

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

WARREN HILL, LLC,

Plaintiff,

v.

SFR EQUITIES, LLC,

Defendant.

Civil Action

No. 2:18-cv-01228-HB

**MEMORANDUM OF LAW IN SUPPORT OF  
MOTION TO INTERVENE AND UNSEAL JUDICIAL RECORDS**

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... ii

INTRODUCTION ..... 1

PROCEDURAL HISTORY & STATEMENT OF THE FACTS ..... 2

ARGUMENT ..... 5

    I. Chicago Public Media’s Motion to Intervene Should be Granted..... 5

    II. The Sealed Records Should Be Unsealed..... 5

        A. The Public’s Right of Access to Judicial Records in Civil Cases. .... 6

            i. The Common Law Right of Access. .... 6

            ii. The First Amendment Right of Access. .... 8

            iii. Access to Discovery Material..... 9

            iv. Procedural Requirements for Sealing Judicial Records. .... 10

        B. Plaintiff and Defendant Cannot Meet Their Burden to Justify Continued Sealing of the Sealed Records in this Case..... 11

    III. To the Extent Continued Sealing Is Proper, Such Sealing Should be Narrowly Tailored and Supported by Specific, On-the-Record Findings..... 13

CONCLUSION..... 13

APPENDIX A..... 15

**TABLE OF AUTHORITIES**

**Cases**

*Bank of Am. Nat’l Tr. & Sav. Ass’n v. Hotel Rittenhouse Assocs.*, 800 F.2d 339 (3d Cir. 1986).. 6, 7, 9

*EEOC v. Nat’l Children’s Ctr., Inc.*, 146 F.3d 1042 (D.C. Cir. 1998) ..... 5

*Frisby v. Schultz*, 487 U.S. 474 (1988) ..... 13

*Glenmede Tr. Co. v. Thompson*, 56 F.3d 476 (3d Cir. 1995) ..... 9

*In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019)..... passim

*In re Cendant Corp.*, 260 F.3d 183 (3d Cir. 2001) ..... 7, 8, 11

*Jessup v. Luther*, 227 F.3d 993 (7th Cir. 2000) ..... 5

*Leucadia Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157 (3d Cir. 1993) ..... 5, 7, 10

*Littlejohn v. Bic Corp.*, 851 F.2d 673 (3d Cir. 1988)..... 1, 5, 6, 11

*Miller v. Indiana Hosp.*, 16 F.3d 549 (3d Cir. 1994)..... passim

*Nixon v. Warner Commcn’s, Inc.*, 435 U.S. 589 (1978) ..... 6

*Pansy v. Borough of Stroudsburg*, 23 F.3d 772 (3d Cir. 1994) ..... 9

*Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501 (1984) ..... 10, 13

*Press-Enter. Co. v. Super. Ct.*, 478 U.S. 1 (1986) ..... 8

*Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059 (3d Cir. 1984)..... 6, 8, 9

*Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653 (3d Cir. 1991)..... 1, 6, 7, 11

*Shingara v. Skiles*, 420 F.3d 301 (3d Cir. 2005)..... 9

*United States v. Criden*, 681 F.2d 919 (3d Cir. 1982) ..... 8

*United States v. Wecht*, 537 F.3d 222 (3d Cir. 2008) ..... 8

**Rules & Other Authorities**

*Comptroller Mendoza Releases First Report Under New Law on Vendor Payment Program*, Illinois Comptroller (Nov. 27, 2018), <https://perma.cc/S2LV-7W4E>..... 3

Dan Mihalopoulos & Dave McKinney, *In About-Face, Mendoza Rids Campaign Of Solis-Linked Donations*, WBEZ (Jan. 24, 2019), <https://perma.cc/7F6V-DBGZ>..... 2

Dan Mihalopoulos & Dave McKinney, *Lawsuit: Big Campaign Donors To Mendoza, Solis Engaged In ‘Sham’*, WBEZ (Feb. 11, 2019), <https://perma.cc/Z9YG-3K2R>..... 2, 3, 12

Dan Mihalopoulos & Dave McKinney, *Susana Mendoza Got Big Money From Solis And His Supporters*, WBEZ (Jan. 23, 2019), <https://perma.cc/2WAT-ZNGS> ..... 2

