

1 **Christine K Wee – 028535**
2 **ACLU FOUNDATION OF ARIZONA**
3 3707 North 7th Street, Suite 235
4 Phoenix, Arizona 85014
5 Telephone: (602) 650-1854
6 Email: cwee@acluaz.org

7 **Joshua A. Block***
8 **Leslie Cooper***
9 **AMERICAN CIVIL LIBERTIES UNION FOUNDATION**
10 125 Broad Street, Floor 18
11 New York, New York 10004
12 Telephone: (212) 549-2650
13 E-Mail: jblock@aclu.org
14 E-Mail: lcooper@aclu.org
15 *Admitted pro hac vice

16 **Wesley R. Powell***
17 **Matthew S. Freimuth***
18 **Jordan C. Wall***
19 **Justin Garbacz***
20 **WILLKIE FARR & GALLAGHER LLP**
21 787 Seventh Avenue
22 New York, New York 10019
23 Telephone: (212) 728-8000
24 E-Mail: wpowell@willkie.com
25 E-Mail: mfreimuth@willkie.com
26 E-Mail: jwall@willkie.com
27 E-Mail: jgarbacz@willkie.com
28 *Admitted pro hac vice

Attorneys for Plaintiff Russell B. Toomey

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Russell B. Toomey,

Plaintiff,

v.

State of Arizona; Arizona Board of Regents,
D/B/A University of Arizona, a governmental
body of the State of Arizona; et al.,

Defendants.

Case No.19-cv-00035-TUC-RM (LAB)

**PLAINTIFF’S MOTION TO FILE
EXHIBITS UNDER SEAL**

1 Pursuant to Local Rule of Civil Procedure 5.6 and the Stipulated Protective Order
2 (Doc. 165), Plaintiff, Dr. Russell B. Toomey, hereby moves this Court for an order directing
3 the Clerk to file under seal (i) Exhibit 48 to the Declaration of Christine K. Wee In Support
4 of Plaintiff’s Response in Opposition to State Defendants’ Motion For Summary Judgment
5 (the “Response”); (ii) an unredacted copy of Plaintiff’s Response; and (iii) an unredacted
6 copy of Plaintiff’s Countervailing Statement of Facts (the “PCSOF”), all filed concurrently.
7 Exhibit 48 is a true and correct copy of email correspondence produced by the Arizona
8 Governor’s Office in the course of discovery, and has been designated as confidential by the
9 Governor’s Office. A slipsheet has been submitted with the Wee Declaration for Exhibit
10 48. Plaintiff’s Response and PCSOF have been redacted to the extent they cite purportedly
11 Confidential Information contained in the above-referenced Exhibit, or previously filed
12 exhibits.

13 Per Paragraph 9 of the Stipulated Protective Order, “[b]efore any . . . documents
14 which are designated as Confidential Information are filed with the Court for any purpose,
15 the party seeking to file such materials must seek permission of the Court to file the materials
16 under seal.” (Doc. 165)

17 A proposed order is appended hereto.
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1 DATED this 26th day of October, 2022.

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ACLU FOUNDATION OF ARIZONA

By /s/ Christine K. Wee

Christine K. Wee

3707 North 7th Street, Suite 235

Phoenix, Arizona 85014

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Joshua A. Block*

Leslie Cooper*

125 Broad Street, Floor 18

New York, New York 10004

WILLKIE FARR & GALLAGHER LLP

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Matthew S. Freimuth*

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Justin Garbacz*

787 Seventh Avenue

New York, New York 10019

*Admitted pro hac vice

*Attorneys for Plaintiff Russell B. Toomey
and the certified classes*

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CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2022, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing. Notice of this filing will be sent by email to all parties by operation of the Court’s electronic filing system.

/s/ Christine K. Wee
Christine K. Wee

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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Russell B. Toomey,
Plaintiff,

Case No.19-cv-00035-TUC-RM (LAB)

v.

[PROPOSED] ORDER

**State of Arizona; Arizona Board of Regents,
D/B/A University of Arizona,** a governmental
body of the State of Arizona; et al.,

Defendants.

Having reviewed Plaintiff's Motion to File Exhibits Under Seal and finding good cause (Doc. _____),

IT IS ORDERED that the motion is granted.

IT IS FUTHER ORDERED that the Clerk is directed to file under seal (i) Exhibit 48; (ii) an unredacted copy of Plaintiff's Response in Opposition to State Defendants' Motion for Summary Judgment; and (iii) an unredacted copy of Plaintiff's Countervailing Statement of Facts.

Dated this _____ day of _____ 2022.