

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

**ASSESSMENT TECHNOLOGIES
INSTITUTE, L.L.C., et al.,**

Plaintiffs,

v.

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

Defendant.

Case No. 2:19-CV-02514-JAR-KGG

ORDER

This matter is before the Court on Defendant Cathy Parkes' Unopposed Motion for Leave to File Redacted Declaration of Catherine Parkes and to File the Original Declaration Under Seal (Doc. 31). It necessary to outline the circumstances surrounding this motion to bring clarity to the docket before ruling.

This motion arises out of Defendant's failure to timely file its response to Plaintiff's Motion for Preliminary Injunction,¹ which was due on October 10, 2019. On October 11, Defendant filed its Memorandum in Opposition at 12:01 a.m., associated exhibits at 12:45 a.m., and Amended Memorandum in Opposition at 1:50 a.m. At 2:22 a.m., Defendant filed a Motion for Extension of Time as to the Memorandum in Opposition to Plaintiff's Motion for Preliminary Injunction.² In its Motion, Defendant requested a 120-minute extension of time for the three filings.

During morning business hours of October 11, a panicked defense counsel called Chambers and explained that she had inadvertently publicly filed certain documents the night

¹ Doc 27.

² Doc. 30.

before that she thought should be filed under seal. Out of an abundance of caution, the Court requested the Clerk to place the Memorandum, exhibits and amended Memorandum under seal until the Court could resolve the matter.³ Defense counsel called the Court again in the afternoon of October 11, and clarified that the exhibits were the only documents at issue that required sealing. The Court lifted restricted access on the Memorandum and Amended Memorandum, and the restricted access on the exhibits remained.

Defendant now moves the Court for leave to file the redacted declaration of Catherine Parkes and for leave to file the original declaration under seal (Doc. 28-1), further clarifying that Defendant intended to file but one unredacted exhibit under seal. The motion is unopposed. The Court has reviewed the proposed redactions and grants the motion. Further, the Court directs the Clerk to make publicly available the exhibits attached as Docs. 28-2 through 28-47.

IT IS THEREFORE ORDERED BY THE COURT that Defendant Cathy Parkes' Unopposed Motion for Leave to File Redacted Declaration of Catherine Parkes and to File the Original Declaration Under Seal (Doc. 31) is GRANTED. The Clerk is directed to unseal the exhibits filed as Docs. 28-2 through 28-47 to unrestricted access. Exhibit 1, Declaration of Cathy Parkes (Doc. 28-1) is to remain sealed.

IT IS SO ORDERED.

Dated: October 18, 2019

**s/ Julie A. Robinson
United States District Judge**

³ Docs. 27-29.