Federal Rules of Civil Procedure Rule 24 ..... 5

*Vendor Assistance Program: CMS/IOC Monthly Report, March 2020*, Illinois Comptroller, [https://illinoiscomptroller.gov/office/VendorPaymentProgram/index\\_monthly.cfm](https://illinoiscomptroller.gov/office/VendorPaymentProgram/index_monthly.cfm) ..... 2, 3

## INTRODUCTION

Proposed Intervenor Chicago Public Media, Inc. (“Chicago Public Media”) respectfully submits this Memorandum of Law in support of its Motion to Intervene and Unseal Judicial Records. Chicago Public Media operates WBEZ—one of the largest NPR member stations in the country. WBEZ’s news department produces original, award-winning journalism for audiences in Chicago and beyond, including enterprise reporting on government and politics. To further WBEZ’s reporting, Chicago Public Media seeks access to the entirety of all judicial records filed with the Court under seal, in whole or in part, in the above-captioned case, including but not limited to those judicial records electronically docketed at docket entries 38, 43, 44, 45, 46, 47, 52, 57, 66, 73, 74, 76, 78, 79, 80, 81, 83, and 84, and their accompanying exhibits (hereinafter the “Sealed Records”).

The Third Circuit has long recognized a public right of access to judicial proceedings and records. Indeed, the existence of this right is “beyond dispute.” *Littlejohn v. Bic Corp.*, 851 F.2d 673, 677–78 (3d Cir. 1988) (citations omitted). Integral and essential to the integrity of the judiciary, the public right of access to judicial proceedings is applicable in both criminal and civil cases. *Id.* at 678 (explaining that access in civil cases “promotes public confidence in the judicial system”); *see also Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653, 659–60 (3d Cir. 1991). It encompasses “more than the ability to attend open court proceedings; it also encompasses the right of the public to inspect and to copy judicial records.” *Littlejohn*, 851 F.2d at 678. Access is particularly important where, as here, documents have been filed with the court in connection with a motion for summary judgment or other dispositive motion, whether or not that motion is granted. *Westinghouse*, 949 F.2d at 660.

The public has a strong interest in transparency in this case, which involves the ownership of billions of dollars of state government debt, as well as companies with numerous

ties to public officials, including in Illinois. For the reasons set forth herein, Chicago Public Media respectfully requests that its Motion to Intervene for the limited purpose of seeking access to the Sealed Records in this case be granted; that the Sealed Records be unsealed and made available to Chicago Public Media and the public; and, to the extent any party seeking closure is able to meet its high burden of showing that continued sealing is necessary as to some portion of the Sealed Records, that they be released with limited redactions.

### **PROCEDURAL HISTORY & STATEMENT OF THE FACTS**

WBEZ has reported extensively on certain investors in the Chicago-based Vendor Assistance Program LLC (“VAP”)—the business at the heart of this litigation—as well as campaign contributions the company and its investors have made to public officials. *See, e.g.,* Dan Mihalopoulos & Dave McKinney, *Lawsuit: Big Campaign Donors To Mendoza, Solis Engaged In ‘Sham’*, WBEZ (Feb. 11, 2019), <https://perma.cc/Z9YG-3K2R>; Dan Mihalopoulos & Dave McKinney, *In About-Face, Mendoza Rids Campaign Of Solis-Linked Donations*, WBEZ (Jan. 24, 2019), <https://perma.cc/7F6V-DBGZ>; Dan Mihalopoulos & Dave McKinney, *Susana Mendoza Got Big Money From Solis And His Supporters*, WBEZ (Jan. 23, 2019), <https://perma.cc/2WAT-ZNGS>.

In the decade since it was founded, VAP has purchased more than \$4.3 billion of the State of Illinois’ debt from the state’s vendors. *Vendor Assistance Program: CMS/IOC Monthly Report, March 2020*, Illinois Comptroller, [https://illinoiscomptroller.gov/office/VendorPaymentProgram/index\\_monthly.cfm](https://illinoiscomptroller.gov/office/VendorPaymentProgram/index_monthly.cfm) (select “March 2020” as Month and “Vendor Assistance Program” as Qualified Purchaser). The Vendor Payment Program allows a state-approved company, like VAP, to pay a portion of Illinois’ unpaid bills to vendors in exchange for the late fees due when the state ultimately pays the bill. According to the State Comptroller, VAP is one of only five firms approved by Illinois

Department of Central Management Services to participate in the program. *Id.* (listing VAP and four other companies as “qualified purchasers”). VAP is required by Illinois law to submit to the state monthly reports on the debts it purchases and the value of payments and interest penalties it receives from the state, as well as annual reports on those who hold financial interests in VAP. *Comptroller Mendoza Releases First Report Under New Law on Vendor Payment Program*, Illinois Comptroller (Nov. 27, 2018), <https://perma.cc/S2LV-7W4E>.

