

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CASANDRA BRAWLEY, an individual,

Plaintiff,

v.

STATE OF WASHINGTON;
WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, et al.,

Defendants.

NO. C09-5382

STIPULATED MOTION TO
FILE AMENDED MOTION FOR
SUMMARY JUDGMENT AND
TO SEAL PREVIOUSLY-FILED
MOTION FOR SUMMARY
JUDGMENT AND PROPOSED
ORDER

NOTE ON MOTION
CALENDAR: MARCH 25, 2010

1. Motion

DEFENDANTS and PLAINTIFF jointly seek leave of court for the Defendants to file an Amended Defendants' Motion for Summary Judgment and Memorandum In Support. The parties also respectfully move the court to seal the previously-filed Defendants' Motion for Summary Judgment and Memorandum in Support pursuant to Local Civil Rule 5(g).

2. Stipulated Facts in Support of Motion

Defendants' Motion for Summary Judgment and Memorandum in Support, filed March 23, 2010, contains one sentence with information the parties intend should remain confidential. Declaration of Gary Andrews, Attorney for defendants. The inclusion of the

1 information was not intentional, and the information is private, confidential medical history
2 that is irrelevant to the case at bar and unnecessary for its resolution. *Id.*

3
4 **3. Argument**

5 Under Local Civil Rule 5(g)(2), there is a strong presumption in favor of public access
6 to the court's files. This request outweighs that presumption because the parties are not asking
7 the court to seal the dispositive motions in this case and keep the issues at hand from public
8 view, but only to seal the previously-filed motion to protect one sentence containing private
9 medical information unnecessary for the resolution of this case. The parties agree that, after
10 obtaining leave of court in this motion, the defendants will file an Amended Motion for
11 Summary Judgment without the one sentence containing the private information, and that the
12 Amended Motion should remain publicly available.

14
15 THEREFORE, IT IS HEREBY STIPULATED by and between Michael Wampold and
16 Sara Ainsworth, counsel for plaintiff herein, and Robert M. McKenna, Attorney General, and
17 Gary Andrews, Assistant Attorney General, counsel for defendants herein, that the defendants
18 shall file an Amended Defendants' Motion for Summary Judgment by Friday, March 26,
19 2010. This Amended Motion will supersede and replace the previously-filed Motion. The
20 parties jointly request that the court seal defendant's Motion for Summary Judgment and
21 Memorandum in Support, filed on March 23, 2010.

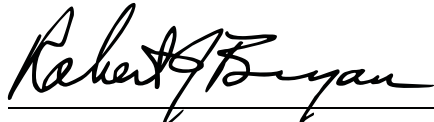
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

ORDER

The parties having stipulated, and the stipulated facts having overcome the presumption against sealing court records, IT IS HEREBY ORDERED that:

1. The Defendants shall file an Amended Defendants' Motion for Summary Judgment and Memorandum in Support by **March 29, 2010**.
2. The clerk of the Court shall seal the previously-filed Defendants' Motion for Summary Judgment and Memorandum in Support and take the necessary steps to render the previously-filed document publicly unavailable.

Dated this 29th day of March, 2010.



ROBERT J. BRYAN
United States District Judge

DATED this 25th day of March 2010.

ROBERT M. MCKENNA
Attorney General

/s/ Gary E. Andrews

GARY ANDREWS, WSBA No. 9518
Assistant Attorney General

/s/ Michael Wampold

MICHAEL WAMPOLD, WSBA No. 26053
Attorney at Law

/s/ Sara Ainsworth

SARA AINSWORTH, WSBA No. 26656
Attorney at Law