially shows compelling reasons for sealing or redacting it.

16 **IT IS ORDERED** that the motions filed by Muslim Advocates, the Associated
17 Press, and Lei Ann Stickney (Docs. 357, 358, 363) are **GRANTED** to the extent they seek
18 permission to intervene in this matter for the limited purpose of moving to unseal judicial
19 records.

20 **IT IS FURTHER ORDERED** the motions filed by Muslim Advocates, the
21 Associated Press, and Lei Ann Stickney (Docs. 357, 358, 363) are **GRANTED IN PART**
22 and **DENIED IN PART** to the extent they seek to unseal court records as follows:

- 23 1. The following docket entries will remain under seal: Doc. 99, Doc. 114-1, Doc.
24 155, Doc. 157, Doc. 162, Doc. 169, Doc. 186, Doc. 235, Doc. 251-4.
- 25 2. By no later than **December 1, 2021**, the initially filing party shall publicly file
26 redacted versions of the following docket entries in a manner that complies with
27 Federal Rule of Civil Procedure 5.2: Doc. 99, Doc. 157, Doc. 162, Doc. 169,
28 Doc. 235.

- 1 3. The Clerk of the Court is directed to immediately unseal the following: Doc.
2 263, Doc. 265, Doc. 332.
- 3 4. The Clerk of the Court is directed to unseal Doc. 271 on **December 1, 2021**
4 unless, before then, any party asserting confidentiality shows good cause for
5 sealing or redacting it.
- 6 5. The Clerk of the Court is directed to unseal the following docket entries on
7 **December 1, 2021** unless, before then, the party asserting confidentiality
8 publicly submits a proposed redacted version and shows either good cause or
9 compelling reasons (depending on the nature of the filing) for the proposed
10 redactions: Doc. 192, Doc. 197, Doc. 211, Doc. 237, Doc. 251 (except Doc 251-
11 4, which will remain sealed), Doc. 273, Doc. 274, Doc. 275, Doc. 291, Doc. 292,
12 Doc. 298, Doc. 313, Doc. 315, Doc. 316, Doc. 317, Doc. 319, Doc. 326, Doc.
13 327, Doc. 328, Doc. 335, Doc. 337, Doc. 338, Doc. 339, Doc. 346.
- 14 6. The Clerk of the Court is directed to unseal Doc. 352 on **December 1, 2021**
15 unless, before then, any party asserting confidentiality shows compelling
16 reasons for sealing or redacting it.

17 **IT IS FURTHER ORDERED** that, going forward, all parties should take special
18 care to comply with Rule 5.2 to avoid the needless sealing of documents that easily could
19 and should have been redacted in the first place.

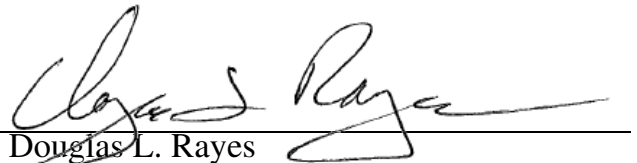
20 **IT IS FURTHER ORDERED** that, going forward, any party moving to seal a
21 document must show either good cause or compelling reasons (depending on the nature of
22 the filing) for such relief. The mere fact that a party has designated information as
23 confidential is not, without more, good cause or a compelling reason. Furthermore,
24 documents will not be sealed in their entirety if good cause or compelling reasons justify
25 sealing only discrete portions. In such circumstances, publicly available redacted versions
26 of the relevant documents will be required.

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1 **IT IS FURTHER ORDERED** that the parties' Stipulated Motion Regarding
2 Sealed Pleadings (Doc. 374) is **DENIED WITHOUT PREJUDICE**. The parties should
3 confer and, if appropriate, may submit a revised stipulation that accounts of the
4 requirements of this order.

5 Dated this 3rd day of November, 2021.

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11 Douglas L. Rayes
12 United States District Judge
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