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13 *Attorneys for Defendant*

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 15 **UNITED STATES DISTRICT COURT**  
 16 **DISTRICT OF ARIZONA**

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 18 Helen Roe, a minor, by and through her parent  
 and next friend Megan Roe; James Poe, a  
 19 minor, by and through his parent and next  
 friend Laura Poe; and Carl Voe, a minor, by  
 20 and through his parent and next friend, Rachel  
 Voe,

21 Plaintiffs,

22 v.

23 Don Herrington, in his official capacity as  
 24 Interim State Registrar of Vital Records and  
 Interim Director of the Arizona Department of  
 25 Health Services,

26 Defendant.

NO. 4:20-cv-00484-JAS

**DEFENDANT’S MOTION FOR  
 LEAVE TO FILE EXHIBITS AND  
 ATTACHMENTS TO  
 DEFENDANT’S MOTION TO  
 COMPEL PLAINTIFFS’  
 SUPPLEMENTAL RESPONSES  
 TO DEFENDANT’S DISCOVERY  
 REQUESTS UNDER SEAL**

27 Pursuant to LRCiv 5.6, Defendant Don Herrington, through counsel, moves this

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1 Court for an order authorizing him to file unredacted versions of exhibits and attachments  
2 to Defendant's Motion to Compel Plaintiffs' Supplemental Responses to Defendant's  
3 Discovery Requests under seal.

4 The following documents should be sealed:

- 5 • Defendant's Separate Statement of Disputed Discovery Pursuant to LRCiv  
6 37.1, attached as Exhibit 1 to Defendant's Motion.
- 7 • Declaration of Dana Keene, attached as Exhibit 2 to Defendant's Motion.
- 8 • Attachments 2, 3, 8, and 14 to the Declaration of Dana Keene.

9 This case is currently governed by the terms of a Stipulated Protective Order. (*See*  
10 Dkt. 25.) Per the parties' Stipulated Protective Order, the party seeking to file any  
11 documentation and/or information designated as Confidential must seek permission from  
12 the Court to file the material under seal. (*Id.* at 9, ¶ 8.)

13 Plaintiffs have designated their Responses and Objections to Defendant's First Set  
14 of Interrogatories (Attachment 2 to the Declaration of Dana Keene), and their Responses  
15 and Supplemental Responses and Objections to Defendant's First Set of Requests for  
16 Production of Documents (Attachments 3 and 14, respectively, to the Declaration of Dana  
17 Keene) as "CONFIDENTIAL-SUBJECT TO PROTECTIVE ORDER." Defendant  
18 requests that these documents be sealed in their entirety.

19 Because Plaintiffs have designated all of their discovery responses as Confidential,  
20 Defendant was also required to redact these responses in his Separate Statement of Disputed  
21 Discovery. Thus, Defendant requests that an unredacted version of his Statement of  
22 Disputed Discovery be filed under seal, as well.

23 In addition, and in an abundance of caution, Defendant has redacted portions of the  
24 Separate Statement of Disputed Discovery, Declaration of Dana Keene, and Attachment 8  
25 (which contains email communications between counsel) to the Declaration of Dana Keene  
26 that contain private identifying information for the three named Plaintiffs to protect their  
27 privacy and confidentiality. Defendant requests that unredacted copies of these documents  
28 be filed under seal.



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### CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Asaf Orr	<a href="mailto:aorr@nclrights.org">aorr@nclrights.org</a>
Barrett J. Anderson	<a href="mailto:banderson@cooley.com">banderson@cooley.com</a>
Colin M. Proksel	<a href="mailto:cproksel@omlaw.com">cproksel@omlaw.com</a>
Mary R. O'Grady	<a href="mailto:mogrady@omlaw.com">mogrady@omlaw.com</a>
Patrick P. Gunn	<a href="mailto:pgunn@cooley.com">pgunn@cooley.com</a>
Payslie M. Bowman	<a href="mailto:pbowman@omlaw.com">pbowman@omlaw.com</a>

I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

N/A

/s/Dana M. Keene

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Helen Roe, a minor, by and through her parent and next friend Megan Roe; James Poe, a minor, by and through his parent and next friend Laura Poe; and Carl Voe, a minor, by and through his parent and next friend, Rachel Voe,

Plaintiffs,

v.

Don Herrington, in his official capacity as Interim State Registrar of Vital Records and Interim Director of the Arizona Department of Health Services,

Defendant.

NO. 4:20-cv-00484-JAS

**ORDER GRANTING  
DEFENDANT’S MOTION FOR  
LEAVE TO FILE EXHIBITS AND  
ATTACHMENTS TO  
DEFENDANT’S MOTION TO  
COMPEL PLAINTIFFS’  
SUPPLEMENTAL RESPONSES  
TO DEFENDANT’S DISCOVERY  
REQUESTS UNDER SEAL**

The Court, having reviewed Defendant’s Motion for Leave to File Exhibits and Attachments to Defendant’s Motion to Compel Plaintiffs’ Supplemental Responses to Defendant’s Discovery Requests Under Seal, and good cause appearing,

IT IS ORDERED that Defendant’s Motion is GRANTED.

IT IS FURTHER ORDERED directing the Clerk’s Office to file under seal:

- Defendant’s Separate Statement of Disputed Discovery Pursuant to LRCiv 37.1, attached as Exhibit 1 to Defendant’s Motion.
- Declaration of Dana Keene, attached as Exhibit 2 to Defendant’s Motion.
- Attachments 2, 3, 8, and 14 to the Declaration of Dana Keene.