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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

LLR, INC.; LLR LULAROE, INC.;
LENNON LEASING, LLC; MARK A.
STIDHAM; DEANNE S. BRADY A/K/A
DEANNE STIDHAM; AND JORDAN K.
BRADY,

Defendants.

NO. 19-2-02325-2 SEA

ORDER DENYING
SEALING/REDACTING THE STATE'S
OPPOSITIONS TO DEFENDANTS'
MOTIONS FOR SUMMARY JUDGMENT
AND CERTAIN EXHIBITS TO THE
DECLARATION OF JOSEPH K. KANADA

THIS MATTER came before the Court on State of Washington's Motion to Consider Whether the State's Oppositions to Defendants' Motions for Summary Judgment and Certain Exhibits to the Declaration of Joseph K. Kanada Should be Sealed or Redacted ("Motion"). The Court, having reviewed the foregoing Motion, responses, and replies, and being familiar with the records and files herein hereby enters the following **FINDINGS OF FACT and CONCLUSIONS OF LAW:**

1. Washington's Constitution, article 1, section 10 requires that "[j]ustice in all cases shall be administered openly." This Constitutional requirement assures fair trials and fosters trust in the judicial system. Because our courts are presumptively open, the party seeking to restrict access bears the burden of justifying an infringement on the public's right of access. To seal

1 court records, the party requesting sealing has the burden of establishing that a sufficient basis
2 exists to justify such an order. The law also requires the Court to weigh competing interests,
3 consider less restrictive methods, and ensure that any order to seal is not broader in application
4 or duration than necessary.

5 2. The Court must enter written findings establishing that sealing or redacting is
6 justified by identified, compelling privacy or safety concerns which outweigh the public interest.
7 GR 15(c)(2); *State v. Waldon*, 148 Wn. App. 952, 202 P.3d 325 (2009).

8 3. Summary judgment effectively adjudicates the substantive rights of the parties,
9 just like a full trial. Accordingly, when previously sealed discovery documents are attached in
10 support of a summary judgment motion, they lose their character as the raw fruits of discovery.
11 Such documents may not be kept from public view “without some overriding interest” requiring
12 secrecy. *Dreiling v. Jain*, 151 Wn.2d at 910, 93 P.3d at 867 (2004).

13 4. Defendants have failed to sustain their burden of establishing that any compelling
14 reasons exist to justify sealing or redacting Exhibits Nos. 2, 3, 8, 9, 18, 20, 21, 32, 34, 35, 36, 38,
15 42, 46, 47, 48, 49, 52, 62, and 65 or the sections of the Oppositions to Defendants’ motions for
16 summary judgment, Kanada Declaration, and Supplemental Kanada Declaration quoting or
17 referring to exhibits marked as “Confidential.”

18 5. Having entered the above **FINDINGS AND CONCLUSIONS**, it is hereby
19 **ORDERED, ADJUDGED, and DECREED that**

20 **For the purposes of the Summary Judgment Motion, Plaintiff’s Motion to Consider**
21 **Whether Certain Declaration Exhibits Should be Sealed/Redacted is DENIED.**

22 **The State is hereby authorized to file unredacted copies of (1) the State of**
23 **Washington’s Opposition to Defendants’ Motion For Summary Judgment On**
24 **Plaintiff’s Pyramid Scheme Claim (Count I); (2) the State of Washington’s**
25 **Opposition to Defendant Jordan Brady’s Motion For Summary Judgment; (3) the**
26 **Declaration of Joseph K. Kanada in Support of the State of Washington’s**

1 **Oppositions to Defendants’ Motion For Summary Judgment On Plaintiff’s**
2 **Pyramid Scheme Claim (Count I) and Defendant Jordan Brady’s Motion For**
3 **Summary Judgment with the Clerk’s Office and Exhibits 2, 3, 8, 9, 18, 20, 21, 32, 34,**
4 **35, 36, 38, 42, 46, 47, 48, 49, 52, and 62 thereto; and (4) the Supplemental Kanada**
5 **Declaration in Support of the State of Washington’s Oppositions to Defendants’**
6 **Motion For Summary Judgment On Plaintiff’s Pyramid Scheme Claim (Count I)**
7 **and Defendant Jordan Brady’s Motion For Summary Judgment with the Clerk’s**
8 **Office and Exhibit 65 thereto, and no portion of those Declarations nor the**
9 **accompanying Oppositions shall be sealed or redacted by the Clerk’s Office.**

10
11 DATED this ____ day of _____, 2020.
12

13
14 _____
15 JUDGE SUSAN AMINI
16

King County Superior Court
Judicial Electronic Signature Page

Case Number: 19-2-02325-2
Case Title: WASHINGTON STATE OF vs LLR INC

Document Title: ORDER

Signed by: Susan Amini
Date: 8/28/2020 1:31:43 PM



Judge/Commissioner: Susan Amini

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: 159415225D6BB8EE7A492D186C59A47D27019585

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Certificate expiry date: 7/16/2023 2:40:04 PM

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O=KCDJA, CN="Susan Amini:
nrHJ/QrS5hGYRNT2AFk6yQ=="