

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

JENNIFER DEBUHR, and)
JASON DEBUHR,)
)
Plaintiffs,)
)
v.)
)
WARREN M. HERN, and)
BOULDER ABORTION CLINIC, P.C.,)
a Colorado corporation)
)
Defendants.)

Case No. 1:15-cv-02613-PAB-MEH

**DEFENDANTS' UNOPPOSED MOTION TO FILE THE
MOTION FOR SUMMARY JUDGMENT AND ITS CORRESPONDING EXHIBITS
UNDER SEAL**

Pursuant to D.C.Colo.LCivR 7.2, Defendants Warrant M. Hern, M.D. and Boulder Abortion Clinic, P.C., by and through undersigned counsel, respectfully move the Court for an Order directing the Clerk to accept for filing under seal Defendants' Motion for Summary Judgment and its corresponding exhibits, and as grounds therefore, states as follows:

D.C. COLO.LCIVR 7.1(A) CERTIFICATION:

Pursuant to D.C.Colo.LCivR 7.1(A), the undersigned certifies that she has conferred with Plaintiff's counsel who is unopposed to the filing of Defendants' Motion for Summary Judgment and its corresponding exhibits under seal.

1. Defendants have contemporaneously filed its Motion for Summary Judgment and its corresponding exhibits under seal or as a restricted document pursuant to D.C.Colo.LCivR 7.2.

2. Because of the nature of this case, which involves highly private medical information, the nature of which could potentially impact the personal safety of the parties, defendants move to restrict access to its Motion for Summary Judgment and accompanying exhibits to the parties and the Court (Level 1).

3. In this case alleging medical malpractice, Plaintiff Jennifer DeBuhr claims that Defendants Warren Hern, MD and the Boulder Abortion Clinic, rendered negligent medical care when performing a second term abortion at her request. Ms. DeBuhr claims that over a year after the procedure, she required a hysterectomy. Dr. Hern and his professional corporation assert that the medical care provided was, at all times, reasonable and appropriate. Since Plaintiffs have failed to endorse the requisite qualified expert testimony, summary judgment is appropriate.

4. Shortly after filing this claim, various media outlets reported on the content of Plaintiff's Complaint. Specifically, the media reported on the fact that the Plaintiff sought out a second term abortion.

5. The parties seek to limit the public dissemination of information private to the Plaintiff regarding the abortion, and as such, request special protection from public disclosure of the Summary Judgment Motion, which contains information regarding Plaintiff's medical procedure and condition.

6. This special protection is necessary to protect the highly private nature of the medical care at issue in this case and also to protect the physical safety of the parties.

7. If access is not restricted, the safety of the parties and the privacy of the Plaintiff, in particular, will be violated. Dr. Hern and BAC have been subjected to threats of violence simply due to the nature of the medical practice.

8. There is no practical way to redact portions of the motion for summary judgment and its accompanying exhibits without violating the privacy and safety of the parties.

9. Accordingly, the defendants move to restrict access to this Motion for Summary Judgment and its accompanying exhibits to the parties and the Court pursuant to D.C.Colo.LCivR 7.2.

WHEREFORE, defendants respectfully move the Court for an Order directing the Clerk to accept for filing, under seal, Defendants' Motion for Summary Judgment and its accompanying exhibits.

Dated this 28th day of February, 2017.

/s/ Amy Cook-Olson

Amy Cook-Olson, Esq.
Kay Rice, Esq.
COOPER, RICE & OLSON LLC
633 17th Street, Suite 2200
Denver, Colorado 80202
Telephone: (303) 607-0077
Facsimile: (303) 607-0472
acookolson@cron-law.com
krice@cron-law.com

Attorneys for Defendants Warren M. Hern, and
Boulder Abortion Clinic, P.C.,
a Colorado corporation.

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2017, I filed the foregoing with the Clerk of Court by using the CM/ECF system. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic filing to the following ECF registrants:

Terry C. Dougherty, NE #11064
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508
402-437-8500
tdougherty@woodsaitken.com

Audrey R. Svane, NE #25830
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508
402-437-8500
asvane@woodsaitken.com

Kory Douglas George
Woods & Aitken, LLP
8055 East Tufts Avenue, Suite 525
Denver, CO 80237-2835
303-606-6700
kgeorge@woodsaitken.com

Laura Jilayne Sova
Woods & Aitken, LLP
8055 East Tufts Avenue, Suite 525
Denver, CO 80237-2835
303-606-6700
lsova@woodsaitken.com

/s/ Terri Meeks
Terri Meeks