As WBEZ has reported, VAP and some of the other companies related to this litigation have also contributed thousands of dollars to the political campaigns of Illinois officials, including those involved with setting up and administering the Vendor Payment Program. *See* Mihalopoulos & McKinney, *Lawsuit: Big Campaign Donors To Mendoza, Solis Engaged In ‘Sham’, supra*.

This case arose out of allegations that SFR Equities, LLC (“Defendant”) breached its agreement with Warren Hill, LLC (“Plaintiff”) to purchase Plaintiff’s stake in VAP. Plaintiff initiated this lawsuit on March 23, 2018. ECF No. 1. Plaintiff’s Amended Complaint, filed January 16, 2019, alleged breach of contract and sought monetary damages, attorneys’ fees, declaratory relief, and an accounting of Defendant’s accounts. ECF No. 55.

On June 26, 2018, the Court entered a Confidentiality Stipulation governing the exchange of Confidential Information during pre-trial discovery in this matter. ECF No. 14. The order defines Confidential Information as “information that the source reasonably and in good faith believes is of a proprietary or commercially sensitive nature, or should otherwise be subject to confidential treatment.” *Id.* at ¶ 1. The order provides that either party may designate a document, answers to interrogatories, answers to requests for admission, or deposition testimony as Confidential Information. *Id.* at ¶ 2. The order further provides that a party wishing to use

Confidential Information in a court filing may file it “under seal pursuant to the Court’s rules for doing so.” *Id.* at ¶ 7.

On December 3, 2019, following the resolution of cross-motions for summary judgment filed by the parties, the Court entered judgment in favor of Plaintiff in the amount of \$6,226,688.19. ECF No. 111. Defendant filed a Notice of Appeal on January 2, 2020. ECF No. 120. The parties continue to litigate a pending Motion for Sanctions filed by Plaintiff. ECF No. 136. In addition, Plaintiff filed a complaint in a related case, also before this Court, alleging a conspiracy to interfere with the payment of the judgment in this matter. *Warren Hill, LLC v. Neptune Investors, LLC*, Civil Action No. 20-0452.

In the course of litigating this matter, Plaintiff and Defendant filed entirely under seal (or with significant redactions) a number of motions, replies, memoranda, and exhibits supporting or opposing motions for summary judgment. These Sealed Records include those found at docket entries 38, 43, 44, 45, 46, 47, 52, 57, 73, 74, 76, 78, 79, 80, 81, 83, and 84, and their accompanying exhibits, which were submitted to the Court in support of or in opposition to a motion for summary judgment filed November 20, 2018, and two cross-motions for summary judgment filed on April 25, 2019. ECF Nos. 38, 74, 76. The Sealed Records also include a February 22, 2019, motion for reconsideration of the Court’s denial of Defendant’s motion for summary judgment and supporting memorandum filed by Defendants; those records, which were filed entirely under seal, are found at docket entry 66. For the convenience of the Court, attached hereto as Appendix A is a list of all the Sealed Records that Chicago Public Media has been able to identify.

The parties did not file any motion to seal or partially seal any of these materials. Based on its review of the public record in this matter, Chicago Public Media has identified only two

instances in which a party offered any rationale for sealing: two brief citations to the Court's Confidentiality Stipulation. *See* ECF No. 43-3 (stating that exhibits to the Plaintiff's Response in Opposition to Defendant's Motion for Partial Summary Judgment were "filed under seal pursuant to the Confidentiality Stipulation entered by this Court"); ECF No. 74-1 at 4 (declaring that exhibits in support of Plaintiff's Motion for Summary Judgment were "filed under seal pursuant to the Confidentiality Stipulation entered by this Court").

Chicago Public Media now seeks an order from the Court unsealing all of the Sealed Records in their entirety.

