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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
REDACT MONITOR'S REPORT**

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1 Plaintiffs respectfully submit the following response to Defendants' "Notice of
2 Submission of Redacted Monitor Report." (Dkt. No. 763.) Defendants have failed to
3 satisfy the heavy burden of demonstrating that portions of the Monitor's September 28,
4 2014 Report should be kept from the public's view.

5 As noted in Plaintiffs' objection to Defendants' request that the October 28
6 status conference be held under seal, in order to overcome the strong presumption in
7 favor of public access to court proceedings and records, Defendants must show
8 compelling reasons for doing so. (*See* Dkt. No. 750 at 1.) Defendants have not specified
9 a single basis for redacting any portion of the Monitor's report. Instead, Defendants state
10 only that the Court should adopt their proposed redactions "to promote the confidentiality
11 provided for by Arizona law." (Dkt. No. 763 at 2.) This is woefully inadequate and
12 leaves Plaintiffs and this Court entirely without the ability to assess whether any claims
13 of privilege or confidentiality apply here.

14 For example, many of the proposed redactions cover matters relating only to
15 Deputy Armendariz, which, as this Court has indicated, are no longer subject to any
16 confidentiality protections. Other proposed redactions involve general assertions of
17 conduct by unspecified employees. Some matters simply appear to relate to matters that
18 would be inconvenient for MCSO to publicize. Plaintiffs, of course, do not object to
19 redacting the names of specific individuals who are currently the subject of an
20 administrative or criminal investigation. But Plaintiffs should not be required to
21 hypothesize as to what justification may apply to each proposed redaction in order to
22 respond to Defendants' request. It is ultimately Defendants' burden to demonstrate that
23 such portions should be sealed.

24 As these matters are of significant public concern and importance and
25 Defendants have not provided any justification for maintaining these matters under seal,
26 Plaintiffs respectfully request that the Court deny Defendants' request to redact any
27 portion of the Monitor's report.
28

RESPECTFULLY SUBMITTED this 31st day of October, 2014.

By: /s/ Andre I. Segura

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CERTIFICATE OF SERVICE

I hereby certify that on October 31, 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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/s/ Andre I. Segura