

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF PROVIDENCE, RHODE ISLAND, et al.,	:
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Plaintiffs,	:
	:
-v-	14-CV-2811 (JMF)
	:
BATS GLOBAL MARKETS, INC., et al.,	<u>ORDER</u>
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	:
Defendants.	:
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JESSE M. FURMAN, United States District Judge:

On December 21, 2021, Francine McKenna, an independent journalist, filed a letter “petitioning” to “remove the temporary *Confidential Treatment*” for certain documents filed in this case. *See* ECF No. 796 (“McKenna Letter”), at 2-3. Members of the press or public seeking access to judicial documents under seal must first file a motion to intervene in the case. *See In re Pineapple Antitrust Litig.*, No. 04-MD-1628 (RMB) (MHD), 2015 WL 5439090, at *1 (S.D.N.Y. Aug. 10, 2015) (“The courts have repeatedly recognized that members of the press (and other non-parties) may seek to pursue modification of confidentiality orders that have led to the sealing of documents filed with the court, and that the appropriate procedural mechanism to do so is a motion to intervene.”); *id.* (describing “intervention” as “a step preliminary to determining whether any sealed documents should be disclosed”); *Diversified Grp., Inc. v. Daugerdas*, 217 F.R.D. 152, 157 (S.D.N.Y. 2003) (“It is well-settled that intervention pursuant to Rule 24(b) is the proper procedure for a third party to seek to modify a protective order in a private suit.”).

Because McKenna appears to be proceeding *pro se*, the Court will construe her letter to be a motion to intervene under Federal Rule of Civil Procedure 24(b) for the purposes of

challenging the Court's temporary sealing orders. *See, e.g., Pasiak v. Onondaga Cnty. Coll.*, No. 16-CV-1376 (TJM), 2018 WL 6591572, at *3 (N.D.N.Y. Dec. 14, 2018) (construing a *pro se* journalist's letter-motion as a motion to intervene); *cf. Cruz v. Gomez*, 202 F.3d 593, 597 (2d Cir. 2000) ("[C]ourts must construe *pro se* pleadings broadly, and interpret them to raise the strongest arguments that they suggest."). Any opposition to McKenna's motion to intervene and to unseal shall be filed no later than **January 18, 2022**.

Additionally, no later than **January 12, 2022**, Plaintiffs shall file an amended list of the filings that *they* seek to have made public in connection with their motion to unseal, *see* ECF No. 776, which shall include the ECF numbers of the relevant filings. Specifically, Plaintiffs shall add a column to the table in Appendix A attached as Exhibit 1 to the Declaration of Steven M. Jodlowski, ECF No. 779-1, listing the ECF number for each filing.

The Clerk of Court is directed to mail a copy of this Order to Francine McKenna at the return address provided in her letter. *See* McKenna Letter 10.

SO ORDERED.

Dated: January 10, 2022
New York, New York



JESSE M. FURMAN
United States District Judge