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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ADREE EDMO,)	Case No. 1:17-cv-151-BLW
)	
Plaintiff,)	
vs.)	STIPULATED MOTION TO SEAL
)	CONFIDENTIAL PSI DOCUMENTS
IDAHO DEPARTMENT OF)	
CORRECTION; HENRY ATENCIO, in)	
his official capacity; JEFF ZMUDA, in)	
his official capacity; HOWARD KEITH)	
YORDY, in his official and individual)	
capacities; CORIZON, INC.; SCOTT)	
ELIASON; MURRAY YOUNG;)	
RICHARD CRAIG; RONA SIEGERT;)	
CATHERINE WHINNERY; AND)	
DOES 1-15;)	
)	
Defendants.)	
_____)	

COME NOW the parties to this action, by and through their counsel of record, pursuant to Local Rule 5.3(a)(1) and paragraph 2(b) of the Court's September 28, 2018, *Order* (Dkt. 110), hereby stipulate and agree to the entry of an *Order* sealing the Confidential PSI Documents governed by the *Protective Order* issued by this Court on July 11, 2018 (Dkt. 88). This *Stipulated Motion* is based on the grounds that the Confidential PSI Documents contain sensitive confidential information regarding Plaintiff as well as individuals uninvolved in this federal action. This *Motion* is also based on the grounds set forth in the *Memorandum in Support of Stipulated Motion to Seal Confidential PSI Documents*, filed contemporaneously herewith. Specifically, the parties to this matter stipulate for the entry of an *Order* sealing the Confidential PSI Documents as an exhibit for use and reference by the parties at the evidentiary hearing on Plaintiff's *Motion for Preliminary Injunction*.

DATED this 5th day of October, 2018.

/s/ Lori Rifkin
Lori Rifkin
Attorney for Plaintiff

DATED this 5th day of October, 2018.

/s/ Dylan Eaton
Dylan Eaton
Attorney for Corizon Defendants

DATED this 5th day of October, 2018.

/s/ Brady J. Hall
Brady J. Hall
Attorney for IDOC Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2018, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing. I also served copies of the documents to be filed under seal via email to the parties listed below:

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ADREE EDMO,

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IDAHO DEPARTMENT OF
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**MEMORANDUM IN SUPPORT OF
STIPULATED MOTION TO SEAL
CONFIDENTIAL PSI DOCUMENTS**

Pursuant to Local Rule 5.3(a)(1) and paragraph 2(b) of the Court's September 28, 2018, *Order* (Dkt. 110), the parties to this action hereby file this *Memorandum in Support of the Stipulated Motion to Seal Confidential PSI Documents*. The Ninth Circuit Court of Appeals has articulated the standard for sealing judicial documents as follows:

Unless a particular court record is one traditionally kept secret, a strong presumption in favor of access is the starting point. A party seeking to seal a judicial record then bears the burden of overcoming this strong presumption by meeting the compelling reasons standard. That is, the party must articulate compelling reasons supported by specific factual findings, that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process. In turn, the court must conscientiously balance the competing interests of the public and the party who seeks to keep certain judicial records secret. After considering these interests, if the court decides to seal certain judicial records, it must base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture.

In general, "compelling reasons" sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such court files might have become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets. The mere fact that the production of records may lead to a litigant's embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records.

Kamakana v. City & Cty. of Honolulu, 447 F.3d 1172, 1178–79 (9th Cir. 2006)(internal citations and quotation marks omitted).

In this case, the Confidential PSI Documents were prepared in conjunction with the Plaintiff's two (2) prior criminal convictions in the District Court of the Sixth Judicial District for the State of Idaho in 2009 and in 2012. The Confidential PSI Documents include confidential and sensitive information regarding Plaintiff as well as individuals who are not parties to this case and uninvolved in this litigation. Pursuant to the District Court's sentencing orders regarding the Plaintiff's criminal cases, along with Idaho Criminal Rule 32, Idaho Administrative

Rule 32, and Idaho Code §§ 19-2519(b) and 20-237, those confidential documents were required to be kept in the possession of the Defendant Idaho Department of Corrections. On July 11, 2018, the Hon. District Judge Robert C. Naftz entered an *Order* authorizing Defendant Idaho Department of Corrections to disclose the Confidential PSI Documents to the parties, expert witnesses, and the Court in the instant matter.

On August 3, 2018, the parties to this matter filed a *Stipulated Motion for Entry of a Protective Order* (Dkt. 87) and the Court thereafter entered a *Protective Order* governing the use and disclosure of the Confidential PSI Documents in the instant case (Dkt. 88). Paragraph 11 of the *Protective Order* provides that any party who intends to file all or any portion of the Confidential PSI Documents must do so under seal (Dkt. 88).

The parties recognize the sensitive and confidential nature of the information contained in the Confidential PSI Documents. The parties further recognize that the Confidential PSI Documents may contain information that the parties wish to address during the upcoming evidentiary hearing on the *Plaintiff's Motion for Preliminary Injunction*.¹ Accordingly, due to the sensitive and confidential nature of the documents, and to comply with the Court's *Protective Order* and the State Court's *Order* authorizing disclosure of the Confidential PSI Documents, along with the State Court's sentencing orders in the Plaintiff's criminal cases, Idaho Criminal Rule 32, Idaho Administrative Rule 32, and Idaho Code §§ 19-2519(b) and 20-237, a compelling reason exists for the filing of the Confidential PSI Documents as a sealed exhibit in advance of the upcoming hearing on Plaintiff's *Motion for Preliminary Injunction*.

¹ By this stipulation, Plaintiff does not waive any relevancy objections to these documents or the information contained therein.

DATED this 5th day of October, 2018.

/s/ Lori Rifkin
Lori Rifkin
Attorney for Plaintiff

DATED this 5th day of October, 2018.

/s/ Dylan Eaton
Dylan Eaton
Attorney for Corizon Defendants

DATED this 5th day of October, 2018.

/s/ Brady J. Hall
Brady J. Hall
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