

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LIONEL MONSANTO Plaintiff,)	
v.)	C.A. No. 16-cv-147-M-PAS
STATE OF RHODE ISLAND, et al., Defendants.)	

ORDER

Earlier in this case, the Court entered a non-disclosure order (ECF No. 17) concerning the video of the alleged assault by Defendant James Donnelly-Taylor to ensure that its pre-trial showing did not prejudice the potential jury pool. The State now asks this Court to allow it to submit the video to the Rhode Island Superior Court, under seal, for consideration in a matter before that court on the issue of the arbitrability of issues concerning defense and indemnity.

Mr. Donnelly-Taylor objects to the motion for two reasons. First, he claims that the video is not relevant to the Rhode Island Superior Court action. This argument fails because it is not for this Court to decide whether the video is relevant to the state court in making its determination on arbitrability – that is up to the state court. Second, Mr. Donnelly-Taylor claims that the State has not met its burden to support modification of the order. The Court disagrees and finds that the State has met its burden pursuant to Fed. R. Civ. P. 60(b)(6) because equity in this case requires the modification. The purpose of the non-disclosure order was to

ensure that the potential jury pool not be influenced by an out-of-court airing of this video. Allowing a fellow court to view and consider the video under seal would not frustrate that purpose at all, but rather may aid that court, as the Rhode Island Superior Court may so determine, in its adjudication of the issues before it.

The State's Motion for Relief from Order (ECF No. 47) is GRANTED.

IT IS SO ORDERED.



John J. McConnell, Jr.
United States District Judge

April 27, 2017