### **ARGUMENT**

#### **I. Chicago Public Media's Motion to Intervene Should be Granted.**

Rule 24 of the Federal Rules of Civil Procedure governs non-party intervention in civil lawsuits. "[E]very court of appeals to have considered the matter," including the Third Circuit, "has come to the conclusion that Rule 24 is sufficiently broad-gauged to support a request of intervention for the purposes of challenging confidentiality orders." *Jessup v. Luther*, 227 F.3d 993, 997 (7th Cir. 2000) (citing *EEOC v. Nat'l Children's Ctr., Inc.*, 146 F.3d 1042, 1045 (D.C. Cir. 1998) (collecting cases)). Indeed, it is well established that the public has a right to intervene to seek the unsealing of sealed court records. *See, e.g., Leucadia Inc. v. Applied Extrusion Techs., Inc.*, 998 F.2d 157, 167-78 (3d Cir. 1993); *Littlejohn*, 851 F.2d at 687. Consistent with well-established practice, Chicago Public Media should be permitted to intervene for this limited purpose, as it seeks to vindicate the public's right to access the Sealed Records.

#### **II. The Sealed Records Should Be Unsealed.**

Consistent with the public's well-settled presumptive right of access to judicial records, Chicago Public Media respectfully requests that the Sealed Records be unsealed. To the extent

the Court determines that any party seeking continued sealing of any portion of the Sealed Records has met its burden to show that such sealing is warranted, Chicago Public Media respectfully requests that such sealing be narrowly tailored and explained in sufficiently detailed, on-the-record findings.

**A. The Public’s Right of Access to Judicial Records in Civil Cases.**

**i. The Common Law Right of Access.**

The Third Circuit has long recognized a public right of access to civil proceedings and records rooted in common law. *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1066–67 (3d Cir. 1984); *see also Nixon v. Warner Commcn’s, Inc.*, 435 U.S. 589, 597 (1978) (“It is clear that the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents.”). The existence of this right is “beyond dispute.” *Littlejohn*, 851 F.2d at 677–78 (citations omitted); *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 924 F.3d 662, 672 (3d Cir. 2019).

This presumption of access to judicial records serves numerous functions. Among other things, it assures that the public has a “more complete understanding of the judicial system.” *Bank of Am. Nat’l Tr. & Sav. Ass’n v. Hotel Rittenhouse Assocs.*, 800 F.2d 339, 345 (3d Cir. 1986) (citations omitted). The right “diminishes possibilities for injustice, incompetence, perjury, and fraud,” and thus openness “promotes public confidence in the judicial system” and gives the public “a better perception of [the judiciary’s] fairness.” *Littlejohn*, 851 F.2d at 678. Public access is also important because civil matters often have a “public” character, affecting third parties or the general public. *Westinghouse*, 949 F.2d at 664 (“For example, a civil matter may reflect alleged fraud that could have criminal, not merely civil, implications.” (citations and internal marks omitted)).

Whether a document is subject to the public's right of access turns on whether it is a "judicial record." *In re Cendant Corp.*, 260 F.3d 183, 192 (3d Cir. 2001) (citation omitted). "The status of a document as a 'judicial record,' in turn, depends on whether a document has been filed with the court, or otherwise somehow incorporated or integrated into a district court's adjudicatory proceedings." *Id.*; *see also Bank of Am.*, 800 F.2d at 344–45 (holding that the presumption of public access applied to a settlement agreement filed with the court because "[o]nce a settlement is filed in the district court, it becomes a judicial record, and subject to the access accorded such records"); *Westinghouse*, 949 F.2d at 660–61 (finding that the common law right of access attaches generally "to 'motions filed in [civil] court proceedings'" (citations omitted)).

The right of access unquestionably applies to documents submitted in conjunction with non-discovery pretrial motions filed in civil cases. *Leucadia*, 998 F.2d at 164. Indeed, the Third Circuit has held that material filed in support of or in opposition to a motion for summary judgment is a judicial record subject to the strong presumption of public access, regardless of whether the motion is granted or denied. *Avandia*, 924 F.3d at 672; *Westinghouse*, 949 F.2d at 660. Even if a district court denied a motion for summary judgment, the court's ruling "shaped the scope and substance of the litigation" and, therefore, "the need for public scrutiny of the basis of the district court's decision is almost as important as when the court has made a dispositive ruling." *Westinghouse*, 949 F.2d at 660.

