

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STUDENTS AND PARENTS FOR PRIVACY, a voluntary unincorporated association; **C.A.**, a minor, by and through her parent and guardian, **N.A.**; **A.M.**, a minor, by and through her parents and guardians, **S.M.** and **R.M.**; **N.G.**, a minor, by and through her parent and guardian, **R.G.**; **A.V.**, a minor, by and through her parents and guardians, **T.V.** and **A.T.V.**; and **B.W.**, a minor, by and through his parents and guardians, **D.W.** and **V.W.**,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF EDUCATION; **JOHN B. KING, JR.**, in his official capacity as United States Secretary of Education; **UNITED STATES DEPARTMENT OF JUSTICE**; **LORETTA E. LYNCH**, in her official capacity as United States Attorney General; and **SCHOOL DIRECTORS OF TOWNSHIP HIGH SCHOOL DISTRICT 211, COUNTY OF COOK AND STATE OF ILLINOIS**.

Defendants,

and

STUDENTS A, B, and C, by and through their parents and legal guardians **Parents A, B, and C**, and the **ILLINOIS SAFE SCHOOLS ALLIANCE**,

Intervenor-Defendants.

Case No. 1:16-cv-04945

**The Honorable Jeffrey T. Gilbert,
Magistrate Judge**

Plaintiffs' Motion to File Documents Under Seal

Pursuant to Local Rule 26.2, Plaintiffs move this honorable Court for leave to file an unredacted copy of their reply memorandum in support of their motion for preliminary injunction,

Dkt. 21, and proposed Exhibit 10, under seal. In support of their motion, Plaintiffs state as follows:

1. On July 12, 2016, Plaintiffs filed a motion to take expedited discovery of the Intervenor-Defendant Student A, specifically asking Student A's representative to respond to certain requests for admission. Dkt. 82.

2. This Court initially denied Plaintiffs' motion. Dkt. 86.

3. This Court then vacated its Order denying Plaintiffs' motion and instead granted Plaintiffs' motion. Dkt. 88.

4. In granting Plaintiffs' motion, this Court stated that, after having "review[ed] again Defendants' and Intervenor-Defendants' response briefs[,]" "the Court now is of the opinion that Plaintiffs' reason for developing the record in support of their Motion for Preliminary Injunction with these limited requests for admission outweighs Intervenor-Defendants' interest in not being required to respond to them." *Id.*

5. Plaintiffs voluntarily entered into a Joint Stipulation with all Defendants that require all Parties to file documents that make use of Intervenor-Defendants' Responses under seal. Dkt. 91.

6. The Joint Stipulation did not reference the need to file a motion in order to file under seal.

7. This Court issued an Order accepting the terms of the Joint Stipulation and imposing them on all Parties. Dkt. 92.

8. Intervenor-Defendants served their Responses to Plaintiffs' First Set of Interrogatories (the "Responses").

9. The Order, Dkt. 92, did not reference the need to file a motion in order to file documents under seal, but simply ordered the Parties to file under seal.

10. Plaintiffs understood this Court's Order as authorizing leave to file their reply memorandum and Exhibit 10, both of which make use of discovery contained in the Responses and so are subject to the Order, under seal. *See* Exhibit 1, Declaration of Joseph E. La Rue, ¶ 2.

11. On July 26, 2016, moments ago, Plaintiffs attempted to file their unredacted reply memorandum and Exhibit 10 under seal according to the instructions provided by the Federal

District Court for the Northern District of Illinois's website. The Case Management Electronic Filing System ("CM/ECF") would not allow them to do so, but told them that they did not have permission to file documents under seal. *See* Exhibit 1, *Declaration of Joseph E. La Rue*, ¶¶ 3-6.

12. Plaintiffs reasonably believe that the additional facts and argument contained in Plaintiffs' unredacted reply memorandum and Exhibit 10 is necessary to Plaintiffs' claims, and will be beneficial to the Court as it considers Plaintiffs' motion. *Id.* ¶ 8.

13. Plaintiffs reply memorandum is due to be filed today, on July 26, 2016.

14. Plaintiffs moments ago filed a redacted copy of their reply memorandum, and Exhibits 1-9, utilizing the Court's CM/ECF system. Dkt. 94; Dkt 94-1 – 94-9.

15. Plaintiffs' unredacted reply memorandum and Exhibit 10 are complete and ready to be filed. *Id.* ¶ 7.

16. WHEREFORE, Plaintiffs move this honorable Court for leave to file their unredacted reply memorandum under seal, as well as their proposed Exhibit 10 under seal. If such leave is granted, Plaintiffs' counsel or legal assistant will telephone the CM/ECF help desk to seek clarification regarding the proper procedure for filing under seal.

Respectfully submitted this the 26th day of July, 2016.

By: /s/ Joseph E. La Rue

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2016, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following counsel of record who are registered users of the ECF system:

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By: /s/ Joseph E. La Rue

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**The Honorable Jeffrey T. Gilbert,
Magistrate Judge**

Declaration of Joseph E. La Rue

In Support of Plaintiffs' Motion to File Documents Under Seal

1. I am one of the attorneys who represents the Plaintiffs in this matter.

2. I understood this Court's Order, Dkt. 92, as giving Plaintiffs' leave to file under seal any documents referencing Intervenor-Defendants' Responses to Plaintiffs' First Requests for Admission.

3. Utilizing this Court's CM/ECF system, Plaintiffs filed a redacted version of their preliminary injunction reply memorandum, and Exhibits 1-9, today. I supervised that filing.

4. Plaintiffs intended to file an unredacted copy of their reply memorandum, containing information subject to Dkt. 92, under seal.

5. Plaintiffs also intended to file Exhibit 10, likewise containing information subject to Dkt. 92, under seal.

6. When Plaintiffs' attorneys attempted to file their documents under seal, utilizing instructions provided online by the Federal District Court for the Northern District of Illinois's website, CM/ECF would not allow them to file their documents, stating that they were not authorized to file documents under seal.

7. Plaintiffs' unredacted reply memorandum, and Exhibit 10, are both complete and ready to be filed.

8. I reasonably believe that the facts and argument contained in the unredacted reply memorandum and Exhibit 10 would be helpful to the Court as it decides Plaintiffs' motion.

Further Declarant says naught. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 26, 2016, at Scottsdale, Arizona.

/s/Joseph E. La Rue
Joseph E. La Rue

Respectfully submitted this the 26 day of July, 2016.

By: /s/ Joseph E. La Rue

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