

privilege. *Id.* Consequently, a district court may seal a record, but it first must determine there is good cause shown for doing so. *See Citizens First Nat'l Bank v. Cincinnati Ins. Co.*, 178 F.3d 943, 944 (7th Cir. 1999).

Good cause exists here because the record sought to be maintained under seal is a record already maintained outside of the public purview in the state court out of which it originated pursuant to statute. That is, given the sensitive nature of the request in the state court action and the age of A.C., a juvenile, the entire state court docket relating to A.C.'s name and gender marker change is not publicly accessible. *See* Ind. Code § 31-39-1-2; Ind. Access to Court Records Rule 5. Because this non-public docket includes the record at the center of this present motion (ECF No. 43-1), this Court should recognize the same and maintain it under seal in federal court.

Moreover, the purpose for making judicial records public in the first place “is to enable interested members of the public, including lawyers, journalists, and government officials, to know who’s using the courts, to understand judicial decisions, and to monitor the judiciary’s performance of its duties.” *Goesel v. Boley Int’l (H.K.) Ltd.*, 738 F.3d 831, 833 (7th Cir. 2013). Maintaining the requested document under seal here does not undermine those objectives in the slightest. The relevant information needed for the public to understand the parties’ arguments and any judicial decision thereon as they relate to the document requested to be maintained under seal is already available to the public through the briefing of the parties. (*See* ECF Nos. 41, 42, 45, 46.) That is, the key substance of the document as it relates to the present litigation is available for any interested member of the public to glean through the parties’ briefs. The only difference is that the briefs do not give away the identities of A.C. or M.C. or provide any of the other identifying information in the state court Order that necessitates its confidentiality here and

which led this Court to grant M.C.'s request to proceed by pseudonym in the present action. (*See* ECF No. 23.)

For the foregoing reasons, good cause exists to maintain under seal Exhibit 1 (ECF No. 43-1) to Defendant's Request for Court to Take Judicial Notice of State Court Order and Notice of Collateral Estoppel (ECF No. 42), and Defendant respectfully requests the Court maintain it under seal.

Respectfully submitted,

/s/ Philip R. Zimmerly

Jonathan L. Mayes (#25690-49)

Philip R. Zimmerly (#30217-06)

Mark A. Wohlford (#31568-03)

BOSE McKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
(317) 684-5000; (317) 684-5173 (Fax)
JMayes@boselaw.com
PZimmerly@boselaw.com
MWohlford@boselaw.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, a copy of the foregoing “Defendant’s Brief in Support of Unopposed Motion to Seal Exhibit (ECF No. 43-1)” was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

Kenneth J. Falk, Esq. Stevie J. Pactor, Esq. ACLU of Indiana 1031 East Washington Street Indianapolis, IN 46202 kfalk@aclu-in.org spactor@aclu-in.org	Kathleen Bensberg, Esq. Indiana Legal Services, Inc. 1200 Madison Avenue Indianapolis, IN 46225 Kathleen.bensberg@ils.net Megan Stuart, Esq. Indiana Legal Services 214 South College Avenue, 2 nd Floor Bloomington, IN 47404 Megan.stuart@ils.net
---	--

/s/ Philip R. Zimmerly
Philip R. Zimmerly

4358961