The strong common law presumption of access "does not permit the routine closing of judicial records to the public." *Miller v. Indiana Hosp.*, 16 F.3d 549, 551 (3d Cir. 1994). A "party seeking to seal any part of a judicial record bears the heavy burden of showing that 'the material is the kind of information that courts will protect' and that 'disclosure will work a

clearly defined and serious injury to the party seeking closure.” *Id.* (quoting *Publicker*, 733 F.2d at 1071). Such injury must be shown with specificity. *Cendant*, 260 F.3d at 194. “Broad allegations of harm, bereft of specific examples or articulated reasoning, are insufficient.” *Id.*; *see also Avandia*, 924 F.3d at 679 (noting that courts may not seal judicial records that may cause “[m]ere embarrassment” because such “is insufficient to overcome the strong presumption of public access inherent in the common law right”); *Publicker*, 733 F.2d at 1074 (distinguishing trade secrets, protection of which may overcome the right of access, from “bad business practices,” protection of which may not overcome the right of access); *United States v. Criden*, 681 F.2d 919, 922 (3d Cir. 1982) (clarifying that while significant privacy interests may sometimes justify some sealing, information that is unflattering, false, or merely embarrassing does not “rise to the level of ‘intensified pain’” that justifies withholding access).

**ii. The First Amendment Right of Access.**

The public right of access to civil proceedings and records is also protected by the First Amendment. *Publicker*, 733 F.2d at 1070; *Avandia*, 924 F.3d at 673–74. “Two complementary considerations” govern whether a particular judicial proceeding or court document is subject to the First Amendment presumption of access. *Press-Enter. Co. v. Super. Ct.*, 478 U.S. 1, 8–9 (1986) (“*Press-Enterprise II*”). The first is whether it is the type of judicial proceeding or record that has “historically been open to the press and general public.” *Id.* (explaining that a “tradition of accessibility implies the favorable judgment of experience[]” (citations omitted)). The second is “whether public access plays a significant positive role in the functioning of the particular process in question.” *Id.*; *see also United States v. Wecht*, 537 F.3d 222, 233–43 (3d Cir. 2008) (explaining and applying the *Press-Enterprise II* “experience and logic” test). Where the First Amendment right applies, it may be overcome only if “the record . . . demonstrate[s] ‘an

overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Publiker*, 733 F.2d at 1073 (quoting *Press-Enterprise II*, 478 U.S. at 9).

**iii. Access to Discovery Material.**

In contrast to the standards applicable to maintaining judicial records under seal, a party seeking a protective order applicable to discovery material pursuant to Federal Rule of Civil Procedure 26(c) must demonstrate “good cause” for that protection. *Shingara v. Skiles*, 420 F.3d 301, 305–06 (3d Cir. 2005). To establish “good cause,” the moving party must “specifically demonstrate[] that disclosure will cause a clearly defined and serious injury.” *Glenmede Tr. Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir. 1995) (citing *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 786 (3d Cir. 1994)).<sup>1</sup> This standard, however, is “analytically distinct” from the right of access applicable to judicial records because the “right of access begins with a thumb on the scale in favor of openness.” *Avandia*, 924 F.3d at 672, 676 (“the *Pansy* factors are not sufficiently robust for assessing the public’s right to access judicial records”). In other words, the showing of “good cause” adequate to justify entry of a protective order shielding discovery material under Rule 26(c) cannot justify sealing judicial records. *Bank of Am.*, 800 F.2d at 343–44 (distinguishing sealing of judicial records from “entering a protective order limiting disclosure of the products of pretrial discovery”).

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<sup>1</sup> Factors a district court may consider when determining whether “good cause” justifies entry of a protective order under Rule 26(c) include: “(1) whether disclosure will violate any privacy interests; (2) whether the information is being sought for a legitimate purpose or for an improper purpose; (3) whether disclosure of the information will cause a party embarrassment; (4) whether confidentiality is being sought over information important to public health and safety; (5) whether the sharing of information among litigants will promote fairness and efficiency; (6) whether a party benefitting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public.” *Glenmede*, 56 F.3d at 483 (citing *Pansy*, 23 F.3d at 787–91).

The Third Circuit has held that, where parties have entered into a protective order covering material obtained in pretrial discovery, public access to such discovery material filed in conjunction with a “discovery motion,” such as a motion to compel, is evaluated by the same “good cause” standard. *Leucadia*, 998 F.2d at 164–66 (explaining its reluctance to “make raw discovery, ordinarily inaccessible to the public, accessible merely because it had to be included in motions precipitated by inadequate discovery responses or overly aggressive discovery demands”). This narrow exception to the otherwise “pervasive common law right” of access to civil judicial records requires district courts, “in the first instance,” to “protect the legitimate public interest” in access to discovery materials filed with the court “from overly broad and unjustifiable protective orders agreed to by the parties for their self-interests.” *Id.* at 161, 165.

As set forth in more detail in Section II.B, below, here, the public docket indicates that all of the Sealed Records were filed in conjunction with motions for summary judgment or a motion for reconsideration. Accordingly, it is “the exacting common law right of access standard, including the ‘strong presumption’ of access,” that is applicable here. *Avandia*, 924 F.3d at 675.

#### **iv. Procedural Requirements for Sealing Judicial Records.**

Prior to sealing a record, a court must provide the public with reasonable notice and “an opportunity for interested third parties to be heard.” *Miller*, 16 F.3d at 551. Then, before closing records from public view, a court must “articulate the compelling, countervailing interests” that justify closure and make “specific findings” that closure is necessary. *Avandia*, 924 F.3d at 672 (citation and internal marks omitted). These findings must be “specific enough that a reviewing court can determine whether the closure order was properly entered.” *Press-Enter. Co. v. Super. Ct.*, 464 U.S. 501, 510 (1984) (“*Press-Enterprise I*”); *Miller*, 16 F.3d at 551–52. Further, when reviewing whether currently sealed materials should be unsealed, a court must “conduct[] a

document-by-document review,” and any potential countervailing interests must be based on current evidence. *Avandia*, 924 F.3d at 677–78 (citations omitted); *see also Miller*, 16 F.3d at 551–52 (“Even if the initial sealing was justified, when there is a subsequent motion to remove such a seal, the district court should closely examine whether circumstances have changed sufficiently to allow the presumption allowing access to court records to prevail.”).

**B. Plaintiff and Defendant Cannot Meet Their Burden to Justify Continued Sealing of the Sealed Records in this Case.**

The scope of the common law right of public access to civil judicial records is broad and it encompasses the Sealed Records filed with the Court in this case. *Cendant*, 260 F.3d at 192–94. While the Confidentiality Stipulation governed discovery materials in this matter, the Sealed Records have “been filed with the court . . . or otherwise somehow incorporated or integrated into a district court’s adjudicatory proceedings,” and have thus become judicial records subject to the strong presumption of public access. *Avandia*, 924 F.3d at 672 (citation omitted).

The Sealed Records were all filed in conjunction with motions for summary judgment or a motion for reconsideration, and the Court relied on them in adjudicating the motions. For example, in ruling on cross motions for partial summary judgment on July 23, 2019, the Court referenced the deposition testimony of VAP’s CEO David Reape. Memorandum at 4, 10, 18, ECF No. 91. Publicly filed documents indicate that a partial transcript of Mr. Reape’s deposition testimony was attached as an exhibit to Plaintiff’s Motion for Summary Judgment and filed under seal at ECF No. 74-2. *Pl.’s Exs. Filed in Supp. of Its Mot. for Summ. J.* at 2, ECF No. 74-1.

As discussed above, access to these summary judgment materials allows for “public scrutiny of the basis of the district court’s decision,” *Westinghouse*, 949 F.2d at 660, which promotes confidence in the fairness of the process and the decision. *Littlejohn*, 851 F.2d at 678.

Moreover, public interest in this case is particularly strong. As detailed above, VAP has purchased more than \$4.3 billion of the State of Illinois' debt, and it is required by law to submit regular reports to the state about its finances and owners. Further, the firm, its investors, and related companies have contributed significantly to the political campaigns of public officials in Illinois. *See Mihalopoulos & McKinney, Lawsuit: Big Campaign Donors To Mendoza, Solis Engaged In 'Sham', supra.*

No on-the-record findings establish any justification for maintaining the seal over the Sealed Records. Intervenor has identified only two documents that offer any rationale, whatsoever, for sealing, and each does so in a wholly perfunctory manner. ECF No. 43-3 states that certain exhibits to Plaintiff's Response in Opposition to Defendant's Motion for Partial Summary Judgment were "filed under seal pursuant to the Confidentiality Stipulation entered by this Court." ECF No. 43-3. Similarly, in ECF No. 74-1, counsel for Plaintiff declares that Exhibits 3-18 filed in support of its Motion for Summary Judgment were "filed under seal pursuant to the Confidentiality Stipulation entered by this Court." ECF No. 74-1. Mere reference to a stipulated protective order governing the exchange of materials in pre-trial discovery, however, is insufficient; as discussed in Section II.A above, a higher standard applies once those materials are filed with the Court in connection with a non-discovery motion, particularly for materials filed in connection with dispositive motions, like summary judgment motions. *Avandia*, 924 F.3d at 672.

Given the strong presumption in favor of access to judicial records, as well as the absence of any "compelling countervailing interests to be protected" and any "specific findings on the record concerning the effects of disclosure," the Sealed Records should be unsealed. *Miller*, 16 F.3d at 551.

**III. To the Extent Continued Sealing Is Proper, Such Sealing Should be Narrowly Tailored and Supported by Specific, On-the-Record Findings.**

Even assuming, *arguendo*, that the parties could satisfy their burden to demonstrate a compelling countervailing interest sufficient to overcome the public’s right of access, sealing of the Sealed Records must be no broader than necessary to “serve that interest.” *See Press-Enterprise I*, 464 U.S. at 510; *see also Frisby v. Schultz*, 487 U.S. 474, 485 (1988) (narrow tailoring “targets and eliminates no more than the exact source of the ‘evil’ it seeks to remedy”). Thus, even assuming that continued sealing of some portion of the Sealed Records is justified, limited sealing and/or redaction—not continued sealing of all of the Sealed Records in their entirety—is warranted. *See Press-Enterprise I*, 464 U.S. at 510.

In addition, as the Third Circuit has made clear, if the Court finds that continued sealing of any portion of the Sealed Records is justified, long-standing precedent requires the Court to “articulate[] the compelling countervailing interests to be protected, [make] specific findings on the record concerning the effects of disclosure, and provide[] an opportunity for interested third parties to be heard.” *Miller*, 16 F.3d at 551; *see also Avandia*, 924 F.3d at 672–74. Those findings must be “specific enough that a reviewing court can determine whether the closure order was properly entered.” *Press-Enterprise I*, 464 U.S. at 510.

**CONCLUSION**

For the reasons set forth above, Chicago Public Media respectfully requests that the Court grant its motion to intervene and enter an order requiring the Clerk of the Court to immediately unseal all sealed, partially sealed, and redacted judicial records in this matter, including, specifically, those reflected at docket entries 38, 43, 44, 45, 46, 47, 52, 57, 66, 73, 74, 76, 78, 79, 80, 81, 83, and 84, and their accompanying exhibits.

June 11, 2020

Respectfully submitted,

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**APPENDIX A**

<b><u>ECF</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
38	Defendant's Motion for Partial Summary Judgment, with supporting documents	Sealed in its entirety
43	Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Partial Summary Judgment, with supporting documents	Memorandum redacted; 36 exhibits sealed
44	Plaintiff's Response to Defendant's Statement of Facts	Sealed in its entirety, publicly filed with redactions at 43-1
45	Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Partial Summary Judgment, with supporting documents	Sealed in its entirety
46	Defendant's Reply to Plaintiff's Response to Motion for Partial Summary Judgment	Redacted
47	Defendant's Reply Brief in Further Support of its Motion for Partial Summary Judgment	Sealed in its entirety
52	Plaintiff's Proposed Sur Reply in Further Opposition to Defendant's Motion for Partial Summary Judgment	Sealed in its entirety, publicly filed with redactions at 51-1
57	Plaintiff's Sur-Reply in Further Opposition to Defendant's Motion for Partial Summary Judgment (As Filed)	Redacted
66	Defendant's Motion for Reconsideration, or Alternatively, for Interlocutory Review, with supporting memorandum	Sealed in its entirety
73	Defendant's Motion for Partial Summary Judgment	Sealed in its entirety
74	Plaintiff's Motion for Summary Judgment, with supporting memorandum and documents	Memorandum redacted, 30 exhibits sealed
76	Defendant's Motion for Partial Summary Judgment, with supporting memorandum and documents	Sealed in its entirety
78	Plaintiff's Response in Opposition to Defendant's Motion for Partial Summary Judgment, with supporting documents	Response redacted; 30 exhibits sealed
79	Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment	Sealed in its entirety
80	Plaintiff's Response to Defendant's Statement of Undisputed Facts	Sealed in its entirety, publicly filed with

		redactions at 78-1
81	Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Partial Summary Judgment, with supporting documents	Sealed in its entirety
83	Plaintiff's Reply Brief in Further Support of its Motion for Summary Judgment	Sealed in its entirety
84	Defendant's Reply Brief in Support of its Motion for Partial Summary Judgment	Sealed in its entirety