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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Antonio Brown,

10 Plaintiff,

11 v.

12 City of Glendale, et al.,

13 Defendants.  
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No. CV-18-01267-PHX-DWL

**ORDER**

15 Pending before the Court is Defendants' second motion for leave to file under seal  
16 (Doc. 86). For the reasons stated below, the motion is granted.

17 On December 23, 2019, Defendants filed a motion for leave to file their entire  
18 summary judgment motion and all of the exhibits thereto under seal. (Doc. 80.) On  
19 December 26, 2019, the Court denied that motion without prejudice, noting that  
20 Defendants had failed to "articulate compelling reasons supported by specific factual  
21 findings that outweigh the general history of access and the public policies favoring  
22 disclosure," *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir.  
23 2006), as is required for all filed motions and their attachments where the motion is  
24 "more than tangentially related to the merits of a case," *Ctr. for Auto Safety v. Chrysler*  
25 *Grp., LLC*, 809 F.3d 1092, 1096, 1101 (9th Cir. 2016). (Doc. 85 at 2.) The Court  
26 allowed Defendants to file a new motion to seal and specified that "[t]o the extent that  
27 only portions of certain documents might satisfy the *Kamakana* standard, such that  
28 Defendants wish to propose redactions, Defendants shall lodge under seal unredacted

1 versions in which the text which Defendants wish to redact is highlighted to facilitate the  
2 Court's review." (*Id.*)


3 On January 3, 2020, Defendants filed a new motion seeking leave to file under  
4 seal their unredacted motion for summary judgment and only one exhibit thereto—  
5 Exhibit 7, which is a transcript of the grand jury testimony offered by Officer Lawrence  
6 Gonzalez on April 14, 2014. Moreover, the unredacted motion for summary judgment,  
7 which is lodged at Doc. 87, contains only nine lines of highlighted proposed redactions,  
8 consisting of quotations from Officer Gonzalez's grand jury testimony. The Court finds  
9 that compelling reasons to seal outweigh the public right of access. As the Court  
10 previously ruled, the grand jury transcript must be kept confidential. (Doc. 34 at 10-11.)

11 Accordingly,

12 **IT IS ORDERED** that Defendants' second motion for leave to file under seal  
13 (Doc. 86) is granted. The Clerk of Court shall file under seal the lodged unredacted  
14 motion for summary judgment (Doc. 87) and Exhibit 7 thereto (Doc. 87-8).

15 **IT IS FURTHER ORDERED** that Defendants shall file in the public record a  
16 redacted version of their motion for summary judgment, together with all of the exhibits  
17 other than Exhibit 7.

18 Dated this 6th day of January, 2020.

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23 Dominic W. Lanza  
24 United States District Judge  
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