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12

13 **UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF ARIZONA**

15 Helen Roe, a minor, by and through her  
parent and next friend Megan Roe; James  
16 Poe, a minor, by and through his parent and  
next friend Laura Poe; and Carl Voe, a  
17 minor by and though his parent and next  
friend Rachel Voe,  
18

19 Plaintiffs,

20 v.

21 Don Herringotn, in his official capacity as  
Interim State Registrar of Vital Records and  
22 Interim Director of the Arizona Department  
of Health Services,  
23

24 Defendant.  
25  
26  
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Case No. 4:20-cv-00484-JAS

**PLAINTIFFS’ RESPONSE TO  
DEFENDANT’S MOTION FOR LEAVE TO  
FILE UNDER SEAL RE: RESPONSE TO  
MOTION FOR CLASS CERTIFICATION  
AND EXHIBITS THERETO**

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1 On January 13, 2023, Defendant filed a motion for leave to file under seal portions  
 2 of his brief in opposition to Plaintiffs' motion for class certification, as well as several  
 3 exhibits he submitted with that brief. (Dkt. 167 *et seq.* (the "Motion" or "Mot.").)  
 4 Defendant's counsel did not inform Plaintiffs' counsel that he intended to file confidential  
 5 materials with his opposition brief and did not request to meet and confer about these  
 6 materials or his Motion as required by Local Rule 5.6(d). Further, as of the filing of this  
 7 response, Defendant has not provided Plaintiffs with unredacted versions of his opposition  
 8 brief or exhibits. Plaintiffs therefore have not had the opportunity to examine what  
 9 information Defendant is seeking to seal. However, Defendant represents in the Motion  
 10 that the exhibits are transcripts from the depositions of Plaintiffs' mothers and a document  
 11 concerning Plaintiff Carl Voe and that the information he is seeking leave to file under seal  
 12 is "sensitive information about the minor Plaintiffs." (Mot. at 2.)

13 Assuming those representations are correct, Plaintiffs have no objection to the  
 14 Motion and would stipulate Defendant filing this information and the documents under seal  
 15 because it contains Plaintiffs' sensitive personal information. Plaintiffs file this response to  
 16 note their position and request that the Court maintain the confidentiality of their sensitive  
 17 personal information by sealing the materials referenced in the Motion.

18  
 19 Dated: January 17, 2023

OSBORN MALEDON, P.A.

20 /s/ Colin M. Proksel  
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