

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

DONALD J. TRUMP,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No.: 22-CV-81294-AMC

**THE NEWS MEDIA’S JOINT MOTION TO UNSEAL NOTICE OF
STATUS OF PRIVILEGE REVIEW TEAM’S FILTER PROCESS**

Proposed Intervenors American Broadcasting Companies, Inc.; the Associated Press; Bloomberg LP; Cable News Network, Inc.; CBS Broadcasting Inc.; Dow Jones & Company, Inc., publisher of *The Wall Street Journal*; the E.W. Scripps Company; *The Palm Beach Post*, a newspaper owned and operated by Gannett Co., Inc.; Gray Media Group, Inc. d/b/a WCJB-TV, WJHG-TV, and WWSB-TV; NBCUniversal Media, LLC d/b/a NBC News; The New York Times Company; and WP Company LLC d/b/a *The Washington Post* (the “News Media”) hereby join the Government’s Motion to Unseal Notice of Status of Privilege Review Team’s Filter Process (“Gov’t Mot.”), ECF No. 71.¹

As the Government correctly notes, the common law presumes public access to judicial records. *See* Gov’t Mot. at 3 (citing *Chi. Trib. Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304,

¹ This group of movants has previously requested leave to intervene for the limited purpose of seeking public access to all documents filed under seal with this Court pursuant to its August 27, 2022 Preliminary Order on Motion for Judicial Oversight and Additional Relief, ECF No. 29. *See* The News Media’s Joint Mot. to Intervene for the Limited Purpose of Obtaining Access to Ct. Records and to Unseal Same, ECF No. 49. That motion remains pending decision.

1311 (11th Cir. 2011); *United States v. Ignasiak*, 667 F.3d 1217, 1238 (11th Cir. 2012)). The First Amendment to the U.S. Constitution also provides for a presumption of access to judicial records. *See Bright v. Mental Health Res. Ctr., Inc.*, 2012 U.S. Dist. LEXIS 33929, at *11-12 (M.D. Fla. Mar. 14, 2012) (“The Court may only disregard the presumption of openness” for judicial records “where there is a compelling government interest, and may only do so in a manner that is narrowly tailored to protect that interest.”).

Here, the Court ordered the Government to file the notice of the status of the filter review by the Government’s privilege review team (the “Filter Notice”) under seal. *See Preliminary Order on Motion for Judicial Oversight and Additional Relief*, ECF No. 29 at 2. The Court’s subsequent Order relies in part on the Filter Notice. *See Order*, ECF No. 64 at 6, 15 n.13. The Filter Notice is therefore clearly a judicial record subject to the presumption of public access. Moreover, the Government has informed the Court that no compelling interest, or any justification at all, would warrant the continued sealing of that document. *See Gov’t Mot.* at 4-5.

For these reasons, and those stated in their prior motion to unseal, ECF No. 49, the News Media join in the Government’s Motion and respectfully request that the Court unseal the Filter Notice.

Dated: September 9, 2022

Respectfully submitted,

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