

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

**ASSESSMENT TECHNOLOGIES  
INSTITUTE, LLC,**

**Plaintiff,**

**v.**

**CATHY PARKES d/b/a LEVEL UP RN,**

**Defendant.**

**Case No. 19-2514-JAR**

**NOTICE OF UNSEALING AND ORDER**

The Court filed today's Memorandum and Order ruling on the parties' summary judgment motions under seal given the many exhibits filed under seal in support of the parties' motions. This status is temporary until the Court can determine the extent to which its Order should be redacted, if at all. Federal courts "recognize a general right to inspect and copy public records and documents, including judicial records and documents."<sup>1</sup> The Court, however, does have "discretionary power to control and seal, if necessary, records and files in its possession."<sup>2</sup> "In exercising this discretion, [the court] weigh[s] the interests of the public, which are presumptively paramount, against those advanced by the parties."<sup>3</sup> "The party seeking to overcome the presumption bears the burden of showing some significant interest that outweighs the presumption."<sup>4</sup>

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<sup>1</sup>*Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978).

<sup>2</sup>*Crystal Grower's Corp. v. Dobbins*, 616 F.2d 458, 461 (10th Cir. 1980).

<sup>3</sup>*Id.*; *United States v. Apperson*, 642 F. App'x 892, 899 (10th Cir. 2016).

<sup>4</sup>*Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007).

Consistent with these standards, the Court adopts the following procedure:

- (1) The parties shall forthwith meet and confer to determine whether any part of the Court's Order should be redacted under the standards set forth above.
- (2) By no later than February 1, 2022, the parties shall jointly file a sealed motion for leave to file a redacted version of the Court's Order, explaining why the proposed redactions are necessary, and attaching the jointly proposed redacted order for the Court's review. The parties also shall email a copy of the proposed order to [ksd\\_robinson\\_chambers@ksd.uscourts.gov](mailto:ksd_robinson_chambers@ksd.uscourts.gov).
- (3) If the parties are unable to jointly propose redactions, they shall each file a sealed motion for leave to file a redacted version of the Court's Order, explaining why the proposed redactions are necessary, and attaching their proposed redacted versions for the Court's review. These motions shall not exceed ten (10) pages in length. The parties also shall email a copy of their proposed orders to [ksd\\_robinson\\_chambers@ksd.uscourts.gov](mailto:ksd_robinson_chambers@ksd.uscourts.gov).
- (4) After reviewing the parties' motion(s) and proposed order(s), the Court will rule and file the appropriate redacted version of its Order on the public docket. If the parties do not file a motion for leave to redact as set forth above on or before February 1, 2022, the Court will unseal the entire Order.

**IT IS SO ORDERED.**

Dated: January 5, 2022

S/ Julie A. Robinson  
JULIE A. ROBINSON  
UNITED STATES DISTRICT JUDGE