

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

No. 12-cv-2039 (GAG/PG)

**SECOND JOINT MOTION SUBMITTING RECOMMENDATIONS ON
RESTRICTED COURT FILINGS THAT SHOULD BE UNSEALED FOR
PUBLIC VIEWING**

COME NOW, Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico, et al., (collectively, the Parties), with the concurrence of the Technical Compliance Advisor (TCA), and respectfully submit their second set of recommendations on restricted court filings that should be unsealed for viewing by the public in compliance with the Court's Order of June 11, 2018 (Doc. 883). In the Order, the Court instructed the Parties and TCA to "jointly inform the Court by June 29, 2018, what pleadings and orders, since the last occasion, may be unrestricted, if any." *Id.* As set forth below, the Parties recommend that the Court lift the restriction on 22 pleadings and orders to allow public viewing of these documents, and maintain 17 other pleadings and orders in restricted mode. The Parties and the TCA were unable to reach agreement on unsealing the TCA's Seventh Six-Month Report, Doc. 871 (June 6, 2018).

1. The Parties agree that the public has a presumptive right of access to judicial documents and that compelling reasons must exist to justify continued nondisclosure of these documents. *See United States v. Kravetz*, 706 F.3d 47, 59 (1st Cir. 2013) (internal citations omitted). Over the course of this litigation, the Court has directed the Parties and TCA to file

certain documents in restricted mode. *See, e.g.*, Order of 7/21/17, Doc. 567 (“All filings pertaining to this, or any pending matter, until reviewed and ruled upon by the court shall be filed in restricted mode. This applies to the parties and TCA.”).

2. There are currently 40 restricted pleadings and orders in this case, since the Parties filed their first Joint Motion Submitting Recommendations on Restricted Court Filings that Should Be Unsealed for Public Viewing on February 2, 2018. *See* Doc. 724. With the concurrence of the TCA, the Parties recommend unsealing 22 of these filings for public viewing at this time. Lifting the restriction on these documents furthers the principle that “public monitoring of the judicial system fosters the important values of quality, honesty and respect for our legal system.” *In re Providence Journal*, 293 F.3d 1, 9 (1st Cir. 2002) (*quoting Siedle v. Putnam Investments*, 147 F.3d 7, 10 (1st Cir. 1998)). These 22 pleadings and orders are: Docs. 724, 728, 729, 742, 754, 756, 758, 759, 763, 764, 766, 767, 775, 780, 795, 807, 809, 827, 837, 840, 842, and 861.

3. The Parties recommend that 17 restricted pleadings and orders should remain in restricted mode because they pertain to confidential personnel matters that are under review by the TCA’s Office, the Parties, and the Court. Many of these documents also include sensitive personal information and are related to ongoing investigations. The 17 restricted filings that should remain under seal at this time are: Docs. 791, 793, 794, 796, 828, 829, 846, 849, 850, 853, 855, 857, 863, 873, 886, 894, and 896.

4. The Parties and the TCA were unable to reach agreement on a joint recommendation concerning the TCA’s Seventh Six-Month Report, Doc. 871 (June 6, 2018). The United States and the TCA agree that there are no compelling reasons to maintain the Seventh Six-Month

Report in restricted mode and, thus, the Report should be unrestricted.¹ The Commonwealth disagrees and believes that the Report should remain in restricted mode.

WHEREFORE, the Parties respectfully submit the foregoing joint recommendations on filings that should be unsealed for public viewing and request that the Court take notice of the one remaining filing in which the Parties and TCA were unable to reach consensus.

Respectfully submitted, this 29th day of June, 2018,

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¹¹ The Commonwealth raises a concern regarding language on page 76 of the TCA's Seventh Six-Month Report, Doc. 871, as justification for maintaining the Report in restricted mode. The language at issue, however, is already public. On February 16, 2018, the Court lifted the restriction on the TCA's Interim Seventh Six-Month Report, which contains the exact language at issue in the Seventh Six-Month Report. Order, Doc. 745 (Feb. 16, 2018). The Court lifted the restriction on the Interim Six-Month Report at the Parties' joint request. Doc. 742 (Feb. 16, 2018).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th of June, 2018, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties, counsel of record and the Technical Compliance Advisor on the service list to be served by electronic means.

s/Luis E. Saucedo
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