

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

JUNE MEDICAL SERVICES, LLC, *et al.*

CIVIL ACTION

NO. 14-525-JWD-RLB

VERSUS

**COURTNEY PHILLIPS, in her official capacity as
Secretary of the Louisiana Department of Health**

ORDER

Before the Court is Plaintiffs' Motion to Hold Review/Implementation of Order ECF No. 445 as to the Disputed Documents Pending Appeal ("Motion for Stay") (R. Doc. 459). The motion is opposed. (R. Doc. 462). The district judge referred the motion to the undersigned for resolution.

On January 28, 2021, the undersigned issued an Order (R. Doc. 397) on the Motion to Maintain Documents Under Seal filed by Plaintiffs, June Medical Services, LLC, *et al.* (R. Doc. 344). Plaintiffs then filed a Motion to File Proposed Redactions Pursuant to the Magistrate Judge's Order pertaining to whether, and to what extent, 227 documents should remain under seal in the record. (R. Doc. 436).

On May 13, 2021, the undersigned ordered (1) the Clerk of Court to unseal 141 documents, (2) Plaintiffs to file a document attaching the redacted versions of 42 documents, and (3) Plaintiffs to file a document attaching redacted versions of 44 documents to the extent they require the redaction of medical license numbers or the signature of June Medical's owner. (R. Doc. 445).

On May 27, 2021, Plaintiffs complied with the second part of the May 13, 2021 Order by attaching a document attaching the redacted versions of the 42 documents at issue. (R. Doc.

453). Plaintiffs did not, however, comply with the third part of the May 13, 2021 Order by filing a document attaching redacted versions of 44 documents to the extent they require the redaction of medical license numbers or the signature of June Medicals owner.

Instead, Plaintiffs filed the instant Motion (R. Doc. 459), which seeks an abeyance of the deadline to comply with, or object to, the May 13, 2021 Order until the issuance of a decision by the Fifth Circuit in *June Medical Services LLC v. Phillips*, No 21-30001 (5th Cir. 2021), an appeal in *June Medical Services LLC v. Phillips*, No. 16-444 (M.D. La.) (“*June II*”). Plaintiffs argue that the Fifth Circuit’s resolution of the State’s appeal to an order **sealing** certain information in *June II* is relevant to the undersigned’s order **unsealing** certain information in this action.

The Fifth Circuit issued its decision in that matter on January 7, 2022. It does not appear that the opinion supports a conclusion that the order unsealing certain information was improper. Accordingly, that order stands as written.

To the extent plaintiff’s believe that order was erroneous, they may file an appropriate motion or objection with the district judge. The undersigned takes no position as to whether and to what extent the district judge should consider such a filing or whether it is proper under Rule 72. (R. Doc. 462 at 7-10). The undersigned does note that since the Fifth Circuit opinion was issued on January 7, 2022, 14 days from the date of that decision would be January 21, 2022.

IT IS ORDERED that Plaintiffs’ Motion to Hold Review/Implementation of Order ECF No. 445 as to the Disputed Documents Pending Appeal (R. Doc. 459) is **DENIED AS MOOT**.

Signed in Baton Rouge, Louisiana, on January 11, 2022.



RICHARD L. BOURGEOIS, JR.
UNITED STATES MAGISTRATE JUDGE