

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

DARCY CORBITT, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:18-cv-91-MHT-GMB
)	UNOPPOSED
HAL TAYLOR, <i>et al.</i>,)	
)	
Defendants.)	

MOTION FOR LEAVE TO FILE RECORDS UNDER SEAL

Defendants Hal Taylor, Charles Ward, Deena Pregno, and Jeannie Eastman hereby file this unopposed motion for leave to file the following documents included in their Evidentiary Submission under seal:¹

- Exhibit 10a - Deposition Exhibits PX11 – PX13; PX15 – PX21; PX24 – PX30
- Exhibit 11a – Deposition Exhibits DX16 – 26
- Exhibit 16 - Medical Records of Nonparties Who Obtained Changes to Sex on Alabama Driver Licenses Bates Labeled D1138-1250.

During the course of this litigation, Plaintiffs requested Defendants produce records of non-parties who requested changes to the sex designation on their Alabama driver licenses. Prior to this production, a Protective Order was entered regarding the production of Confidential Information in this suit. Doc. 33. In addition, Defendants requested, and the Court granted, a

¹ Defendants have also filed the deposition of Plaintiff Jane Doe and all exhibits thereto under seal by order of the Court dated August 20, 2018. Doc. 41 (granting Plaintiff Jane Doe leave to proceed anonymously). Defendants thus do not seek leave to file documents related to Plaintiff Jane Doe under seal as this is already required by Doc. 41.

separate order regarding the use of information potentially protected by HIPAA. *See* Doc. 43. Defendants produced redacted versions of these records Bates Labeled D1138 – 1250.

Defendants wish to submit the records regarding requests of nonparties to change the sex on their driver licenses in support of their motion for summary judgment. Even though the records are redacted, there is a significant risk that nonparties can be personally identified due to the nature of the medical conditions referenced in the records. Accordingly, Defendants respectfully request that they be allowed to file the records of nonparties produced or used as exhibits in depositions under seal to protect the privacy of the nonparties.

Defendants have conferred with Plaintiffs' counsel regarding this request, and Plaintiffs' counsel have stated they do not oppose this motion.

Respectfully submitted,

Steve Marshall,
Attorney General

s/ Brad A. Chynoweth
Brad A. Chynoweth (ASB-0030-S63K)
Winfield J. Sinclair (ASB-1750-S81W)
Assistant Attorneys General

Office of the Attorney General
501 Washington Avenue
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Fax: (334) 353-8440
bchynoweth@ago.state.al.us
wsinclair@ago.state.al.us

Counsel for Defendants Hal Taylor, Charles Ward, Deena Pregno, and Jeannie Eastman

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Brock Boone
Randall C. Marshall
ACLU OF ALABAMA
P.O. Box 6179
Montgomery, AL 36106-0179
(334) 265-2754
bboone@aclualabama.org
rmarshall@aclualabama.org

Rose Saxe
Gabriel Arkles
ACLU LGBT & HIV Project/ACLU
Foundation
125 Broad St., 18th Floor
New York, NY 10004
(212) 549-2605
rsaxe@aclu.org
garkles@aclu.org
Admitted Pro Hac Vice

Brad A. Chynoweth
Counsel for Defendants