

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GERALD LYNN BOSTOCK,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	NO: 1:16-cv-01460-ELR-WEJ
CLAYTON COUNTY,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO FILE EXHIBITS AND PORTIONS OF
CERTAIN PLEADINGS IN SUPPORT OF ITS MOTION FOR SUMMARY
JUDGMENT UNDER SEAL AND BRIEF IN SUPPORT THEREOF**

COMES NOW, Clayton County, (“the County”), the Defendant in the above-referenced case, and files this, its Motion to File Exhibits and Certain Pleadings in Support of its Motion for Summary Judgment Under Seal, and Brief in Support Thereof. The County files this Motion pursuant to the Court’s September 10, 2021 Consent Protective Order (Doc. 85), the Court’s January 23, 2022 Order upholding the confidentiality of Judge Teske’s personal diary, and revised Appendix H, Section II(J) to this Court’s Local Rules regarding the provisional electronic filing of documents under seal.

Defendant’s Motion for Summary Judgment relies on Judge Teske’s diary, which Defendant has designated as confidential under the terms of the 9/10/21 Consent

Protective Order, and which the Court upheld this confidential designation in its 1/13/22 Order. Various depositions quote directly from Judge Teske's diary and ask the witness questions that reveal the contents of Judge Teske's diary and include answers that reveal the contents of Judge Teske's diary. Several depositions also attach Judge Teske's diary itself.

The 9/10/21 Consent Protective Order also designates as confidential personnel documents for the Plaintiff, among others. An exhibit to one of the depositions in this case consists of Plaintiff's termination letter, which qualifies as confidential under the terms of the 9/10/21 Consent Protective Order.

Accordingly, Defendant respectfully requests that the Court permit it to file the following documents under seal:

1. Numerous pages from the deposition of Judge Teske, which quote from or discuss the contents of Judge Teske's diary. Judge Teske's diary also is attached to his deposition as Exhibit 43. This transcript and the accompanying exhibits thereto are attached to Defendant's Notice of Filing of Original Discovery as Exhibit 2 thereto;
2. Numerous pages from the deposition of John Johnson, which quote from or discuss the contents of Judge Teske's diary. Judge Teske's diary also is attached to Mr. Johnson's deposition as Exhibit 43. Exhibit 17 of Mr. Johnson's

deposition is Plaintiff's termination letter. This transcript and the accompanying exhibits thereto are attached to Defendant's Notice of Filing of Original Discovery as Exhibit 4 thereto;

3. Numerous pages from the deposition of Leslie Moore, which quote from or discuss the contents of Judge Teske's diary. Judge Teske's diary also is attached to Ms. Moore's deposition as Exhibit 43. This transcript and the accompanying exhibits thereto are attached to the School District's Notice of Filing of Original Discovery as Exhibit 5 thereto;
4. Numerous pages from the deposition of Paul Holland, which quote from or discuss the contents of Judge Teske's diary. Judge Teske's diary also is attached to Mr. Holland's deposition as Exhibit 43. This transcript and the accompanying exhibits thereto are attached to Defendant's Notice of Filing of Original Discovery as Exhibit 8 thereto;
5. Page 31, paragraph 73 of Defendant's Statement of Material Facts As To Which There Exists No Genuine Issue To Be Tried, filed simultaneously herewith, contains a discussion of the contents of Judge Teske's diary; and
6. Pages 15-16, 20, 22 and 23 of Defendant's Memorandum of Law in Support of its Motion for Summary Judgment include a discussion of the contents of Judge Teske's diary.

For the reasons set forth above, Defendant respectfully requests that its Motion to File Exhibits and Certain Pleadings in Support of its Motion for Summary Judgment Under Seal be granted. A proposed Order is attached for the Court's convenience.

Respectfully submitted,

FREEMAN MATHIS & GARY, LLP

/s/ Jack R. Hancock

Jack R. Hancock

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the within and foregoing **DEFENDANT’S MOTION TO FILE EXHIBITS AND PORTIONS OF CERTAIN PLEADINGS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT UNDER SEAL AND BRIEF IN SUPPORT THEREOF** has been prepared in compliance with Local Rule 5.1(B) in 14-point Times New Roman type face.

This 21st day of March, 2022.

/s/ Jack R. Hancock _____

Jack R. Hancock

Georgia Bar No. 322450

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the within and foregoing **DEFENDANT'S MOTION TO FILE EXHIBITS AND PORTIONS OF CERTAIN PLEADINGS IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT UNDER SEAL AND BRIEF IN SUPPORT THEREOF** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following counsel of record:

Thomas J. Mew, IV
Edward D. Buckley
Andrew Beal
Buckley Beal LLP
600 Peachtree Street, NE, Suite 3900
Atlanta, GA 30308

This 21st day of March, 2022.

/s/ Jack R. Hancock

Jack R. Hancock
Georgia Bar No. 322450

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CLAYTON COUNTY,)	
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Defendant.)	

ORDER

Pursuant to Appendix H, Section II(J) of this Court’s Local Rules, the Court’s September 21, 2020 Consent Protective Order, and the Court’s January 23, 2022 order, Defendant’s Motion to File Exhibits and Certain Pleadings in Support of its Motion for Summary Judgment Under Seal is hereby GRANTED. Accordingly, the portions of the deposition transcripts, the deposition exhibits, the portions of Defendant’s Statement of Material Facts As To Which There Exists No Genuine Issue To Be Tried, and the portions of Defendant’s Memorandum of Law in Support of Defendant’s Motion for Summary Judgment designated by the Defendant shall

be filed under seal.

SO ORDERED this ____ day of March, 2022.

WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE

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ORDER

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be filed under seal.

SO ORDERED this ____ day of March, 2022.

WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE