

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE**

ISABEL ZELAYA, et al.,

Plaintiffs,

v.

ROBERT HAMMER, et al.,

Defendants.

No. 3:19-cv-00062-TRM-CHS

**MOTION TO INTERVENE FOR THE LIMITED PURPOSE  
OF OPPOSING MOTION TO SEAL**

Non-party States Newsroom, the publisher of the Tennessee Lookout (hereinafter, the “Tennessee Lookout”), by and through undersigned counsel, seeks leave to intervene in the above-captioned case for the limited purpose of opposing Plaintiffs’ Motion for Leave to File Plaintiffs’ Reply in Support of Motion for Class Certification under Seal (ECF No. 676) and Defendants’ Brief in Support of Plaintiffs’ Motion for Leave to File under Seal (ECF No. 693). As detailed in its supporting Memorandum of Law, sealing of the records at issue would be contrary to the public’s constitutional and common law rights of access to judicial records.

The Tennessee Lookout is States Newsroom’s Tennessee-based web publication that tells the stories of politics and policy that affect the people of the Volunteer State. Members of the press, like the Tennessee Lookout, have standing to intervene to oppose sealing of judicial records. *Application of Storer Commc’ns, Inc.*, 828 F.2d 330, 335 (6th Cir. 1987) (“[M]edia organizations may move to

intervene for the purpose of contesting closure of hearings and the sealing of documents.”) (citing *United States v. Criden*, 675 F.2d 550, 555, 559 (3d Cir. 1982)).

“The courts have long recognized ... a ‘strong presumption in favor of openness’ as to court records.” *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (quoting *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1179 (6th Cir. 1983)). Defendants have not carried their heavy burden to overcome the presumptive right of public access. Whatever interests there may be in secrecy—if any—are far outweighed by the significant public interest in this case and in access to these judicial records.

WHEREFORE, for the reasons stated above and discussed in more detail in the accompanying Memorandum of Law, the Tennessee Lookout respectfully requests that the Court grant its motion to intervene for the limited purpose of opposing sealing, deny the request to seal court records in ECF Nos. 676 and 693, and grant such other relief as the Court deems just and proper.

Dated: August 10, 2022

Respectfully submitted,

/s/ Paul R. McAdoo

Paul R. McAdoo

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of August, 2022, a copy of the foregoing motion was filed electronically. Notice of this filing will be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Paul R. McAdoo \_\_\_\_\_