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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Manuel de Jesus Ortega Melendres,  
et al.,

Plaintiff(s),

v.

Joseph M. Arpaio, et al.,

Defendants(s).

CV-07-2513-PHX-GMS

**PLAINTIFFS' RESPONSE TO  
DEFENDANTS' REQUEST TO  
SEAL PROCEEDINGS**

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1 Plaintiffs respectfully submit the following response to Defendants' "Objection  
2 to Proceedings Not Being Conducted Under Seal." (Dkt. No. 749.) Defendants have not  
3 carried the heavy burden of demonstrating that the October 28 status conference should  
4 be sealed.

5 There exists a "strong presumption" in favor of public access to court  
6 proceedings and records. *See Foltz v. State Farm Mutual Auto. Ins. Co.*, 331 F.3d 1122,  
7 1135 (9th Cir. 2003). To overcome this presumption, a party seeking confidentiality  
8 must show compelling reasons for doing so and cannot rely on hypothesis or conjecture.  
9 *See id.* Defendants have not adequately set forth the basis for their request to seal any  
10 part of the proceedings.

11 Defendants assert only that proceedings should be conducted under seal  
12 pursuant to A.R.S. § 38-1101, *et seq.* and A.R.S. § 38-1104, because "additional persons  
13 have been identified as investigative principals, and these additional investigations have  
14 been commenced." A.R.S. § 38-1101 governs administrative disciplinary proceedings  
15 against law enforcement officers. However, Defendants have not identified, publicly or  
16 under seal, the names of any such "additional persons." Nor have they identified the  
17 nature of the "additional investigations," such as whether they are criminal or  
18 administrative proceedings or whether the additional investigations simply relate to the  
19 conduct of Deputy Armendariz himself. A.R.S. § 38-1104 does not appear to have any  
20 relevance to the confidentiality of administrative investigations or findings.

21 The Maricopa County Sheriff's Office's (MCSO) response, investigation, and  
22 findings regarding Deputy Armendariz's conduct and revelations made during that  
23 investigation are matters of public concern. As Deputy Armendariz is deceased,  
24 Defendants have stated no basis on which to seal information regarding his conduct. And  
25 without specific information on these purported "additional investigations," Plaintiffs are  
26 unable to respond substantively to Defendants' assertion that such investigations should  
27  
28

be confidential or whether there is any need to discuss them during the upcoming hearing.

Moreover, even if Defendants had a valid basis to request sealing of portions of the October 28 status conference as to specific administrative proceedings, they certainly have set out no basis to seal “any portion of the October 28, 2014 hearing related to the Armendariz investigation, to these related investigations, and/or to any ‘information about [these] investigations.’” (Dkt. No. 749 at 2 (emphasis added; addition in original).)

Plaintiffs respectfully request that the Court deny Defendants’ request to conduct any portion of the upcoming proceedings under seal. In the alternative, and upon Defendants’ provision of adequate information regarding the “additional investigations,” Plaintiffs request that the Court consider sealing only those specific portions of proceedings that cannot be publicly disclosed pursuant to Arizona state law.

RESPECTFULLY SUBMITTED this 16th day of October, 2014.

By: /s/ Andre I. Segura  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 16, 2014, I electronically transmitted the attached document to the Clerk's office using the CM/ECF System for filing and caused the attached document to be e-mailed to:

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